

GLOBAL STANDARDS IN NATIONAL CONTEXTS: THE ROLE OF TRANSNATIONAL  
MULTI-STAKEHOLDER INITIATIVES IN PUBLIC SECTOR GOVERNANCE REFORM

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ABSTRACT

Multi-stakeholder initiatives (i.e., partnerships between governments, civil society, and the private sector) are an increasingly prevalent strategy promoted by multilateral, bilateral, and nongovernmental development organizations for addressing weaknesses in public sector governance. Global public sector governance MSIs seek to make national governments more transparent and accountable by setting shared standards for information disclosure and multi-stakeholder collaboration. However, research on similar interventions implemented at the national or subnational level suggests that the effectiveness of these initiatives is likely to be mediated by a variety of socio-political factors.

This dissertation examines the transnational evidence base for three global public sector governance MSIs—the Extractive Industries Transparency Initiative, the Construction Sector Transparency Initiative, and the Open Government Partnership—and investigates their implementation within and across three shared national contexts—Guatemala, the Philippines, and Tanzania—in order to determine whether and how these initiatives lead to improvements in proactive transparency (i.e., discretionary release of government data), demand-driven transparency (i.e., reforms that increase access to government information upon request), and accountability (i.e., the extent to which government officials are compelled to publicly explain their actions and/or face penalties or sanction for them), as well as the extent to which they provide participating governments with an opportunity to project a public image of transparency and accountability, while maintaining questionable practices in these areas (i.e., openwashing).

The evidence suggests that global public sector governance MSIs often facilitate gains in proactive transparency by national governments, but that improvements in demand-driven transparency and accountability remain relatively rare. Qualitative comparative analysis reveals that a combination of multi-stakeholder power sharing and civil society capacity is sufficient to drive improvements in proactive transparency, while the absence of visible, high-level political support is sufficient to impede such reforms. The lack of demand-driven transparency or accountability gains suggests that national-level coalitions forged by global MSIs are often too narrow to successfully advocate for broader improvements to public sector governance. Moreover, evidence for openwashing was found in one-third of cases, suggesting that national governments sometimes use global MSIs to deliberately mislead international observers and domestic stakeholders about their commitment to reform.

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## CHAPTER 1

### INTRODUCTION

Multi-stakeholder initiatives (i.e., partnerships between governments, civil society, and the private sector) are an increasingly prevalent strategy promoted by multilateral, bilateral, and nongovernmental development organizations to address weaknesses in public sector governance. Despite rapid advances in information and communications technology over the past several decades, many countries still lack the political, institutional, and technical capacity to ensure that the public sector is operating efficiently and honestly. Global public sector governance MSIs seek to make national governments more transparent and accountable to citizens by setting voluntary standards for information disclosure and multi-stakeholder collaboration. Compliance with these standards is in turn expected to lead to increased government efficiency, reduced corruption, and more sustainable economic development. But how exactly are these MSIs supposed to work? And how much has actually been achieved?

In the absence of more traditional forms of material, or even institutional, power (e.g., military force, economic sanctions, or international law), global MSIs rely predominately on normative soft power—efforts to regulate and reconstitute the interests of actors through co-optation and attraction, rather than coercion (see Nye, 1990; 2004). In the case of public sector governance MSIs, the prospect of an enhanced global reputation (potentially increasing future opportunities for foreign aid and investment) is used to persuade national governments to comply with official rules for membership. These rules remain intentionally minimal to encourage ongoing engagement, but over time, participating governments are expected to internalize more transparent and accountable governance practices. Yet, by focusing on the establishment of new national institutions (i.e., multi-stakeholder steering committees) and policies (i.e., information disclosure), rather than on outcomes and performance, global public sector governance MSIs

also risk allowing participating governments to construct a “good governance facade” to deliberately mislead international observers and national stakeholders (Moene & Søreide, 2015, p. 46; 68)—a practice known as openwashing. As a result, it is possible that global MSIs are simply being used to bolster the legitimacy of national regimes that remain fundamentally closed and undemocratic.

To what extent do sovereign national governments actually change their transparency and accountability practices as a result of MSI membership, and to what extent is their participation superficial? This dissertation examines the transnational evidence base for three global public sector governance MSIs—the Extractive Industries Transparency Initiative, the Construction Sector Transparency Initiative, and the Open Government Partnership—as well as their implementation within three shared national contexts—Guatemala, the Philippines, and Tanzania—in order to determine whether and how these initiatives lead to improvements in proactive transparency (i.e., discretionary release of government data), demand-driven transparency (i.e., reforms that increase public access to government information upon request), and accountability (i.e., the extent to which government officials are compelled to publicly explain their actions and/or face penalties or sanction for them), as well as the extent to which they provide participating governments with an opportunity to project a public image of transparency and accountability, while maintaining questionable practices in these areas (i.e., openwashing).

### 1.1 Global Multi-Stakeholder Initiatives and Public Sector Governance

Global multi-stakeholder initiatives (MSIs) are transnational-level partnerships between states, private corporations, intergovernmental organizations, and non-governmental organizations that seek to influence the behavior of participating firms or governments within a

given issue area. Multi-stakeholder initiatives can exist at the local, national, and/or transnational levels. Partnerships between government and the private sector are often referred to as “public-private partnerships” (PPPs), while partnerships between civil society and the private sector are often called “business-NGO” or “supply chain” partnerships. The current proliferation of transnational-level MSIs began in the 1990s, with the establishment of the Forest Stewardship Council (FSC) and the World Commission on Dams (WCD).<sup>1</sup> The FSC began as a partnership between non-governmental environmental organizations and private industry to address deforestation.<sup>2</sup> The WCD brought together states, civil society groups, industrial interests, and multilateral organizations to produce recommendations for minimizing the social and environmental impacts of large dams.<sup>3</sup> What distinguishes the MSI approach from more conventional forms of global governance (e.g., intergovernmental organizations, international laws and treaties) is their reliance on non-binding modes of participation by private and public sector actors, and their effort to share decision-making, monitoring, and other responsibilities among a variety of actors—including civil society groups and private firms—and across a variety of political levels—including transnational, national, and local actors.

By all accounts, the number of global multi-stakeholder initiatives has skyrocketed over the past two decades (e.g., Fransen & Kolk, 2007; Schäferhoff et al., 2009; Mena & Palazzo, 2012; and Grayson & Nelson, 2013). Since the early 2000s, global MSIs have produced social and environmental standards for a variety of private commercial sectors, from fisheries (e.g., the Marine Stewardship Conservation Network), to mineral extraction in conflict zones (e.g., the Kimberley Process), to agriculture (e.g., the Roundtables on Sustainable Palm Oil and Sustainable Biofuels) to finance (e.g., the Equator Principles). Khagram & Ali (2008) explain this trend as an attempt by transnational actors from the public, private and not-profit sectors to



re-regulate an increasingly globalized market that has outgrown the jurisdiction of national laws and outpaced the establishment of international ones (see also Boström & Garsten, 2008; and Pattberg & Widerberg, 2014).

While most global MSIs seek to encourage socially and environmentally responsible behavior by private firms, a handful of these initiatives—including the Extractive Industries Transparency Initiative (EITI), the Construction Sector Transparency Initiative (CoST), and the Open Government Partnership (OGP)—focus on governments. Unlike private sector MSIs, which attempt to *supplement* weak government capacity to enforce basic social and environmental standards through partnerships between businesses and civil society, public sector MSIs ultimately seek to *bolster* public governance. While there is a wealth of scholarship on private sector MSIs (e.g., Gullbrandsen, 2008; Böstrom & Hallström, 2010; Fortin, 2013; Ponte & Cheyns, 2013), there are fewer studies on the inner workings of public sector governance MSIs.

### 1.1.1 Characteristics of Global Public Sector Governance MSIs

With the proliferation of MSIs throughout a variety of political levels and social sectors, it can be challenging to define exactly where global public sector governance MSIs fit within existing areas of research and practice. Conceptually, these initiatives rest at the intersection of three spheres of activity (See Figure 1.1). First, they are a subset of the larger universe of global multi-stakeholder initiatives described above. Second, they are a subset of all government oversight and reform initiatives, a category that also includes legislative action (e.g., the establishment of a new oversight agency) and agency-led technical improvements (e.g., the launch of a new e-procurement portal). Third, they are a subset of campaigns to improve

institutional performance by bolstering both citizen engagement and the public responsiveness of states and corporations, often called “social accountability” initiatives (see Fox, 2015, p. 246).



*Figure 1.1.* Conceptually, public governance MSIs rest at the intersection of three types of activities: global multi-stakeholder initiatives, government oversight and reform initiatives, and social accountability initiatives.

Global public sector governance MSIs are defined by five characteristics that, when taken together, distinguish them from other efforts in these spheres:

#### 1.1.1.1 Global reach

Until the 1990s, multi-stakeholder initiatives were largely confined to the national or sub-national level. Globalization—the increased flow of capital, labor, and information across national borders—is argued to have produced unprecedented levels of interconnectedness that has outgrown the jurisdiction of national laws and outpaced the establishment of international ones (see Boström & Garsten, 2008; Khagram & Ali, 2008; and Pattberg & Widerberg, 2014). The result is the increasing prevalence of governance gaps, whereby governments and firms are unable or unwilling to provide for the public good, due to increasingly complex problems of

information asymmetry, communication failures, and power imbalances. These governance gaps manifest themselves as a variety of challenging transnational policy problems, including drug trafficking, pandemics, environmental degradation, human rights violations, money laundering, and corruption. Transnational MSIs seek to address these globally rooted problems with globally produced solutions.

#### 1.1.1.2 Nonbinding modes of participation

Multi-stakeholder initiatives rely on soft power to influence the behavior of other actors. Unlike “harder” forms of power, including the use of military force or economic sanctions, soft power is defined as attraction and co-option, in place of coercion; “getting others to want the outcomes that you want” (Nye, 1990, p. 31). Indeed, one of the most important distinctions between MSIs and other attempts to address global social and environmental problems is the fact that the rules for participation are not encoded in formal international laws or treaties. Instead, MSIs rely on informal, largely positive, incentives, including enhanced global reputation, and the potential for increased international aid and foreign direct investment. It should be noted, however, that public sector governance MSIs often also seek to encourage the passage of national laws. In these cases, while certain activities endorsed by the MSI may eventually gain the force of national law (e.g., mandatory disclosure laws) and therefore cease to become voluntary, participation in the global initiative itself remains optional.

#### 1.1.1.3 Formal and independent multi-stakeholder governance

Compliance with non-binding standards depends at least in part on whether the standard-setter is perceived to be legitimate (i.e., the right and proper authority). The legitimacy of global MSIs is derived in no small part from the structures and processes put in place to ensure inclusive, participatory decision-making processes (see Fransen and Kolk, 2007; Schäferhoff,

Campe, & Kaan, 2009; Peters, Köchlin, Förster, & Fenner, 2009; and Mena & Palazzo, 2012). While there is a range of public-private partnerships, supply chain partnerships, and social accountability initiatives that draw their membership from multiple stakeholder groups (e.g., corporate social responsibility initiatives, such as the UN Global Compact), genuine multi-stakeholder initiatives are distinguished by formal arrangements put in place to ensure that the transnational governance of the initiative is independent from any other decision-making body (e.g., the United Nations, World Bank, private sector or NGO consortium), and that each participating sector (i.e., government, civil society, and private industry) has equal decision-making power. However, the extent to which these idealized transnational governance structures is reflected at the level of national MSI implementation remains an open research question that will be addressed throughout this dissertation.

#### 1.1.1.4 Strategic focus on transparency and accountability

MSIs utilize a variety of different strategies to address weaknesses in public and private sector governance (see Waddell & Khagram, 2007; Koechlin & Calland, 2009; Palazzo & Scherer, 2010; Waddell, 2011; and Beisheim & Liese, 2014). Some seek to directly improve service delivery, others facilitate the transfer of knowledge between actors, and still others set behavioral standards for participating members. A notable subset shares a strategic focus on improving the accountability of firms or governments through greater transparency. Although the relationship between increased transparency and greater accountability is not yet fully understood, transparency is argued to offer a potential corrective to market failures and governance gaps (e.g., Fung et al., 2007; Kosack & Fung, 2014). Citizens often have insufficient information about the behavior of elected officials, government agencies, and service providers to determine whether their interests are being met. By encouraging national governments to

become more transparent, global public sector governance MSIs seek to help them to eventually become more accountable as well. This relatively straightforward relationship between transparency and accountability has been called into question by a variety of social accountability researchers (e.g., Fox, 2007b; Bukenya et al., 2012; Gaventa & McGee, 2013; O’Meally, 2013; and Fox 2015), and will be investigated in detail throughout the current research.

#### 1.1.1.5 Independent evaluation of national government performance

Lastly, while most global MSIs focus on private sector behavior, public sector governance MSIs are further distinguished by their focus on improving policy and decision-making by national governments. While public sector governance MSIs usually involve transnational and local actors as well, the primary responsibility for joining and implementing these initiatives rests at the national level. As part of the rules for membership, participating governments agree to independent performance evaluation in target areas. Independent review, as opposed to self-reporting, encourages at least a basic level of compliance with MSI rules for multi-stakeholder participation and information disclosure; without which, there can be little expectation that MSIs will contribute to improvements in government transparency and accountability.

### 1.2 Advantages and Risks of the MSI approach

Global governance theorists suggest that there are good reasons to be optimistic about what multi-stakeholder initiatives might accomplish in the public sector. MSIs are thought to address the negative externalities of globalization by providing a venue for information sharing, consensus building, and standard setting by representatives of impacted sectors of society (see Risse, 2000; and Bernstein, 2004). By including non-state actors, Brinkerhoff (2002) argues that

MSIs are able to tap into the technical, regional, social, and political information necessary to solve complex problems. And by improving standards for transparency, Steets (2005) argues that MSIs lead to greater accountability. Khagram (i.e., Jackson School Task Force, 2012, pgs. 6-7) suggests that MSIs address three distinct governance gaps: the regulation gap, the participation gap, and the implementation gap. MSIs address the regulation gap by providing opportunities for actors to collectively solve problems. They address the participation gap by including actors who are often unrepresented. Finally, MSIs attempt to address the implementation gap by improving the execution of strategic goals.

While the advantage of a networked approach is that it taps into a variety of perspectives and resources, working within networks can also be quite challenging. It can be difficult for actors to achieve consensus on essential structures, processes, or goals (e.g., Bryson et al., 2006; McPherson, Popp, & Lindstrom, 2006; Hoberecht et al., 2011; Vangen & Huxham, 2012), there are coordination and opportunity costs (e.g., Norman & Huerta, 2006; Provan & Lemaire, 2012), and it can be difficult to build trust among actors (e.g., Axelrod, 1984; Keast et al. 2004; Huxham & Vangen, 2005; Gulati et al., 2011). Moreover, the pathways through which multi-stakeholder participation and increased information disclosure might lead to greater accountability have been shown to be highly dependent on national sociopolitical factors, including civil society capacity, existing advocacy coalitions, and government incentives for reform (e.g., Fox, 2007a; Fung, Graham, & Weil, 2007; Gaventa & McGee, 2013; Joshi, 2013; and Fox, 2015). Despite the importance of building the capacity, interest, and political clout of broad-based pro-reform coalitions, public sector governance MSIs often focus on achieving fairly limited transparency goals, and engage with only a handful of highly specialized and externally funded nongovernmental organizations (NGOs) as a proxy for citizen representation.

### 1.2.1 Public Sector Governance MSIs and Openwashing

Although MSIs ostensibly increase access and standing for constituencies not represented in traditional interstate forums, most MSIs were created by traditionally powerful actors, and may reproduce structural imbalances that favor them (see Kahler, 2013; and Khadiagala, 2014). Indeed, the membership requirements for national governments seeking to join global public sector governance MSIs are kept intentionally minimal to encourage participation, yet government and private sector actors have considerable resource and capacity advantages, compared to the civil society actors that are expected to monitor and influence their behavior (see Bäckstrand, 2006; Buse & Harmer, 2007; Böstrom & Garsten, 2008). As a result, these initiatives risk being used to bolster the legitimacy of regimes that remain fundamentally closed and undemocratic, a practice known as “openwashing.”<sup>4</sup>

The term “openwashing” originated in the late 2000s to describe private corporations that market themselves as committed to open data and non-proprietary software licensing, while maintaining business practices to the contrary.<sup>5</sup> By 2013, the term was being used more broadly to refer to efforts by both firms *and* governments to project a public image of transparency and accountability, while maintaining questionable practices in these areas.<sup>6</sup> Indeed, for powerful actors, participation in MSIs provides a low-cost way to acknowledge public criticism without making other, potentially more costly, reforms. Moene & Søreide (2015, p. 52) use a rational choice model to demonstrate that corrupt regimes might actually be expected to have *more* nominal good governance than benevolent regimes, because these fashionable institutions and policies serve to increase the amount of income available to steal (i.e., via foreign loans and investment), while doing little to challenge the underlying distribution of power.<sup>7</sup>

Yet, these same initiatives entail significant autonomy, coordination, and opportunity costs for civil society organizations, which risk becoming overwhelmed with technical data and

procedural minutia. For these groups, MSI participation may actually divert resources from more transformative social, environmental, or economic agendas.<sup>8</sup> For example, Yu & Robinson (2012) argue that public sector governance MSIs risk watering down national reform efforts by privileging discretionary “open data” reforms, at the expense of more responsive, demand-driven “open government” reforms. In essence, global MSIs require powerful actors to make only small concessions in order to gain membership, while less powerful actors may incur significant costs. This inherent power imbalance may allow national governments to reap the reputational benefits of MSI membership without making any substantive reforms.

### 1.3 Soft Power and Social Accountability: Understanding the MSI Change Process

There are two distinct approaches for considering whether and how global MSIs might facilitate improvements in transparency and accountability by national governments: one rooted in the international relations (IR) literature on global standard-setting bodies, the other grounded in international development research and practice on social accountability interventions at the national and local level. The IR literature emphasizes that MSIs rely on normative soft power—efforts to regulate actors and reconstitute their interests through co-option and attraction, rather than coercion (see Nye 1990; 2004). While states acquire hard power via military proliferation and economic production, MSIs acquire normative soft power via their legitimacy as international standard-setters. Compliance with non-binding standards depends on whether these standards are produced through inclusive, participatory processes that are acceptable to a variety of stakeholders (i.e., input legitimacy), and whether preliminary evidence suggests that these standards are likely to be effective at achieving their long-term goals (i.e., output legitimacy) (see Fransen and Kolk, 2007; Schäferhoff, Campe, & Kaan, 2009; Peters, Köchlin, Förster, &



Fenner, 2009; and Mena & Palazzo, 2012). In this view, the more legitimacy an MSI possesses, the more influence it should have on the behavior of national actors.

However, compliance with the global rules for public sector governance MSI membership is only the beginning of the national reform process that these initiatives seek to enable. MSI membership rules do little to directly address problems of power at the national level. Instead, national or local actors are expected to use MSI transparency and participation outputs to exert social pressure on participating governments to improve public services or become otherwise more accountable to its citizens (e.g., Davis et al., 2012; Kelley & Simmons, 2014; Michener, 2015). In other words, global MSIs provide the tools for reform, but national actors are expected to wield them.

Yet, the social accountability literature suggests that wielding these tools successfully is often easier said than done. First, information disclosure does not automatically empower citizens. It requires translation, aggregation, benchmarking, simplification, and communication in order to be useful to potential users (see Fung et al., 2007; and Fox 2007b). Second, generating collective action by actors with diverse interests can be extremely difficult, particular when public sector accountability is already lacking (see Fox, 2010; and Persson, Rothstein, & Teorell, 2013). Third, citizen voice is not an effective channel for changing the incentives of public sector actors, or for gaining greater influence over public resource allocation, unless it is linked to existing government accountability institutions (see Peruzzotti & Smulovitz, 2006; Fox, 2015; and Peixoto & Fox, 2016). These challenges suggests that public sector governance MSIs are more likely to be effective at facilitating increases in transparency by national governments— which would be indicative of compliance—than increases in accountability— which would require significantly greater alignment between the utility of newly disclosed

information, the interests and capacities of civil society, and the willingness of government actors to engage in reform.

#### 1.4 Limitations of Prior Research

Despite the recent popularity of multi-stakeholder approaches to governance challenges, little is actually known about whether and how global MSIs contribute to improvements in transparency and accountability by national governments, or the extent to which they provide participating governments with an opportunity to project a public image of transparency and accountability, while maintaining questionable practices in these areas. MSI stakeholders (i.e., secretariat staff, funders, board members, NGO observers and researchers, and country-level participants) formally surveyed at a February 2015 workshop in Washington, DC expressed guarded optimism about the progress these initiatives are making towards their goals, but also gave them poor marks for demonstrating impact, and expressed moderate concern that there is “too much focus” on MSIs, compared with other public sector governance reform strategies.<sup>9</sup> While MSIs are expected to have a valuable effect on government actions, according to one funder interviewed on the condition of anonymity, “we don’t know if that’s actually working.”<sup>10</sup>

Previous research on global public sector governance MSIs tends to fall into one of two categories: Researchers looking across multiple MSIs (e.g., Levy, 2011; Jackson School Task Force, 2012; Locke & Henley, 2013; Global Development Incubator, 2015; Steven & Kashambuni, 2016) tend to privilege an analysis of their transnational structures, decision-making processes, and rules for membership, without examining whether compliance with these rules is actually having the intended effect on transparency and accountability of national governments. Conversely, researchers looking at MSI implementation within a single country (e.g., Asgill, 2012; Rich & Warner, 2012; Bature, 2014b) are able to provide a thorough analysis

of whether and how a single global MSI contributes to national outcomes in a specific case, but cannot offer any sense for whether these findings are representative of other participating countries, let alone other public sector governance MSIs.

There are some notable exceptions that attempt to split the difference by focusing on a single MSI, implemented across multiple countries: Scanteam (2011) conducted case studies of three EITI countries—Nigeria, Mongolia, and Gabon—as part of a broader assessment of the initiative. Kluttz et al. (2015) did the same for EITI in Côte d’Ivoire, Guinea, and Liberia. Most recently, Guertzovich & Moses (2016) attempted to synthesize five cases of national OGP implementation in order to draw broader conclusions about the initiative. However, these studies remain limited in scope to a single MSI, making them incomplete for drawing broader conclusions about the overall effectiveness of this new transnational approach to public sector governance reform. Indeed, there have been no attempts to systematically evaluate national transparency and accountability outcomes across public sector governance MSIs prior to this dissertation.

### 1.5 Research Design

The objectives of this research project are to determine whether and how global public sector governance MSIs lead to improvements in proactive transparency (i.e., discretionary release of government data), demand-driven transparency (i.e., reforms that increase public access to government information upon request), and accountability (i.e., the extent to which government officials are compelled to publicly explain their actions and/or face penalties or sanction for them), and to investigate the extent to which these MSIs provide participating governments with an opportunity to project a public image of transparency and accountability, while maintaining questionable practices in these areas (i.e., openwashing). To answer these

questions, I employed three distinct, but complementary, analytical methods: a comprehensive literature review, nine within-case studies, and a qualitative comparative analysis. The comprehensive literature review helps to establish the general parameters of the study, i.e., what are global MSIs purported to have accomplished in participating countries, and how? The case studies provide in-depth explorations of how MSI implementation proceeds at the national level, serving both to validate the findings from the literature review and provide additional precision. Finally, the comparative analysis seeks to provide more generalizable conclusions about whether and how global MSIs contribute to transparency and accountability outcomes.

During Stage 1, I collected and reviewed 253 documents on the effectiveness (i.e., the extent to which these MSIs have helped to change government policy or facilitate public debate in participating countries) and impact (i.e., the extent to which these debates and policy changes have had measurable effects on the social, economic, or environmental conditions within or across participating countries) of the Extractive Industries Transparency Initiative (EITI), the Construction Sector Transparency Initiative (CoST), and the Open Government Partnership (OGP), and interviewed 27 international and national MSI stakeholders about their experiences working with these initiatives. These documents and interviews were used to draw conclusions about the overall record of transparency and accountability outcomes for each MSI, and identify key structures, processes, and sociopolitical conditions believed to facilitate these gains.

During Stage 2, I conducted field research in Tanzania, the Philippines, and Guatemala, including 48 semi-structured interviews with international and national stakeholders, and participant observation at three MSI meetings. When data collection was complete, within-case process tracing was completed for all nine cases of national MSI implementation in order to assess MSI outcomes, investigate causal mechanisms believed to be at work, and examine the

evidence for openwashing. These countries represent “most likely cases” where MSIs might be expected to have the greatest likelihood of contributing to improved transparency and accountability. The absence of such reforms would cast strong doubt on MSIs as effective tools for improving public governance.

Finally, during Stage 3, I conducted a fuzzy-set qualitative comparative analysis (fsQCA) (Ragin 2000; 2008) of these nine cases in order to explore set relations between seven hypothesized causal conditions—prior political crisis; regular, independent performance evaluation; multi-stakeholder power-sharing; visible political support from high ranking government officials; bureaucratic expertise and authority; civil society involvement; and civil society capacity—and three outcome conditions—proactive transparency; demand-driven transparency; and accountability. By comparing the effects of several generalizable causal factors across nine cases of MSI implementation, I sought to draw broader conclusions about which factors, or sets of factors, appear to be key for facilitating transparency and accountability outcomes across a variety of global initiatives, and within a diversity of national contexts.

### 1.6 Contribution to Knowledge

Ultimately, the purpose of this research is to begin building a middle-range theory of global public sector governance MSI effectiveness. Middle-range theories are intended to provide explanatory and predictive power within a limited phenomenological scope. Since middle-range theories do not attempt to cover an exceedingly broad class of social or political phenomenon (e.g., all non-binding institutions of global governance; all national open government reforms), they are able to provide rich and differentiated depictions of events that are especially suitable for generating discriminating, contingent explanations and policy recommendations (see George & Bennett, 2005, p. 8; p. 266). Despite the many fundamental

similarities between EITI, CoST, OGP, and other public sector governance MSIs, practitioners continue to debate whether these initiatives actually possess a shared theory of change that can be used to help improve transparency and accountability outcomes across initiatives and participating countries, or whether each country must forge an entirely unique path to reform. This research contributes to that debate by building a shared theory of MSI-driven change, based on comparative analysis, that can be tested and refined using data collected from additional cases.

Four different ideal-typical results are possible from the comparative analysis, each with its own implications for middle-range MSI theory and practice. First, there may be a single causal pathway by which public sector governance MSIs contribute to increased transparency and accountability by national governments. If so, EITI, CoST, OGP, and other public sector governance MSIs would be wise to explore possible synergies that could aid in national strategy development, and help to reduce the burden of participation on domestic actors. Second, each MSI might display a separate path to change that is relatively consistent across member countries, such that the most critical factors for the successful implementation of OGP are fundamentally different from those factors that are critical to CoST. In this case, while opportunities for cross-initiative synergy are reduced, the differences in implementation and outcomes observed across three countries may still help each MSI to refine its own unique theory of change. Third, each country may show consistent performance across all three MSIs, regardless of any differences in their global rules for membership. This result would be especially damning for MSI advocates, as it would suggest that progress toward national reform is entirely unrelated to the efforts of these global initiatives. Finally, it is possible that no consistent pattern emerges across all nine cases of national MSI implementation. This would

suggest that public sector governance MSIs have no unifying theory of change, but leaves open the possibility that MSIs might contribute to reforms through different channels in different places; essentially, the current, a-theoretical status quo. (Critically, these four possibilities reflect ideal types, while the actual results are likely to reflect some combination of these.)

This study also has theoretical value for those interested in establishing the limits and consequences of normative soft power in the international system. MSIs are increasingly important global actors that blur the boundaries between law and non-law, public and private, and international and local (see Waddell & Khagram, 2007; and Peters et al., 2009). Yet, national governments—the traditional seat of Westphalian sovereignty in the international system—continue to play a crucial role in the adoption and implementation of voluntary MSI standards (see Kantz, 2007; Steurer, 2010; and Glasbergen, 2011). The transnational standard-setting process is a negotiation between state and non-state actors, but it is also a social process with the potential to reconstitute these actors (see Fortin, 2013).

This project is one of the first to explore national-level actor motivations, norms, and power relations as they relate to the implementation of global MSIs. These nine case studies provide the opportunity to examine whether national governments actually cede some of their traditional authority to civil society actors, or cynically participate in MSIs only to bolster their international legitimacy (i.e., openwashing). Conversely, these cases also provide an opportunity to explore whether civil society organizations use MSIs as a platform to push for significant reforms, or are coopted by their closer ties to government and private sector actors. Indeed, while normative soft power is predominately examined in terms of its desirable effects (see Keck & Sikkink, 1998, on transnational advocacy networks; and Risse & Sikkink, 1999, on the establishment of an international human rights regime), power is neither inherently virtuous, nor

inherently wicked. While MSIs seek to reconstitute power relationships in favor of the powerless, they may actually serve to reinforce the authority of the powerful.

Additionally, this research also contributes to the growing body of literature on social accountability interventions, which seeks to disentangle the complex relationships between multi-stakeholder participation, transparency, and accountability, in order to explain the mixed record these types of interventions have had to date. While the current research focuses specifically on how global rules for multi-stakeholder participation and transparency are implemented at the national level, similar interventions intended to improve public sector accountability continue to be implemented at a variety of political levels (for a comprehensive review, see Gaventa & McGee, 2013).

Fox (2015, p. 346) has distinguished between *strategic* interventions—iterative, multi-level, multi-actor projects that disseminate actionable information in coordination with measures that enable collective action and influence service provider incentives and/or power over resource allocation—and *tactical* interventions—bounded projects that assume information disclosure will automatically trigger collective action, and that citizen voice is sufficient to trigger public sector responsiveness—concluding that positive impacts are far more prevalent among the subset of social accountability interventions that take a more strategic approach. At first glance, global MSIs appear to fall into the former category of strategic, multi-level, multi-actor interventions. Yet, when seen from the perspective of the national level, these MSIs often focus on achieving fairly limited transparency goals, and include only a handful of highly specialized and externally funded NGOs to represent citizens, suggesting that perhaps they actually belong in the latter category of more bounded, tactical interventions. Indeed, the extent to which global public sector governance MSIs should be considered strategic or tactical



interventions remains an open research question, to which this study will be among the first to provide answers.

Finally, this research will also be of tremendous practical value to pro-reform actors—civil society groups, government champions, and international NGOs—seeking to think strategically about whether to engage with an MSI. Public sector governance MSIs exist to give pro-reform actors new tools to push for greater transparency, participation, and accountability in the public sector within a collaborative space that has been legitimated by global actors. Yet, MSIs also involves significant opportunity costs, particularly for national-level actors. These initiatives require time, energy and resources that cannot be invested elsewhere. This research provides a wealth of information on nine diverse cases of MSIs implementation—including what types of outcomes can be expected, and what other conditions need to be in place to achieve them—that pro-reform actors can use to guide their decision making.

### 1.7 Dissertation Structure

Chapter 2 reviews the relevant theoretical literature on networked governance, multi-stakeholder structures and processes as sources of normative soft power, and social accountability interventions at the national and local level. Chapter 3 provides the rationale for case selection, defines key research concepts, and details the procedures used to evaluate the existing literature (i.e. Stage 1), conduct nine within-case studies of national MSI implementation (i.e., Stage 2), and complete the qualitative comparative analysis (i.e., Stage 3). Chapter 4 provides detailed accounts of the history, structures, and processes of the Extractive Industries Transparency Initiative (EITI), the Construction Sector Transparency Initiative (CoST), and the Open Government Partnership (OGP), reviews the existing evidence for their effectiveness and impact, and identifies key conditions thought by practitioners to contribute to

improved national transparency and accountability outcomes across all global public sector governance MSIs.

Chapters 5-7 present nine case studies of national MSI implementation. Chapter 5 explores EITI implementation in Tanzania, Guatemala, and the Philippines. Chapter 6 looks at CoST implementation in these same countries, and Chapter 7 examines OGP. For each of these nine cases, the process of MSI implementation is traced from government commitment, through the formation of the national multi-stakeholder group, information disclosure activities, and independent performance evaluation, closing with the status of the initiative at the end of 2015. Each case history is followed by assessments of multi-stakeholder governance, and transparency and accountability outcomes. Next, within-case causal inference tests are used to identify key factors that appear to be driving transparency and accountability outcomes in each case. Finally, each case closes with brief reflections on future prospects for national MSI implementation.

Chapter 8 synthesizes these diverse MSI and country experiences into more general takeaways, using fuzzy set qualitative comparative analysis (fsQCA) to determine whether any causal conditions, or combinations of conditions, appear to be regularly necessary (i.e., must be satisfied in order to obtain a given outcome) or sufficient (i.e., if satisfied, guarantees a given outcome) for proactive transparency, demand-driven transparency, or accountability outcomes to occur across a variety of global initiatives, and within a diversity of national contexts. Finally, Chapter 9 concludes by considering the theoretical implications of these findings for global MSIs and social accountability interventions, providing recommendations to MSI stakeholders (i.e., staff, board members and participating governments, international donors, and pro-reform actors at the national level), and identifying areas for future research.

## CHAPTER 2

### UNDERSTANDING GLOBAL MULTI-STAKEHOLDER INITIATIVES

Multi-stakeholder initiatives (MSIs) attempt to address a variety of critical global issue areas, including health, environment, human rights, and good government, by improving the accountability of public and private sector actors to various public interest groups. Two features distinguish the MSI approach from more conventional forms of global governance (e.g., intergovernmental organizations, international laws and treaties). First, MSIs seek to share decision-making, monitoring, and other responsibilities among a variety of state and non-state actors—including civil society groups and private firms—and across a variety of political levels—including transnational, national, and local actors. Second, MSIs rely on non-binding modes of participation by private and public sector actors to achieve their goals. In particular, many multi-stakeholder initiatives seek to facilitate voluntary information disclosure as a mechanism for regulating the behavior of actors. MSI architects, funders, and participants assume that these two strategies will help to mitigate problems of information, communication, and power in relationships between principals (e.g., citizens, consumers, investors) and agents (e.g., elected officials, service providers, firms): By encouraging public and private sector actors to become more transparent and participatory, they will eventually become more accountable as well.

MSIs are a relatively new class of actor in the global system—a sub-type of what Waddell & Khagram (2007) call “global action networks”—that attempt to address some of the negative governance externalities of globalization. MSIs are thought to address these externalities by providing a venue for information sharing, consensus building, and standard setting by representatives of impacted sectors of society. While the advantage of a networked approach is that it taps into a variety of perspectives and resources, working within networks can

also be quite challenging: It can be difficult for actors to build trust, and to achieve consensus on goals and strategies, and there can be considerable coordination and opportunity costs. To make sense of MSIs as emerging actors on the global stage, scholars have attempted to categorize these initiatives in two different ways: First, based on the characteristics of the multi-stakeholder partnership on offer (e.g., Van Huijstee & Glasbergen, 2007; Miller-Dawkins, 2014, March 10), and second, based on what these initiatives actually purport to do (e.g., Palazzo & Scherer, 2010; Beisheim & Liese, 2014).

Since global MSIs are simultaneously a new class of global actor *and* a strategy for action that can be utilized at the local, national, or global level, there are two distinct approaches for understanding whether and how global MSIs might facilitate improvements in transparency and accountability by national governments: one rooted in the international relations (IR) literature on soft power, the other rooted in international development research and practice on social accountability interventions at the national and local level. Fox (2015, p. 246) defines social accountability as strategies that “try to improve institutional performance by bolstering both citizen engagement and the public responsiveness of states and corporations.”

The IR approach focuses on how MSIs—as non-binding, voluntary initiatives—seek to influence the behavior of other actors using normative soft power (i.e., efforts to regulate and reconstitute the interests of actors through co-option and attraction, rather than coercion, see Nye 1990; 2004). One body of research focuses on how MSIs establish their legitimacy as global standard-setters (e.g., Fransen and Kolk, 2007; Schäferhoff, Campe, & Kaan, 2009; Peters, Köchlin, Förster, & Fenner, 2009; Mena & Palazzo, 2012), while a second focuses on global performance indicators (i.e., MSI monitoring and certification outputs) as a form of social pressure (e.g., Davis et al., 2012; Kelley & Simmons, 2014; Michener, 2015). While this

approach provides several methods for assessing MSI efficacy in the aggregate (e.g., Dingwerth, 2005; Bäckstrand, 2006; Dingwerth, 2008), the details of whether and how MSI standards are successfully implemented at the national level fall largely outside the purview of this body of research.

By contrast, social accountability researchers approach MSIs as one of many types of interventions that rely on increased civic participation and transparency to improve public sector accountability that can operate at variety of political levels. While little evidence for the effectiveness of *global* public sector governance MSIs may exist, there is a wealth of research on similar types of public governance interventions at the national and subnational level. This literature challenges many of the assumptions underlying MSIs' strategies of multi-stakeholder collaboration and information disclosure for improving accountability. First, information needs translation, aggregation, benchmarks, and simplification in order to be useful to potential users (see Fung et al., 2007; and Fox 2007b). Second, collective action by actors with diverse interests can be extremely difficult (see Fox, 2010; and Persson, Rothstein, & Teorell, 2013). Third, citizen voice may not be an effective channel for changing the incentives of public sector actors, or for gaining greater influence over public resource allocation, unless linked to existing government accountability institutions (see Peruzzotti & Smulovitz, 2006; Fox, 2015; and Peixoto & Fox, 2016). Put simply, the context for MSI implementation matters. Indeed, the social accountability literature suggests that compliance with global rules for multi-stakeholder participation and information disclosure is merely the beginning of efforts to improve national accountability, rather than the end.

## 2.1 Fundamental Concepts for Understanding Multi-Stakeholder Initiatives

Multi-stakeholder initiatives address problems in relationships between principals (e.g., citizens, consumers, investors) and agents (e.g., elected officials, service providers, firms). In an ideal principal-agent relationship, the agent acts in accordance with the interests of the principal. Furthermore, if an agent acts in ways counter to these interests (e.g., when elected officials fail to act in accordance with the wishes of citizens, when service providers fail to meet the quality or safety standards of consumers, or when firms fail to act in the best interests of investors), the principal has the means to correct the agent's behavior (e.g., voting, switching providers, or divesting); at least, in theory. However, the relationship between principal and agent can break down in three ways: First, principals can lack sufficient information about the behavior of agents to determine if their interests are being met. This is a problem of information. Second, agents can lack information about the true preferences of principals, or receive incoherent instructions.<sup>11</sup> This is a problem of communication. Third, principals can have limited means or opportunity to correct agent behavior. This is a problem of power.

While the principal-agent framework was originally intended to apply only to formal arrangements of delegated authority between actors, over time, social scientists have stretched the metaphor to fit an increasingly broad array of relationships, including those based on informal obligations between actors, and those involving multiple principals (for a fuller critique, see Boström & Garsten, 2008, pp. 7-8; and Fox, 2015, p. 247). Indeed, multi-stakeholder initiatives attempt to address breakdowns in principle-agent relationships in two ways that keenly reflect this process of conceptual stretching: First, MSIs seek to share decision-making, monitoring, and other responsibilities among a variety of actors—including civil society groups and private firms—and across a variety of political levels—including transnational, national, and local actors (i.e., multiple principles). Second, MSIs seek to regulate the behavior of target actors

through non-binding modes of participation (i.e., informal obligations). More specifically, many MSIs use voluntary information disclosure as one such mechanism for regulation. Since multi-stakeholder initiatives operate outside the original bounds of the principal-agent framework (i.e., formal arrangements of delegated authority between actors), the extent to which they can actually be said to address problems of information, communication, and power depends considerably on conceptualizations of accountability, multi-stakeholder collaboration, and transparency.

### 2.1.1 Theories of Accountability

Accountability is an extraordinarily murky and fundamentally relational concept. The dictionary definition of the term is “an obligation or willingness to accept responsibility or to account for one's actions.”<sup>12</sup> However, to whom is the actor in question obligated to make this account? Which actor is the principal and which actor is the agent? These questions are challenging at any level of social or political organization (e.g., is an elementary school teacher accountable to the students, the parents, the principal, or the school board?), but become increasingly more difficult as one moves up the ladder of sociopolitical complexity (i.e., is a transnational mining company accountable to its investors, to the national and local governments where it operates, to the citizens of these countries, to the consumers that purchase its products, or to the international body that regulates its activities?). Moreover, these questions fall largely outside the scope of principal-agent theory, which only applies to formal arrangements of delegated authority between actors.

Within political science, accountability has traditionally been understood to mean that elected officials should be able to provide reasons for their actions and decisions (i.e., “to make an account”), and that citizens affected by these actions and decisions should be able to apply

negative sanctions and withdraw their electoral support (i.e., “to hold to account”) (Boström & Garsten, p. 2-3).<sup>13</sup> In other words, political accountability has two key components: answerability and enforceability. Answerability is the responsibility of duty-bearers to provide information and justification about their actions. Enforceability refers to the possibilities of penalties, consequences, or sanctions for failing to respond to demands for information or justification (see Goetz & Jenkins, 2005).

Fox (2007b) and Gaventa & McGee (2013) both argue that many so-called “accountability” interventions actually only address answerability (what Fox calls “soft” accountability). However, enforceability is essential for achieving meaningful improvements in accountability. Without enforcement, answerability is often of limited relevance or practical use. Unless there are consequences for failing to provide agreed-upon services or protections, there is little incentive for duty-bearers to improve, given that there are usually opposing incentives in play as well (e.g., profit motive, budget constraints, etc.). Put in terms of principal-agent relationships, MSIs that address answerability directly tackle the problems of information and communication, but not the problem of power. Only MSIs that address enforceability directly tackle the problem of power.

Theorists generally distinguish between three mechanisms of accountability: vertical, horizontal, and social (Bailey, 2012, p., 9-10). Vertical accountability refers to measures that allow citizens to hold institutions to account, through elections, lobbying and advocacy, and social mobilization. This form of accountability relies on direct engagement by individuals and groups with governments and service providers. The effectiveness of the vertical accountability process depends on citizens’ awareness of rights and choice, their willingness to engage, and the quality of democratic political processes available. Horizontal accountability refers to



independent monitoring entities within the government that are capable of demanding answers from and/or sanctioning government or private sector actors. These entities can include the judiciary, auditors, regulators, oversight committees, or ombudsmen. The effectiveness of horizontal accountability processes depends on the independence of monitoring entities and their relative power. Indeed, while accountability is a core feature of democracy and good governance, it is also a function of power—more powerful actors are both more able to demand accountability from others, and more adept at avoiding accountability themselves. Consequently, formal mechanisms for vertical and horizontal accountability often fall short, leading citizens to seek other channels to increase the accountability of powerful actors (see Brinkerhoff, 2001).

Social accountability processes are intended to augment or supplement the official vertical and horizontal accountability processes established by the state. Citizens engage directly with government or private sector actors through a variety of strategies, including participatory budgeting, monitoring of service delivery, public expenditure tracking, and other forms of oversight. The goal is to increase the accountability of actors through direct civic engagement. As a result, social accountability is also known as “direct” or “demand-side” accountability (Bailey, 2012, p. 10). The World Bank (2004, p. 6) similarly distinguishes between a “long route” to accountability—whereby citizens use traditional vertical accountability mechanisms (i.e., elections, lobbying and advocacy, and social mobilization) to voice their concerns to policymakers, who then use their authority to influence public and private sector actors (e.g., service providers, private firms)—and the “short route” to accountability, whereby citizens directly monitor service providers and provide feedback (see Figure 2.1).<sup>14</sup> It is worth noting, however, that the World Bank’s (2004) distinction between long and short routes to

accountability ignored the potential contributions of other public “checks and balances,” including legislatures, auditors, and the judiciary (i.e., horizontal accountability mechanisms).

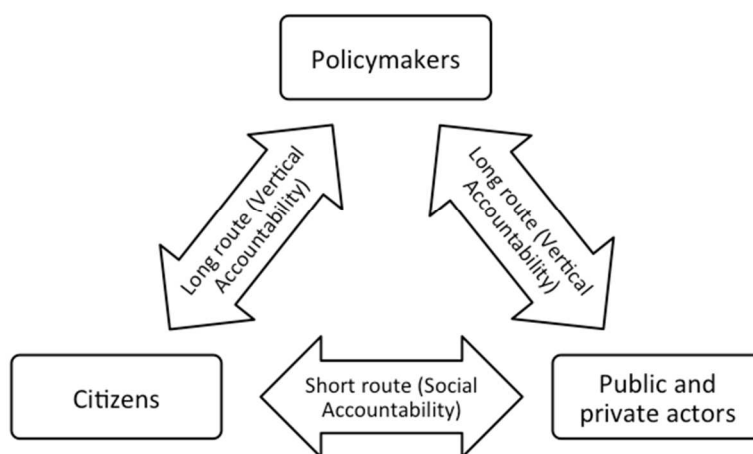


Figure 2.1. Long and short routes to accountability. Adapted from World Bank. (2004). *World Development Report 2004: Making services work for poor people*, p. 6.

Multi-stakeholder initiatives that seek to modify the behavior of private sector actors operate entirely as social accountability mechanisms. By increasing direct engagement between civic actors and private firms, these MSIs supplement existing accountability mechanisms set up by the state to regulate the private sector. Since these MSIs rely entirely on voluntary participation by target actors, they are predominantly aimed at improving answerability. Increases in enforceability occur only indirectly, through market forces, if consumers choose to penalize firms that refuse to participate.

MSIs that seek to modify the behavior of public sector actors have the potential to operate through more of a hybridized approach: By increasing direct engagement between civic actors and public service providers (e.g., road agencies, water agencies) these MSIs supplement existing accountability mechanisms, but by increasing direct engagement between civic actors

and government policymakers and oversight bodies (e.g., legislators, auditors) these MSIs may also serve to bolster existing horizontal and vertical mechanisms for accountability as well. Consequently, even though public sector initiatives rely on the voluntary participation of target actors, they have the potential to improve both answerability and enforceability.

### 2.1.2 Theories of Multi-stakeholder Collaboration

Theories linking the practice of multi-stakeholder collaboration to accountability are not new, nor are they limited to their application at the global level. Indeed, the field of multi-stakeholder collaboration can be understood as the intersection between three bodies of literature: one on inter-organizational relations (e.g., Alexander, 1995); a second on organizational “ecology” or operating environments (e.g., Scott & Meyer, 1994); and a third on collective action (e.g., Ostrom, 2005).<sup>15</sup> Within these bodies of literature, stakeholder relations have important ramifications for organizational strategy and for addressing social problems.

The majority of multi-stakeholder theory is firm-centered, drawing on the experiences of private, for-profit companies in developed countries (e.g., Freeman & McVea, 2001). Primary stakeholders are understood to be those who have a direct interest in the activities of the firm, while secondary stakeholders are understood as external parties who are either affected by firm decisions or can otherwise affect its actions. Under this framing, the profit motive remains central, so stakeholder behavior is something to be managed through strategic alliances (e.g., public-private partnerships, corporate social responsibility partnerships).

While there is a wealth of scholarship on corporate social responsibility, public-private partnerships, and private sector MSIs, a smaller subset of multi-stakeholder theory and practice—rooted in public policy and international development—is centered on the use of multi-stakeholder collaboration to alleviate social and environmental problems. Key stakeholders

are those who can significantly influence the trajectory of a policy or program, primary stakeholders are any individual, community, or organization that will ultimately be affected by a given policy or program, and secondary stakeholders are any other parties that can influence the outcome (e.g., NGOs, donors, government ministries) (Fowler, 2015, p. 2). It is this second conceptualization of multi-stakeholder collaboration that animates the current discussion.

With regard to the alleviation of social problems, the key issue underlying the logic of multi-stakeholder collaboration is the relative distribution of different types of power among different types of actors. Gillies (1993) argues that even democratic political systems tend to marginalize particular social groups, so additional venues for multi-stakeholder collaboration are required to ensure these groups have a voice in public policy. Adelman & Morris (1997) argue that each of the three sectors that comprise modern society—government, business, and civil society—has its own logics, responsibilities, and skill sets that are necessary to tackle social problems. Governments regulate, businesses create wealth, and civil society provides the values and networks of social life. Aligning the efforts of all three sectors is argued to be more effective than for each to contribute alone.

Regardless of whether participation is considered a right or a tactic, scholars have attempted to measure and classify the quality of participatory processes. For example, Wampler (2013) distinguishes between four increasingly powerful types of civic participation and authority: voice, vet, vote, and veto. While MSIs are intended to give a wider range of actors a voice in the decisions of public agencies or private firms, and a chance to vet their activities, the voluntary nature of these initiatives prevents these newly included actors from having an actual vote regarding these activities, much less the power to veto them. Put in terms of principal-agent

relationships, the types of participation most likely to be facilitated by MSIs—voice and vet—are likely to address problems of information and communication, but not the problem of power.

Peixoto and Fox (2016) identify two additional components by which to judge the quality of interventions designed to increase civic participation in public governance. First, citizens must actually choose to utilize these new platforms for participation (i.e., “yelp”). Second, these inputs must actually elicit a response by service providers (i.e., “teeth”). MSIs may facilitate high levels of civic participation, without increasing the responsiveness of public or private sector actors. Alternatively, MSIs may yield relatively minimal uptake by civil society, but still produce notable improvements in responsiveness. Put in terms of principal-agent relationships, evidence of “yelp” would suggest that MSIs address problems of communication, whereas evidence of “teeth” would suggest that MSIs address problems of power.

### 2.1.3 Theories of Transparency

The notion that increased transparency helps to improve the accountability of private sector actors dates back more than a century. Seeking ways to protect the American public from the unscrupulous practices of Gilded Age captains of industry and finance, future Supreme Court Justice Louis Brandeis sought the passage of new government regulations that would require corporations to disclose certain information about their practices to the public, famously writing that “sunlight is said to be the best of disinfectants; electric light the most efficient policeman” (1914, p. 92). The push for greater transparency was expanded to include public sector actors beginning in the 1960s, when the United States became one of the first countries to pass a Freedom of Information law. While only 14 countries had some form of freedom of information (FOI) or access to information (ATI) law in 1990, 99 countries had passed these laws by 2014 (Open Society Justice Initiative, 2014, February).

In addition to the distinction between targeting public and private actors, Kosack and Fung (2014, p. 67-68) argue that there is one other key difference between Brandeis’s notion of transparency as disinfectant and the later FOI/ATI movement: the users of information. Brandeis sought to improve the transparency of private sector actors so that individual consumers would have the information necessary to act in their own best interests. Conversely, the FOI/ATI movement seeks to provide the citizenry as a whole with information to improve public sector governance. Based on these two distinctions—public or private sector targets, and self-governing citizens or individual consumers/beneficiaries as users—Kosak and Fung identify four different types of transparency interventions (see Table 2.1). In addition to the older forms of corporate regulation (cell 3) and FOI/ATI laws (cell 1), recent decades have seen the rise of transparency interventions that encourage private sector actors to disclose information they are not obligated to provide by law, so that civil society can play a more direct role in the governance of the private sector (cell 2), and interventions that encourage public sector actors to disclose information that empowers citizens, as individual beneficiaries, to demand improvements to public services (cell 4). These two newer forms of transparency interventions can be considered subcategories of social accountability mechanisms, in that they seek to forge direct links between civil society and service providers, rather than working through vertical and horizontal accountability mechanisms.

Table 2.1. Four varieties of transparency

<b><u>Targets of transparency</u></b>	<b><u>Users of transparency</u></b>	
	<b><u>Self-governing citizenry</u></b>	<b><u>Individual customers/beneficiaries</u></b>
Government	1. Freedom of information	4. Transparency for public accountability
Private firms	2. Transparency for responsible corporate behavior	3. Regulatory disclosure

Source: Kosak & Fung, 2014, p. 68.

One way to interpret the increasing prevalence of transparency interventions as mechanisms of public and private sector accountability is that problems of information are the fundamental cause of the breakdown in principle-agent relationships (as opposed to problems of communication or power). However, another way to interpret the increased focus on transparency is that the concept is being asked to do more than it was originally meant to do. Greve and Hodge (2012) caution that transparency has taken on the characteristics of a “magical concept.”<sup>16</sup> “Magical concepts” are broad and flexible, have high normative attractiveness and overwhelmingly positive connotations, they imply consensus and obscure conflicting interests or traditional division, and they are interdisciplinary and internationally applicable (see also Pollitt & Hupe, 2011).

Scholars have attempted to bring some clarity to discussions of what transparency actually means, and how it relates to accountability. Fox (2007b) describes two “faces” of transparency—one opaque and one clear. “Opaque” transparency refers to the dissemination of information that reveals very little about how individuals or institutions make decisions, or the results of their actions. The term also refers to information that is disclosed, but turns out to be unreliable or inaccurate. Conversely, “clear” transparency “sheds light on institutional behavior, which permits interested parties (such as policy makers, opinion makers, and program participants) to pursue strategies of constructive change” (p. 667).

Additionally, Fox (2007b) points out that transparency can occur via two different pathways. “Proactive dissemination” occurs when an individual or institution releases information about its activities and performance to the public. “Demand-driven access” occurs when individuals or institutions respond to requests for specific kinds of information or documents which otherwise would not have been accessible. By its nature, demand-driven access

is more likely to produce the information necessary for interested parties to pursue strategies of change (p. 665). A similar distinction is drawn by Sandoval-Almazán (2011), who argues that there are two approaches to the notion of “open government.” One approach begins with the assumption that the government owns its information, and therefore controls the flow of information to the public through the release of data. Another approach begins with the assumption that public sector information is a public good, and therefore that citizens should have some control over the flow of information, in partnership with the government.

Distinctions between opaque and clear transparency and between proactive and demand-driven transparency are useful for considering how MSIs and other pro-transparency projects seeks to address problems of information asymmetry. Indeed, Yu & Robinson (2012) argue that while the concept of “open government” used to carry a hard political edge associated with the freedom of information movement in the 1960s, current usage of the term often refers to little more than posting government datasets online—resulting in transparency that may be neither clear nor demand-driven. In terms of principal-agent relationships, proactive or demand-driven transparency can address problems of information, as long as the information is clear, not opaque. However, only demand-driven forms of transparency helps to address problems of communication—when principals request specific information from their agents—and problems of power—when agents honor these requests (see Table 2.2).



Table 2.2. Mapping key characteristics of transparency, participation, and accountability onto the principal-agent problems they address

	<b>Addresses problems of <u>information</u></b> (i.e., principals lack sufficient information about the behavior of agents to determine if their interests are being met)	<b>Addresses problems of <u>communication</u></b> (i.e., agents lack information about the true preferences of principals, or receive incoherent instructions)	<b>Addresses problems of <u>power</u></b> (i.e., principals have limited means or opportunity to correct agent behavior)
<b>Characteristics of <u>transparency</u></b>	<u>Clear</u> (i.e., information sheds light on how agent make decisions, or the results of their actions); <u>Proactive</u> (i.e., agents provide information about their activities and performance to principals) or <u>Demand-driven</u> (i.e., agents respond to specific requests for information from principals)	Demand-driven (i.e., agents respond to specific requests for information from principals) only	Demand-driven (i.e., agents respond to specific requests for information from principals) only
<b>Characteristics of <u>participation</u></b>	<u>Vet</u> (i.e., principals are given the opportunity to review information pertinent to their interests)	<u>Voice</u> (i.e., principals are given the opportunity to provide feedback directly to agents); and <u>Yelp</u> (i.e., principals take advantage of these opportunities to provide feedback to agents)	<u>Vote</u> (i.e., principals are given the opportunity to shape the actions of agents); <u>Veto</u> (i.e., principals are given the opportunity to halt the actions of agents); and <u>Teeth</u> (i.e., agents modify their actions in response to feedback from principals)
<b>Characteristics of <u>accountability</u></b>	<u>Answerability</u> (i.e., agents provide information on their actions)	<u>Answerability</u> (i.e., agents provide information and justification for their actions)	<u>Enforceability</u> (i.e., agents incur penalties, consequences, or sanctions for their actions)

Table 2.2. Various characteristics of transparency, participation and accountability address different principal-agent problems.

## 2.2 Multi-stakeholder Initiatives as Global Actors

The current proliferation of transnational multi-stakeholder initiatives began with the establishment of the Forest Stewardship Council in 1993, and the World Commission on Dams (WCD) in 1998.<sup>17</sup> The Forest Stewardship Council (FSC) is an ongoing partnership between non-governmental environmental organizations and industry, intended to address deforestation via independent certification of sustainable forestry management practices.<sup>18</sup> The World Commission on Dams (WCD) was comprised of representatives from states, civil society groups,

industrial interests, and multilateral organizations, and produced recommended standards for minimizing the social and environmental impacts of large dams.<sup>19</sup>

Until the 1990s, multi-stakeholder initiatives were largely confined to the national or sub-national level. Globalization—the increased flow of capital, labor, and information across national borders—is argued to have produced unprecedented levels of interconnectedness that outgrew the jurisdiction of national laws and outpaced the establishment of international ones (e.g., Boström & Garsten, 2008; Khagram & Ali, 2008; Pattberg & Widerberg, 2014). The result is an increasing prevalence of governance gaps, whereby governments and firms are unable or unwilling to provide for the public good, due to increasing complex problems of information asymmetry, communication, and power. These governance gaps manifest themselves as a variety of challenging transnational policy problems, including drug trafficking, pandemics, environmental degradation, human rights violations, money laundering, and corruption.

### 2.2.1 Global MSIs as Networks

Waddell and Khagram (2007) argue that a variety of “global action networks” have emerged to address these growing governance gaps (p. 261). Global action networks are defined by five characteristics: they aspire to global reach, they focus on the provision of public goods, they are inter-organizational, they embrace diverse perspectives by crossing traditional boundaries (i.e., north-south, developed-developing, rich-poor), and they intended to be agents of systemic change (Waddell & Khagram, p. 266-269). Networks utilize the very same processes of globalization that created governance gaps—most notably, the increased speed of global communication—to identify possible solutions. An inclusive, networked approach to problem solving is argued to facilitate communicative action, deliberation, and consensus building (see Risse, 2000; and Bernstein, 2004). Networked solutions to governance gaps can include

knowledge sharing, operations and service delivery, policy development, advocacy, monitoring, and platforms for dialogue and standard setting (Tapscott, 2013, p. 21-22). Improved standards for transparency, in particular, are argued to lead to greater accountability (e.g., Steets, 2005).

Khagram (2006) argues that transnational MSIs represent a subcategory of networked governance that establishes novel arrangements between state (i.e., government agencies) and non-state (i.e., multinational corporations, transnational professional associations, epistemic communities, and international NGOs) actors (Khagram, 2006; p. 100; Khagram & Ali, 2008, pp. 206-207).<sup>20</sup> By including non-state actors, Brinkerhoff (2002) argues that MSIs are able to tap into the technical, regional, social, and political information necessary to solve complex global problems. Similarly, Torfing et al. (2012, p. 14) argues that MSIs provide “interactive governance”: “a complex process through which a plurality of actors with divergent interests interact in order to formulate, promote, and achieve common objectives by means of mobilizing exchanging and deploying a range of ideas, rules, and resources.”

According to Khagram and his colleagues (i.e., Jackson School Task Force, 2012, pp. 6-7), MSIs address three specific deficits in global governance: the regulation gap, the participation gap, and the implementation gap. MSIs address the regulation gap by providing opportunities for actors to collectively solve problems. They address the participation gap by including actors who are often unrepresented. Finally, MSIs attempt to address the implementation gap by improving the execution of strategic goals.

While there are a variety of potential benefits to networked governance, there are also significant challenges. First, it can be difficult to achieve consensus and maintain commitment on goals (see Bryson et al., 2006; Provan & Lemaire, 2012; and Vangen & Huxham, 2012). Second, there may be a “culture clash” between competing institutional logics that can make it

difficult to agree on essential structures, processes, or outcomes (see Huerta et al. 2006; McPherson, Popp, & Lindstrom, 2006; and Hoberecht et al., 2011). Third, organizations risk losing autonomy, along with other coordination and opportunity costs (see Norman & Huerta, 2006; and Provan & Lemaire, 2012). Finally, it can simply be time-consuming and difficult to build trust among actors (see Axelrod, 1984; Keast et al. 2004; Huxham & Vangen, 2005; Bryson et al., 2006; and Gulati et al., 2011).<sup>21</sup>

### 2.2.2 Typologizing Global MSIs

To help make sense of MSIs as emerging actors on the global stage, scholars have attempted to categorize these initiatives in two different ways: First, based on the characteristics of the multi-stakeholder partnership on offer, and second, based on what these initiatives actually purport to do. With regard to the former, Van Huijstee and Glasbergen (2008) draw a distinction between “institutionalist” MSIs, which focus on power sharing between actors as an important end in and of itself, and “actor-centered” MSIs, which are concerned with using multi-stakeholder collaboration to achieve specific ends. (This distinction mirrors broader debates in multi-stakeholder theory alluded to earlier, concerning whether multi-stakeholder collaboration is desirable because all groups have a fundamental right to participate in decision-making that affects them, or because each sector possesses a comparative advantage.)

Similarly, Miller-Dawkins (2014, March 10) categorizes MSIs as “representative,” “deliberative,” or “functional.” Representative MSIs are those that have structures and processes in place to ensure that stakeholder groups are equally represented in decision-making (e.g., the Forest Stewardship Council). Deliberative MSIs are those that work to ensure that marginalized voices are heard during dialogue and consensus building processes, but that may not have formalized structures to ensure equal decision-making power by all sectors (e.g., the World

Commission on Dams). Finally, functional MSIs are those that take a more instrumental approach to multi-stakeholder collaboration in order to resolve specific conflicts or solve technical problems—taking advantage of actors’ unique leverage and expertise when it suits a specific purpose, but without a broader framework for ensuring equal or regular participation.

Multi-stakeholder collaboration is not, in and of itself, a complete theory of change for addressing governance gaps. In other words, knowing how a group of diverse actors decide on collective action is not the same thing as knowing what those collective actions are, or whether they will be successful. As a result, other scholars have attempted to categorize MSIs based on their objectives, rather than their multi-stakeholder characteristics. For example, Beisheim and Liese (2014) distinguish between MSIs primarily concerned with service delivery, transfer of knowledge, or standard setting. Similarly, Koechlin and Calland (2009, p. 91) have identified five non-exclusive functions for MSIs: dialogue forum, institution building, rule setting, rule implementation, and rule monitoring.

Finally, Palazzo and Scherer (2010) differentiate between four levels of increasing engagement with target actors (see Table 2.3). At the minimum level of engagement, MSIs provide learning platforms where organizations can exchange experiences, signal their commitment, and learn from each other (e.g., the UN Global Compact). At a moderate level of engagement, MSIs develop behavioral standards, in the form of codes of conduct, rule, recommendations, or guidelines regarding actor behavior (e.g., the World Commission on Dams). At a higher level of engagement, MSIs develop mechanisms for auditing compliance with these newly established rules (e.g., the Open Government Partnership’s Independent Review Mechanism serves as one such instrument). At the highest level of engagement, MSIs issue labels and certifications to those organizations that comply with their standards (e.g., the

Forest Stewardship Council and the Extractive Industries Transparency Initiative both provide these types of certifications).

Table 2.3. A sampling of global MSIs, categorized by level of engagement

<u>MSI</u>	<u>Level of Engagement</u>			
	<u>Learning Platform</u>	<u>Develop Behavioral Standards</u>	<u>Mechanisms for Auditing/Monitoring Compliance</u>	<u>Labeling and Certification</u>
Extractive Industry Transparency Initiative	X	X	X	X
Forest Stewardship Council	X	X	X	X
International Aid Transparency Initiative	X	X		
Kimberley Process	X	X	X	X
Medicines Transparency Initiative	X	X		
Open Government Partnership	X	X	X	
Roundtable for Sustainable Palm Oil	X	X	X	X
UN Global Compact	X			
World Commission on Dams	X	X		

Table 2.3. Author’s assessment, based on Palazzo and Scherer’s (2010) four levels of MSI engagement.

### 2.3 Predicting Whether and How Global MSIs Improve Public Sector Governance

Global multi-stakeholder initiatives (MSIs) are simultaneously both a new type of global *actor* and a multi-level social accountability *strategy*. Accordingly, there are two distinct approaches for predicting whether and how global MSIs might facilitate improvements in transparency and accountability by national governments: the IR approach and the social accountability approach. The IR approach focuses on the sources and strategies of soft power (i.e., co-option and attraction, rather than coercion) that allow MSIs, as non-binding global initiatives, to regulate the behavior of other actors, and reconstitute their interests. Alternatively, social accountability researchers approach MSIs as one of many types of interventions that rely on increased civic participation and transparency to improve public sector accountability that can be implemented at variety of political levels. While few studies have yet to directly examine the effectiveness of *global* public sector governance MSIs, there is a wealth of research on similar types of interventions at the national and subnational level. This body of research challenges

many of the key assumptions underlying the global public sector governance MSI approach, in which multi-stakeholder collaboration and information disclosure are expected improve accountability.

### 2.3.1 Key Insights from the International Relations Literature

For scholars of international relations, MSIs represent a new class of actor: a multi-sector, non-binding standard-setting body capable of influencing the behavior of other actors in the global system. IR is, paradigmatically, the study of whether and how material structures (e.g., Waltz, 1979; Mearsheimer, 2001), institutions (e.g., Keohane, 1984; Ikenberry, 2001), and norms (e.g., Wendt, 1999; Barnett & Finnemore, 2004) animate the global system. In the absence of more traditional forms of material, or even institutional, power, global MSIs rely heavily on normative soft power. Norms define what behaviors actors can or cannot do (i.e., regulatory norms), define new actors, behaviors, or interests (i.e., constitutive norms), and prescribe actions (or non-actions) that “ought to” be taken in certain situations (i.e., prescriptive norms) (Finnemore & Sikkink, 1998, p. 891). Soft power is defined as “co-option,” in place of coercion (Nye, 1990, p. 31). Unlike “harder” forms of power, including the use of military force or economic sanctions, soft power involves “getting others to want the outcomes that you want,” through positive presentation and incentives. Accordingly, normative soft power refers to efforts to regulate actors and reconstitute their interests through co-option and attraction, rather than coercion.<sup>22</sup> One body of relevant research focuses on how MSIs establish their legitimacy as global standard-setters (e.g., Fransen and Kolk, 2007; Schäferhoff, Campe, & Kaan, 2009; Peters, Köchlin, Förster, & Fenner, 2009; Mena & Palazzo, 2012), while a second focuses on global performance indicators (i.e., MSI monitoring and certification outputs) as a form of social pressure (e.g., Davis et al., 2012; Kelley & Simmons, 2014; Michener, 2015). The former can be

understood as exploring how global MSIs *acquire* normative soft power, while the latter explores how MSI outputs are subsequently wielded as *tools* of normative soft power.

#### 2.3.1.1 Input and output legitimacy

As non-binding initiatives, global MSIs have no material or institutional means of coercing actors into compliance with their rules and standards for behavior. Nevertheless, a variety of public and private sector actors have willingly joined, and fully implemented, a host of different MSIs. Why? While states acquire hard power via military proliferation and economic production, MSIs acquire normative soft power via their legitimacy as international standard-setters. In other words, compliance with MSI standards depends on whether the standard-setters are perceived to be the right and proper authority (see Schäferhoff, Campe, & Kaan, 2009; and Peters, Köchlin, Förster, & Fenner, 2009; Dingwerth, 2007). Mena and Palazzo (2012) further distinguish between “input” legitimacy—procedural factors that signal the extent to which MSIs can be expected to produce standards acceptable to a variety of stakeholders—and “output” legitimacy—outputs and other short-term proxy measures that point towards the likely efficacy of a given MSI standard.

“Input” legitimacy refers to the extent to which MSI governance is inclusive, transparent, and accountable. Schäferhoff et al. (2009) argue that inclusiveness should be assessed in two ways: “scope”—the representativeness of the actors included—and “quality”—the nature of their participation. Questions of representativeness include whether all categories of affected stakeholders are included and whether groups that participate in MSIs (e.g., NGOs, private firms) represent broader public interest groups. Additionally, what are the rules for access, i.e., is membership open or is there a selection process? (see also Bäckstrand, 2006; Keohane, 2006;



Dingwerth, 2007; Gullbrandsen, 2008; Peters, Förster, & Koechlin, 2009; Boström & Hallström, 2010; Glasbergen, 2011; and Ponte & Cheyns 2013).

Assessing the quality of inclusiveness is a more difficult task. Hallström (2008) and Ponte & Cheyns (2013) argue that participation quality should be assessed by examining whether MSIs have formal processes to ensure balanced, multi-stakeholder decision-making power. Keohane (2006, p. 79) calls this “internal accountability”—the extent to which an MSI is a good agent for its principals is determined by how democratic and fair internal procedures are. Gulbrandsen (2008, p. 566) call this “accountability as control.” Other scholars argue that another good proxy measure for participation quality is the working relationships between participating civil society actors and government officials (e.g., Waddell & Khagram, 2007, Pellizzoni, 2008; Dingwerth, 2008; Keochlin & Calland, 2009; and Glasbergen. 2011). Are MSI documents co-authored? Who posts about MSI activities online? Who responds to public comments? Alternatively, Boström & Garsten (2008) propose looking at the extent to which civil society maintains its ability to act autonomously. Finally, some scholars highlight the importance of the discursive qualities of participation, arguing that MSIs privilege certain forms of knowledge over others (e.g., Dingwerth, 2007; Boström & Hallström, 2010; Fortin, 2013; Ponte & Cheyns, 2013). For example, the technical expertise of private sector participants may limit the scope of the debate, or civil society participants may wield unjustified symbolic power through their claim to represent “the public.”

In the context of input legitimacy, transparency refers to the extent to which MSI decision-making procedures can be known by external actors (see Dingwerth, 2005; Hallström, 2008; Peters, Förster, & Koechlin, 2009; Bauhr & Nasiritousi, 2012; Urueña, 2012; and Ponte & Cheyns, 2013). This can be measured by examining the extent to which the media is given access

to MSI proceedings, and the extent to which MSI materials (e.g., meeting notes, attendance roles, funders) are published online. Finally, in the context of input legitimacy, accountability refers to the extent to which parties directly affected by MSI decisions can have their questions and grievances addressed. Keohane (2006, p. 79) calls this “external accountability.” Indicators of MSI accountability include the monitoring and grievance mechanisms, as well as the willingness of MSIs to sanction members (see Fransen & Kolk, 2007; Boström & Hallström, 2010; and Fortin, 2013).

In sum, the quality and scope of participation, along with mechanisms for ensuring transparency and external accountability, are believed to contribute to each MSI’s input legitimacy. Not only is legitimacy assumed to be necessary to facilitate actor compliance with behavior standards, but from a philosophical perspective, there is clear hypocrisy in empowering a fundamentally opaque, unaccountable global institution to improve national transparency and accountability.<sup>23</sup>

“Output” legitimacy refers to the extent to which short-term MSI outputs signal that these initiatives are likely to achieve their longer-term goals. If actors believe MSIs are effective, they are more likely both to join, and to follow the rules. Schäferhoff et al. (2009) distinguish between assessments of policy formation and policy implementation. Policy formation refers to the extent to which MSIs are able to set clear goals and develop coherent plans for reaching them. For example, Fransen & Kolk (2007) reviewed 49 standards set by business associations, NGOs, IGOs, and multi-stakeholder processes and found that the multi-stakeholder standards were more specific in their description of rules, criteria, and policies. Policy implementation refers to the extent to which MSI rules are successfully integrated into day-to-day corporate or government practice. Mena & Palazzo (2012) distinguish between assessing enforcement (e.g., monitoring,

compliance, and sanctions), coverage (e.g., the percentage of firms or production covered), and efficacy (e.g., improvements to the underlying problem).

Efficacy is the most difficult component of output legitimacy to assess (see Young, 1999). To do so comprehensively would require reviewing the long-term performance of all participating firms or governments. Bäckstrand (2006) identifies two possible proxy variables: additionality—the extent to which new funding is generated for related activities—and institutionalization—linkage to goals and targets in multilateral agreements and national laws. The usefulness of these two proxies relies on the underlying logic of the input-output legitimacy framework: if MSIs are effective, they will be judged to be legitimate, and additional actors will support and implement them.

Alternatively, Dingwerth (2005) distinguishes between three types of effects: discursive effects—changes in the framing of issues or in the definition of key concepts; normative and regulatory effects—the establishment of national or international social norms or legal standards; and material or structural effects—shifts in market shares or changing access to particular products or public services. Using this framework, Dingwerth concludes that the World Commission on Dams had both normative and regulatory effects—the WCD recommendations are explicitly mentioned in German, Swiss, and French export credit agency guidelines—as well as material effects—these guidelines make it more difficult to obtain credit guarantees for socially and environmentally costly projects.

MSIs can have high input legitimacy, but still fall short on one or more measure of output legitimacy. For example, Fortin (2013) points out that although the Forest Stewardship Council is considered one of the more successful MSIs in terms of both inclusivity and participation by a variety of actors (i.e., high input legitimacy), the forests being certified are heavily skewed to the

global north (i.e., unequal coverage). Taylor (2004, p. 135) further notes that industry participants located in the global south found that FSC certification did not improve their access to markets (i.e., low efficacy). Finally, Gulbrandsen (2008) cautions that a newly emerging market for independent certifications has led some in the forestry industry to abandon the FSC for less-rigorous alternatives (i.e., falling compliance).

The input/output legitimacy approach is useful for identifying a considerable number of factors that may contribute to whether and how global public sector governance MSIs are able to exert influence on participating governments (see Figure 2.2). Additionally, this approach identifies a variety of ways to conceptualize and measure the effects of MSIs at both the national and transnational level. Yet, somewhere between compliance and efficacy, a fundamental gap in the process remains: Do MSI standards and practices actually achieve their intended effects on target actors when fully implemented? For public sector governance MSIs, that means not only must national governments comply with rules for multi-stakeholder collaboration and information disclosure, these practices must actually generate improvements in transparency and accountability. The evidence collected on similar social accountability interventions implemented outside of a global MSI framework suggests that these relationships are complex and far from inevitable (e.g., Fox, 2007b; Fung, Graham, & Weil, 2007; Gaventa & McGee, 2013).

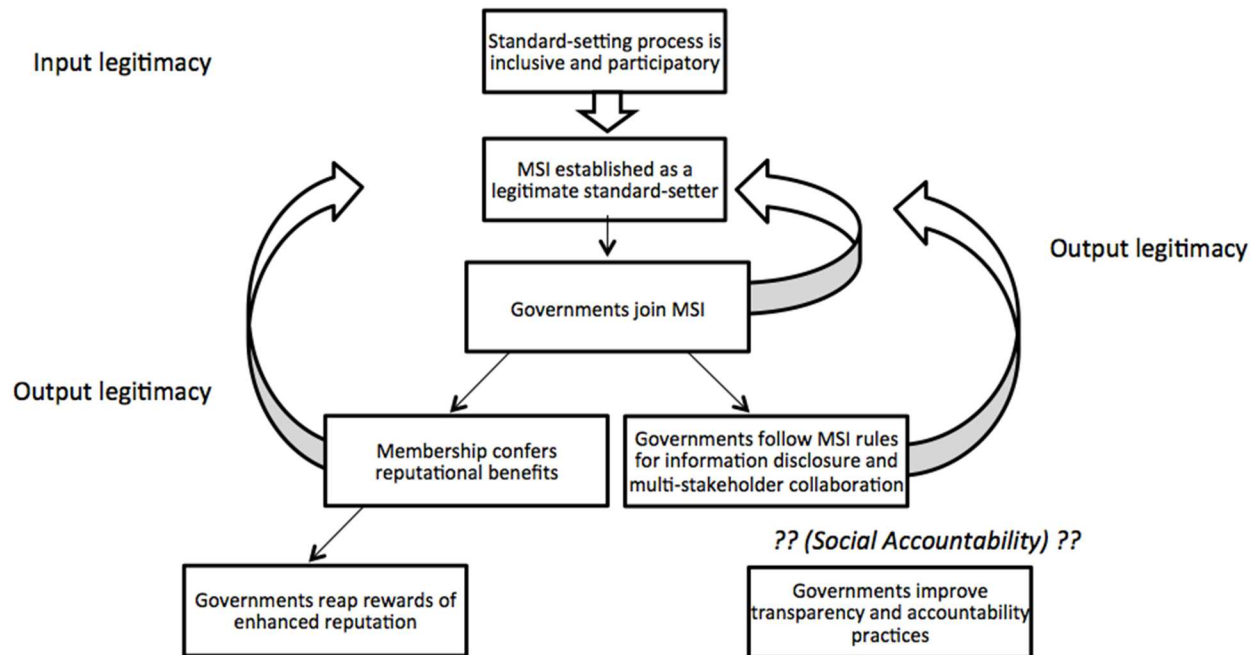


Figure 2.2. Input and output legitimacy as sources of normative soft power.

### 2.3.1.2 Global performance indicators

Another body of research that deserves special attention focuses on how global performance indicators are wielded as tools of normative soft power. Since MSIs often play a role in generating such indicators—both through their internal monitoring and certification mechanisms, and through the voluntary disclosure of information by participating actors, which can then be used by other actors to rate and rank their performance—this work is especially relevant to understanding how MSIs might produce improvements in transparency and accountability by national governments.

According to constructivist IR scholars, social pressure is one of the primary tools available to actors in the global system (see Finnemore & Sikkink, 1998; and Keck & Sikkink, 1998). Kelley & Simmons (2014) argue that government performance indicators—easily digestible ratings or rankings of government qualities, policies, or activities—are an increasingly prevalent form of social pressure, capable of influencing government policies. The production of

indicators constitutes an exercise of normative soft power, because monitoring state behavior and calculating indicators from raw data requires resources, and because the influence of these indicators depends on the status of their creator. Indicators also represent a type of informal governance, because they require no formal arrangements with the target actors in order to exert pressure on them, and can therefore become sites of contestation and regulation (see Davis et al., 2012).

Indicators that rank actors offer a particularly potent form of social pressure because they simplify reality and foster explicit comparisons that are difficult to dislodge from public discourse (see Andreas & Greenhill, 2010). For example, in a study of US efforts to pressure other countries to fight human trafficking, Kelley & Simmons (2015) find that countries are more likely to criminalize trafficking if they are included in the annual “Trafficking in Persons Report.” The authors further argue that global performance indicators are especially likely to be effective at influencing actor behavior if they are based on systematic monitoring, are comparative and quantitative, are wielded by a respected group or actor, and if they are widely disseminated.

Nevertheless, Michener (2015) argues that most global policy indexes are ontologically incompatible with a coherent analysis of actual government policies. The reason for this incompatibility is that policies have a variety of functionally interdependent provisions, some of which are indispensable for their operation (i.e., necessary, “and” conditions), while global indexes are often built on the assumption of the substitutability of all its component parts (i.e., sufficient, “or” conditions), such that each component feeds into the overall score equally. For example, some international transparency policy indexes code provisions that are fundamentally necessary for transparency to exist—like the right to information and the regular release of audit

reports—and provisions that are far less consequential—like whether the goals and objectives of funds are clear—equally. As a result, actors can score fairly well on global policy indexes, even if crucial policy provisions are missing. Michener agrees that indicators are an important new source of normative power in the global system, but suggests that they do not always measure what they are supposed to measure and, consequently, offer little useful guidance in terms of policy improvement.

The implications of this literature for the study of global public sector governance MSIs are clear: global MSIs set broad rules for multi-stakeholder collaboration and information disclosure that are widely disseminated, easily monitored, and, in some cases, quantitative and comparable across countries. These indicators of compliance allow other global actors to exert social pressure on participating governments when they fall short. However, these indicators also risk simplifying reality by ignoring the functional interdependence of government policy provisions, some of which are vastly more indispensable than others. As a result, compliance with MSI rules may not produce the types of substantive policy reform necessary to produce greater accountability. There is, of course, another option: In order to determine whether and how global MSIs might be effective, one can examine the evidence for similar social accountability interventions at the national and subnational level.

### 2.3.2 Key Insights from the Social Accountability Literature

While global MSIs intended to improve public sector governance are still relatively new, the effects of similar interventions (i.e., increased civic participation and/or transparency to improve accountability) implemented at the national and local level have been explored in depth by a variety of international development scholars and practitioners. The first wave of what would later become known as “social accountability,” “demand-driven,” or “citizen-led”

approaches to development began in the 1950s and 1960s, when the US Agency for International Development (USAID), the Ford Foundation, and other bilateral and multilateral donor agencies promoted cooperative institutions, community-based development, and decentralization. Until the end of the Cold War, however, internationally funded participatory development projects were primarily intended to compete with more radical forms of social organization feared to lead to Communist revolution, rather than to improve government accountability (for example, see Page, 1972, on the Alliance for Progress in Brazil).

While locally and nationally organized participatory development projects continued to be carried out across the globe in the intervening decades, donor interest in these types of “bottom-up” approaches fluctuated, once again finding favor in the late 1990s, as the social costs of the so-called “Washington Consensus” top-down structural adjustment model of development became clear (Mansuri & Rao, 2012, p. 3).<sup>24</sup> In the 2004 *World Development Report*, the World Bank argued that development, democracy, and empowerment were being obstructed by accountability failures. In response, a variety of social accountability projects—defined by Fox (2015, p. 246) as strategies that try to improve institutional performance by bolstering both citizen engagement and the public responsiveness of states and corporations, also known as “demand-driven” or “citizen-led” approaches—received both international funding and, consequently, the attention of social scientific researchers.

As both researchers and practitioners began taking stock of their achievements in the field, they found that the evidence for the effectiveness of social accountability interventions has been decidedly mixed (e.g., Bukenya et al., 2012; Mansuri & Rao, 2012; Gaventa & McGee, 2013). Multi-stakeholder collaboration and transparency can help to improve accountability in some cases, but the causal pathways through which these mechanisms work are highly context



dependent. First, information needs translation, aggregation, benchmarks, and simplification in order to be useful to potential users (Fung et al., 2007; Fox 2007b). Second, collective action by actors with diverse interests can be extremely difficult (Fox, 2010; Persson, Rothstein, & Teorell, 2013). Third, actors may not have adequate channels through which they can express their preferences (Bauhr, Grimes, & Herring, 2010). Essentially, the existing literature suggests that a linear causal chain between transparency and participation on one side, and accountability on the other, needs to be replaced with a more dynamic conceptualization of the links between information, citizen/consumer action, and official responses (Joshi, 2013).

#### 2.3.2.1 A mixed record

Social accountability interventions can help to improve public sector accountability in at least some cases. For example, in Uganda, Reinikka & Svensson (2011) found that making information on local allocations of a major education grant available to the public, and working to increase awareness of this information through local newspapers, helped to reduce local education budget leakages, which, in turn, produced improvements in school enrollment and test scores. However, the extent to which individual studies demonstrating successful outcomes are generalizable remains in question. For example, a similar study on public expenditure tracking in Tanzania (i.e., Sundet, 2008) found only limited impacts.

Gaventa and McGee (2013) conducted a comprehensive review of 75 transparency and accountability studies in five key public sector issue areas—service delivery, budgeting, freedom of information, natural resources governance, and aid transparency—in order to draw broad conclusions about their effectiveness and impact. They found examples of some interventions—including citizen report cards (i.e., Ravindra, 2004); social audits (i.e., Singh & Vutukuru, 2010), participatory budgeting (i.e., Goldfrank & Schneider, 2006), and budget monitoring (i.e.,

Robinson, 2006)—that appeared to generate improvements in public sector outcomes—including better delivery of services, better budget utilization, greater state responsiveness, building spaces for citizen engagement, and empowering local voices—but concluded overall that the available evidence for the effectiveness of these types of interventions is “uneven and sparse, considering the amount of attention and donor funding focused on this field” (Gaventa & McGee, 2013, p. S16). For example, a randomized controlled trial measuring the impact of a school performance information campaign in three Indian states (i.e., Bannerjee et al., 2010) found that the provision of information on public expenditures alone appears to be largely insufficient for improving accountability.

Ultimately, Gaventa & McGee (2013, p. S16) caution against drawing broad conclusions from the existing evidence base for four reasons: First, because most studies focus on only one initiative in one locality, calling into question whether these interventions generalize to other contexts. Second, because most studies focus on measuring early results of a single intervention, broader effects on governance or development are not yet known. Third, because most studies do not elaborate a clear theory of change for how transparency and civic engagement are thought to drive transparency, these assumptions have not actually been tested. Finally, because even when some studies demonstrate positive results, these findings are not corroborated—and are indeed sometimes contradicted—by other studies (e.g., public expenditure tracking in Uganda vs. Tanzania).

Gaventa and McGee are not alone in their ambivalent assessment of social accountability interventions. Bukenya, Hickey, and King (2012) reviewed 91 studies of social accountability interventions in various parts of Africa, Asia, and Latin America, and conclude that: “social accountability interventions are clearly neither a magic bullet (especially those that rely mostly

on participation in government policy processes) nor a generalized failure” (p. 13). In particular, Bukenya et al. (2012) note that these initiatives struggle to benefit the poorest and most excluded groups in society, because these groups struggle to gain access to them.

Mansuri and Rao (2012) reviewed almost 500 studies on top-down participatory development and decentralization projects and found that “on balance, greater community involvement seems to modestly improve resources sustainability and infrastructure quality,” (p. 6) but that, “the causal link between participation and service delivery outcomes is often vague,” and that, “inducing community engagement alone has little impact on outcomes” (p. 8). They conclude that, at best, multi-stakeholder collaboration can amplify the impacts of other health or education inputs. With regard to stakeholder participation as a fundamental right, Mansuri and Rao find that “there is little evidence that induced participation builds long-lasting cohesion, even at the community level” (p. 9). In other words, top-down efforts to improve public participation are unlikely to be sustainable.

#### 2.3.2.2 Thinking politically

The evidence on social accountability interventions collected thus far suggests that attempts to use information disclosure and civic participation to improve the quality of public sector governance might work in some cases, but not in others. In other words, these interventions appear to be highly context dependent. Researchers have identified a host of factors that are believed to contribute to variance in social accountability outcomes. Taken together, these factors suggest that social accountability depends on the existing incentives and capacities of both government and civil society actors, as well as the preexisting relationships between them. In other words, social accountability requires a political strategy.

Extrapolating from their examination of 70 notable studies of transparency and accountability interventions, Gaventa and McGee (2013, p. S4) divide the factors that influence outcomes into three broad groups: state responsiveness or “supply” factors—including levels of democratization and political will, as well as broader enabling legal frameworks, political incentives, and sanctions— citizen voice or “demand” factors— including the capabilities of civil society organizations to participate constructively in social accountability initiatives, the degree to which these initiatives interact with broader citizen mobilization and collective action strategies, including advocacy, litigation, electoral pressure, or protest movements, and the extent to which civil society organizations participate in the policymaking process (as opposed to only monitoring its effects)—and factors that rest at the intersection of the state-society relationship. Social accountability interventions are expected to be less effective where essential freedoms of association, voice, and media, and the rule of law are weaker, more effective when civil society is strong and broadly engaged, and somewhat dependent on existing patterns of government-civil society interaction. More broadly, existing power relationships are a key factor driving these outcomes.

Bukenya et al. (2012, p. 5) similarly identify the importance of civil society capacity and commitment and the state-society relationship in shaping social accountability outcomes. However, they are more explicit than Gaventa and McGee in identifying existing power relationships as a key factor driving these outcomes. In addition to formal political institutions, they point to the importance of informal patronage networks within the government, and existing patterns of exclusion and inequality along educational, class, ethnic, or caste lines.

Building directly on Bukenya et al. (2012)’s review of 91 social accountability studies, O’Meally (2013, p. xiii) identifies six contextual domains that influence social accountability

outcomes: 1) civil society capacity and willingness, 2) political society (i.e., elected officials, bureaucrats, and other political elites) capacity and willingness, 3) inter-elite relations that drive national politics, 4) state-society relations that comprise the social contract, 5) intra-society relations including inequality and social exclusion, and 6) global dimensions, including donor-state relations. O’Meally argues that social accountability interventions are inherently political. As a result, they are likely to face opposition from entrenched interests. These interventions are more likely to be successful when the national or local actors implementing them are perceived as authoritative, legitimate, and credible, when they promote change in both the “supply” and “demand” aspects of public governance, when the problems and issues they address are perceived as highly important and significant by the actors involved, when they support “organic” domestic pressures for change, when they build on nationally or locally legitimate formal or informal accountability mechanisms. O’Meally further notes that the quality and strength of pro-accountability networks that reach across state and society is often more important than the characteristics of individual government or civil society actors. Finally (returning us to the key characteristics of transparency and accountability mapped out in Table 2.2), O’Meally argues that access to high-quality, relevant information appears to be a key factor in the social accountability process, but that information disclosure alone is unlikely to bring about change; resultant action and/or sanctions are required as well. Indeed, interventions that address both the answerability and enforcement aspects of accountability have been found to be most effective (pp. vii-ix).

### 2.3.2.3 Challenging key assumptions

While laundry lists of sociopolitical factors like those produced by Gaventa & McGee (2013) and O’Meally (2013) are helpful for encouraging practitioners to think politically when

considering social accountability as a broad development strategy, they are less useful for considering whether and how specific social accountability strategies—like those multi-stakeholder collaboration and information disclosure practices promoted by global MSIs—are likely to produce their intended outcomes. Fortunately, scholars have attempted to unpack some of the underlying assumptions of the social accountability causal chain in order to highlight the dynamic links between information disclosure, citizen voice, and government response.

In order to tease apart why the evidence base for social accountability interventions presents such a mixed picture, Fox (2015) revisited a number of key social accountability studies included in earlier meta-analyses. He found that *strategic* interventions—iterative, multi-level, multi-actor projects that disseminate actionable information in coordination with measures that enable collective action and influence service provider incentives and/or power over resource allocation—were being conflated with *tactical* interventions—bounded projects that assume information disclosure will automatically trigger collective action, and that citizen voice is sufficient to trigger public sector responsiveness (p. 346). Fox finds that positive development impacts are far more prevalent among a subset of social accountability interventions that take a more strategic approach (p. 352). He argues that those social accountability interventions that underperformed made woefully simplistic assumptions about the relationships between transparency, citizen voice, and accountability (p. 349).

With regard to strategies utilized by global MSIs in particular, there are three key assumptions that must be revisited. First, information is assumed to empower citizens. However, Fung, Graham, and Weil (2007) point out that there are a variety of intermediate steps in the transparency action cycle. First there needs to be a bridgeable information gap. The data being released can be of higher or lower quality, and available in more or less user-friendly formats

(see Chambers et al. 2012, p.8). Second, there must be consensus metrics for evaluating a given problem. Information needs translation, aggregation, benchmarking, simplification, and communication in order to be made relevant to potential users (see Fox 2007b). This process relies on “info-mediaries” (McGee, 2013, s117), including a competitive and free media (see Kolstad and Wiig, 2009, p. 527), technology developers (see Davies, et al. 2013, p. 6), and civil society organizations (see van Zyl, 2014, p. 1). Third, newly released information must be embedded in existing decision-making processes, and information users need to have the will, capacity, and cognitive tools to improve their choices. In other words, information needs to be actionable. Even if all of these challenges are met, information may still only empower an elite sub-set of citizens who are able to access it—particularly if it is made available exclusively via modern information and communication technologies (see Gigler, 2011, p. 1).

While few studies have traced the outcomes of social accountability interventions all the way to their impact on overall government accountability, there is some evidence to suggest that increased transparency alone is not sufficient to generate accountability. For example, Bauhr, Grimes, and Herring (2010) conducted a quantitative analysis of data from the Quality of Government Institute and found that increases in government transparency only produced greater civic engagement in countries with relatively low corruption. For countries with more prevalent corruption, greater transparency was more likely to lead to resignation than demands for greater accountability. (Kolstad & Wiig, 2009, note that transparency actually has the potential to reveal to unscrupulous actors how best to direct their bribes.) Additionally, in a review of eight case studies of national efforts to improve transparency in the budgeting process, Khagram et al. (2013, p. 4) found that increases in the public availability of fiscal information did not generate improvements in government service delivery or responsiveness. And Carlitz (2013) found that

for increased budget transparency to actually improve the budgeting processes, it had to be accompanied by horizontal and vertical alliances between stakeholders, integration into a legal framework, and international support.

A second key social accountability assumption especially relevant to MSIs that must be revisited is that, once empowered by information, the citizenry is capable of collective action. Yet, civil society is divided into north and south, environmentalists and labor, academics and church groups, well-funded NGOs, and indigenous groups. Collective action by actors with diverse interests can be quite difficult. Fox (2010, p. 486-487) draws a distinction between networks—where independent actors need only share similar broad goals—and coalitions—where independent actors engage in coordinated, joint action. Unlike networks, which facilitate exchanges of information, experiences, and expressions of solidarity, coalitions require shared targets, clear terms of engagement, mutual trust, and, in many cases, cross-cultural interlocutors. Coalitions, particularly at the transnational level, are “long-term investments with uncertain payoffs” (p. 490).

Additionally, collective action may be most difficult in the places with the most serious accountability failures. Persson, Rothstein, and Teorell (2013) argue that systemic corruption is better conceptualized as a collective action problem than as a principal-agent problem. Since both “principals” and “agents” in any given national or local context are, in fact, rational actors, the rewards for engaging in a corrupt system depend on how many other individuals in the same society are expected to be corrupt. Insofar as corruption is the expected behavior, a rational actor will choose corrupt actions, so as not to disproportionately bear the costs of following the rules (pp. 456-457).



Finally, a third social accountability assumption especially relevant to MSIs is that citizen voice is—by itself—an effective channel for changing the incentives of public sector actors, and for gaining greater influence over public resource allocation. Yet, the evidence suggests that citizen voice, in the absence of any links to existing institutional power and decision-making structures within government, is unlikely to produce improved accountability outcomes (e.g., Fung et al., 2007; Bukenya et al., 2012; O’Meally, 2013; Fox, 2015).

Fox (2015, pp. 352-353) proposes that assessments of “voice”—that is, the capacity of citizens to provide direct feedback to service providers or policymakers—should be accompanied by assessments of “teeth”—the capacity of government officials to respond to this feedback. For example, Peixoto and Fox (2016) reviewed 23 information and communication technology (ICT) platforms intended to give citizens new tools for projecting their voice and improving service delivery. They found that while these platforms have helped to increase service provider capacity to respond to citizen feedback, they have not increased their willingness to do so. Indeed, Kosack and Fung (2014, p. 76) argue that the willingness of providers, policymakers, and politicians to engage in reform is a key component of the social accountability causal chain. When there is competition between service providers, individual providers are far more likely to respond constructively to feedback by improving service delivery. However, since there is usually no competition for public services, short route accountability interventions rely on the willingness of government bureaucrats to change their practices, while long route accountability interventions rely on the willingness of elected officials to mandate reforms.

Fox (2015) argues that “voice” and “teeth” are most effective when deployed together. For example, in an influential study on citizen voice, Olken (2007) found that community

monitoring of public works projects in Indonesia was ineffective at reducing leakage, compared to top-down government auditing. However, Fox (2015) re-contextualizes Olken's findings to show that the two approaches were synergistic rather than oppositional. In reality, findings from the government audits were disseminated at community meetings and it was the threat of community responses to these results, rather than any official penalties, that produced reductions in corruption. Moreover, these communities were already mobilized by a participatory rural development program, prior to the beginning of the central audit vs. community monitoring field study. Voice produced teeth, which, in turn, produced more voice.

Unpacking these assumptions demonstrates that a linear model of the social accountability causal chain—whereby transparency and participation lead to accountability—needs to be replaced with more dynamic approaches. For example, Joshi (2013) identifies three key components of the social accountability process—information, citizen action, and official response—and breaks them into their possible content, processes, and contextual assumptions. Alternatively, Kosack & Fung (2014) identify five “worlds” in which social accountability interventions might operate, based on the presence or absence of competition between providers, the willingness of providers and policymakers to engage in reform, and whether the type of information on offer allows users able to respond as individual beneficiaries, through the short route to accountability, or only through the longer route, as self-governing citizens. These newer approaches emphasize that the usefulness of information, the interests and capacities of civil society, and the willingness of government actors to engage in reform should not be taken for granted. Moreover, within each individual sociopolitical context, these components are likely to be mutually constitutive, such that the characteristics of one will influence the other two.

The implications of the existing literature on social accountability interventions for the study of global public sector governance MSIs are clear: The record for similar types of interventions at the national and local level is mixed. Outcomes depend heavily on sociopolitical context, particularly the extent to which existing power dynamics are taken into consideration. Neither increased transparency nor increased opportunities for citizen voice automatically trigger improvements in government accountability. Instead, these tactics must be embedded within a broader, national change strategy and linked to existing government accountability institutions. In other words, government compliance with global standards for multi-stakeholder participation and information disclosure is likely to be the beginning of efforts to improve accountability, rather than the end.

#### 2.4 Good Governance Facades

Public sector governance MSIs use the prospect of an enhanced global reputation (potentially increasing future opportunities for foreign aid and investment) to persuade national governments to comply with their rules for multi-stakeholder collaboration and information disclosure. Over time, participating governments are expected to internalize more transparent and accountable governance practices. Yet, since these rules are intentionally minimal to encourage ongoing engagement, it is also possible that these initiatives are being used to bolster the legitimacy of national regimes that remain fundamentally closed and undemocratic.

To date, there has been little research exploring whether global public sector governance MSIs allow participating governments to project a public image of transparency and accountability, while maintaining questionable practices in these areas (i.e., openwashing). Yet, recent research on state corruption suggests that joining these types of initiatives would, in fact, represent an attractive strategy for corrupt government officials seeking to construct a “good

governance facade” to deliberately mislead international observers and national stakeholders. These types of facades have already been shown to pose a risk to private sector MSIs. For example, in 2011, the international human rights NGO Global Witness withdrew from the Kimberley Process—a global MSI established in 2003 to stop the trade of conflict diamonds. Global Witness, a founding member of the Kimberley Process, argued that mines in Côte d’Ivoire, Venezuela, and Zimbabwe were being certified as “conflict free,” despite ongoing human rights abuses in the mining areas (Leggett, 2011, December 5).

Moene & Søreide (2015) use formal modeling to demonstrate that corrupt government officials seeking to divert public income into their own pockets can use nominally beneficial good governance reforms—those that focus on establishing new policies and institutions (i.e., process), rather than on actual government performance (i.e., outcomes)—to reduce public scrutiny on their activities, noting that “politicians with a grabbing hand favor reforms that are evaluated by procedures not by results” (p. 68). Global public sector governance MSIs neatly fit this description: they seek to establish new information disclosure policies, and multi-stakeholder steering committees, but do not directly address government performance.

Additionally, since good governance reforms are expected to increase international aid and investment, Moene & Søreide’s (2015) formal model also predicts that a corrupt government might actually enact *more* good governance policies and institutions, than would a benevolent government, because these reforms increase the total amount of national income from which to steal (p. 52). This risk of attracting corrupt regimes certainly applies to global public sector governance MSIs, where participating governments are given the opportunity to secure additional international funding and investment.

Finally, Moene & Søreide (p. 56) note that the risk for corruption is particularly pronounced in sectors characterized by large investment, wide discretion, and a need for significant government intervention. Consequently, the authors hypothesize that good governance facades are likely to be particularly pronounced in infrastructure provision, social development programs, and anti-corruption agencies; all areas commonly addressed by public sector governance MSIs. In sum, while there is currently no concrete evidence that global public sector governance MSIs are being used for openwashing, their rules for membership, potential benefits, and specific areas of focus all suggest that these initiatives would be especially attractive to regimes seeking to mislead the public about their commitment to real reform.

## 2.5 Conclusion

Global multi-stakeholder initiatives address problems in relationships between citizens, as principals, and national governments, as their agents, in two ways. First, they use non-binding modes of participation—in particular, voluntary information disclosure—to regulate the behavior of actors. Second, they seek to share decision-making, monitoring, and other responsibilities among a variety of actors—including civil society groups and private firms—and across a variety of political levels—including transnational, national, and local actors. However, a review of both the IR literature on global MSIs, and the literature on social accountability interventions at the national and subnational level, suggests that public sector governance MSI only directly address two of three possible principal-agent relationship failures at the national level.

Principal-agent relationships can break down in three ways: First, principals can lack enough information about the behavior of agents to determine if their interests are being met. Second, agents can lack information about the true preferences of principals, or receive incoherent instructions. Third, principals can have limited means or opportunity to correct agent

behavior. Voluntary information disclosure by national governments is thought to address problems of information. Multi-stakeholder collaboration (and other MSI mechanisms for facilitating citizen voice) is thought to address problems of communication. However, public sector governance MSIs only partially address problems of power.

The international relations literature suggests that public sector governance MSIs rely on normative soft power—generated by their legitimacy as inclusive, participatory global standard setters—to sway national governments to comply with rules for transparency and multi-stakeholder participation. However, the social accountability literature suggests that compliance is only the beginning. The rules for national government membership in global public sector governance MSIs do little to directly address problems of power at the national level. Instead, national or local actors are expected to use MSI transparency and participation outputs to exert social pressure on participating governments to improve public services or become otherwise more accountable to its citizens. In other words, at the national level, global MSIs only provide tools for other actors to wield.

However, the social accountability literature also suggests that wielding these tools successfully is easier said than done. First, information disclosure does not automatically empower citizens. It requires translation, aggregation, benchmarking, simplification, and communication in order to be useful to potential users. Second, collective action by actors with diverse interests can be extremely difficult, particular when public sector accountability is already lacking. Third, citizen voice is not an effective channel for changing the incentives of public sector actors or for gaining greater influence over public resource allocation, unless it is linked to existing government accountability institutions.

The literature reviewed in this chapter has three broad implications for the current research. First, if global MSIs rely on their legitimacy as inclusive, participatory standard setters as a key source of normative soft power, those initiatives with stronger multi-stakeholder governance practices (at both the transnational and national level) should be expected to produce greater compliance by national governments. Second, public sector governance MSIs are more likely to be effective at facilitating increases in transparency by national governments— which would be indicative of compliance—than increases in accountability—which would require significantly greater alignment between the utility of newly disclosed information, the interests and capacities of civil society, and the willingness of government actors to engage in reform. Third, the theoretical gap between those factors identified as driving MSI compliance (i.e., input and output legitimacy) and those factors identified as driving national reform (i.e., information quality and relevance, salience of and opportunity for collective action, and government incentives for reform), suggests that there is ample opportunity for national governments to use their participation in global MSIs to openwash, by constructing a good governance facade where new institutions and policies fail to generate substantive reform.

## CHAPTER 3

### METHODS

The objectives of this research project are to determine whether and how global public sector governance MSIs lead to improvements in proactive transparency (i.e., discretionary release of government data), demand-driven transparency (i.e., reforms that increase public access to government information upon request), and accountability (i.e., the extent to which government officials are compelled to publicly explain their actions and/or face penalties or sanction for them), and to investigate the extent to which these MSIs provide participating governments with an opportunity to project a public image of transparency and accountability, while maintaining questionable practices in these areas (i.e., openwashing). These questions are driven by both theoretical and practical concerns: Global governance scholars have identified the question of “how” actors work together within MSIs as a key area of middle-range theory in need of greater refinement (e.g., Fransen & Kolk, 2007; Fortin, 2013). Simultaneously, good governance practitioners have called for more attention to be paid to the external validity of research studies intended to evaluate the effectiveness of interventions, especially those characterized by numerous pathways and feedback loops connecting inputs, actions and outcomes (i.e., high causal density), multiple causal pathways to the same outcome (i.e., equifinality), and an underdeveloped theory of change (see Woolcock, 2013). Global MSIs—which presume to operate at multiple political levels across several sectors of society—most certainly belong to this category of intervention. The effectiveness of such interventions is of pressing practical concern, not only for MSI Boards and Secretariats, but also for the international donors that fund them, as well as pro-reform actors in both government and civil society that invest their limited time, energy, and political capital in this approach.



To fully address this research question, I employed three distinct, but complementary, analytical methods: a comprehensive literature review, nine within-case studies, and a qualitative comparative analysis. The comprehensive literature review helps to establish the general parameters of the study, i.e., what are global MSIs purported to have accomplished across all participating countries, and how? The case studies provide in-depth explorations of how MSI implementation proceeds at the national level, serving both to validate the findings from the literature review and provide additional precision. Finally, the comparative analysis seeks to provide more generalizable conclusions about how global MSIs contribute to national transparency and accountability outcomes.

During Stage 1, I collected and reviewed 253 documents on the effectiveness (i.e., the extent to which these MSIs have helped to change government policy or facilitate public debate in participating countries) and impact (i.e., the extent to which these debates and policy changes have had measurable effects on the social, economic, or environmental conditions within or across participating countries) of the Extractive Industries Transparency Initiative (EITI), the Construction Sector Transparency Initiative (CoST), and the Open Government Partnership (OGP), and interviewed 27 international and national MSI stakeholders about their experiences working with these initiatives. These documents and interviews were used to draw conclusions about the overall record of transparency and accountability outcomes for each MSI, and to identify seven key factors (in addition to openwashing) thought to be driving variation in these outcomes.

During Stage 2, I conducted field research in Tanzania, the Philippines, and Guatemala, consisting of participant observation at three MSI meetings, 48 semi-structured interviews with international and national stakeholders, and a desk review of an additional 42 documents. When

data collection was complete, within-case process tracing was completed for all nine cases of national MSI implementation in order to assess MSI outcomes, investigate causal mechanisms believed to be at work, and examine the evidence for openwashing. These countries represent “most likely cases” where MSIs might be expected to have the greatest likelihood of contributing to improved transparency and accountability. The absence of such reforms would cast strong doubt on MSIs as effective tools for improving public governance.

Finally, during Stage 3, I conducted a fuzzy-set qualitative comparative analysis (fsQCA) (see Ragin 2000; 2008) of these nine cases, in order to explore set relations between seven hypothesized causal conditions—regular, independent performance evaluation; multi-stakeholder power-sharing; visible political support, bureaucratic expertise and authority; civil society involvement; civil society capacity; and prior political crisis—and three outcome conditions—proactive transparency; demand-driven transparency; and accountability. By comparing the effects of several generalizable causal factors across nine cases of MSI implementation, I sought to draw broader conclusions about which factors, or sets of factors, appear to be key for facilitating transparency and accountability outcomes across a variety of global initiatives, and within a diversity of national contexts (see Figure 3.1).

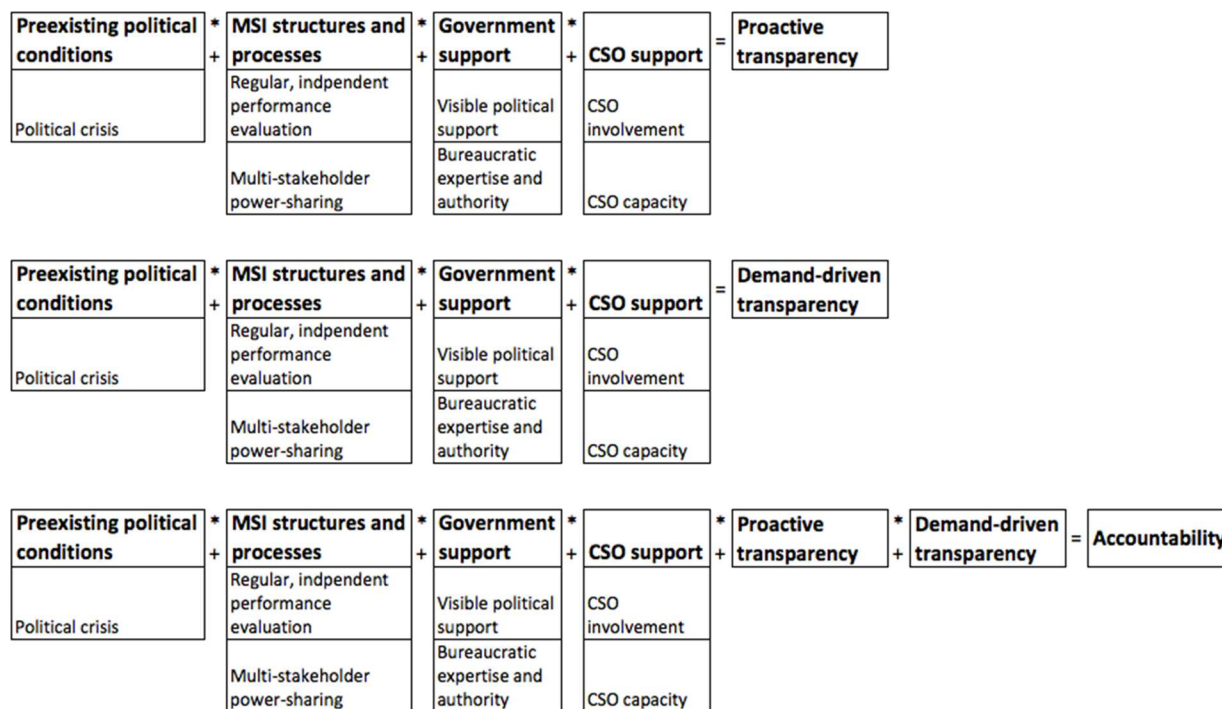


Figure 3.1. In a fuzzy set qualitative comparative analysis (fsQCA) of nine cases of MSI implementation, set relations between seven hypothesized causal conditions and three outcome conditions are explored.

Ultimately, the purpose of this research is to begin building a middle-range theory of global public sector governance MSI effectiveness. Middle-range theories are intended to provide explanatory and predictive power within a limited phenomenological scope. Since middle-range theories do not attempt to cover an exceedingly broad class of social or political phenomenon (e.g., all non-binding institutions of global governance; all national open government reforms), they are able to provide rich and differentiated depictions of events that are especially suitable for generating discriminating, contingent explanations and policy recommendations (see George & Bennett, 2005, p. 8; p. 266).

### 3.1 Case Selection

Three public sector governance MSIs—the Construction Sector Transparency Initiative (CoST), the Extractive Industries Transparency Initiative (EITI), and the Open Government Partnership (OGP)—were selected for inclusion in the comprehensive literature review. Three

countries with membership in all three MSIs—Guatemala, the Philippines, and Tanzania—were selected for inclusion in the within-case and comparative analyses, for a total of nine cases of national MSI implementation.

### 3.1.1 MSI Case Selection

I began this research by selecting three global public sector governance MSIs—the Construction Sector Transparency Initiative (CoST) (<http://www.constructiontransparency.org>), the Extractive Industries Transparency Initiative (EITI) (<https://eiti.org>), and the Open Government Partnership (OGP) (<http://www.opengovpartnership.org>)—for inclusion in the study. These cases were selected from among a small, but growing, set of public governance-oriented global MSIs that also includes the Global Initiative for Fiscal Transparency (GIFT) (<http://www.fiscaltransparency.net>), the Global Partnership for Social Accountability (GPSA) (<http://www.thegpsa.org/>), the International Aid Transparency Initiative (IATI) (<http://www.aidtransparency.net>), the Medicine Transparency Alliance (MeTA) (<http://www.medicinestransparency.org>), and the Open Contracting Partnership (OCP) (<http://www.open-contracting.org>). While there is currently no commonly accepted definition for global public sector governance multi-stakeholder initiatives, nor is there a common index of these entities, what all of these initiatives have in common is their global reach, their reliance on nonbinding modes of participation, and their strategic focus on transparency and accountability in the public sector.<sup>25</sup>

CoST, EITI, and OGP were selected from this among group because they are three of only five public sector governance MSIs (along with MeTA and IATI) to have been operational at the national level for three years or longer. The first cohort of governments joined EITI in 2003, both IATI and the CoST pilot began in 2008, the MeTA pilot began in 2009, and OGP was

launched in 2011. Since global MSIs operate at multiple political levels across several sectors of society, and rely on potentially complex causal pathways to achieve national outcomes, these initiatives likely take several years to begin generating outcomes. Consequently, only these five cases could be expected to provide a reasonably fair test of whether and how MSIs help to improve transparency and accountability by national governments.

MeTA and IATI were ultimately excluded because neither initiative requires participating governments to agree to independent performance evaluation in target areas. Independent review, as opposed to self-reporting, ensures at least basic compliance with MSI rules. Without such compliance, there can be no reasonable expectation that MSIs might contribute to improved national governance. As such, this criterion ensures a fair test of each MSI's capacity to drive change. Nevertheless, this selection criterion also serves to narrow the possible causal pathways by which public sector governance MSIs might drive change by assuming that independent performance evaluation is a key component of that process. While this criterion helps to ensure greater comparability between the three MSIs that were selected, it may also reduce the external validity of the research findings somewhat, at least with regard to MSIs that rely solely on government self-reporting.

In sum, CoST, EITI, and OGP are generally well matched for comparison on six characteristics. First, all three initiatives have member countries from across the globe. Second, all three rely on non-binding modes of participation, rather than international law. Third, all three initiatives work to increase transparency and accountability. Fourth, all three had been operational for a minimum of three years at the beginning of the study period. Fifth, all three have formal and independent multi-stakeholder governance, with representatives from national governments, civil society organizations, and the private sector maintaining the governance of

CoST and EITI, and representatives from government and civil society maintaining the governance OGP. Finally, all three initiatives require independent evaluation of national government performance (see Table 3.1).

Table 3.1. Shared Characteristics of Global Public Sector MSIs

	Global reach	Nonbinding participation	Strategic T/A focus	Operational at the national level for 3 years	Formal, independent multi-stakeholder governance	Independent evaluation of national government performance
<b>CoST</b>	☐	☐	☐	☐	☐	☐
<b>EITI</b>	☐	☐	☐	☐	☐	☐
GIFT	☐	☐	☐			
GPSA	☐	☐	☐		*	*
IATI	☐	☐	☐	☐	☐	
MeTA	☐	☐	☐	☐	*	
<b>OGP</b>	☐	☐	☐	☐	☐	☐
OCP	☐	☐	☐			

\* = Unclear

Yet, while there are significant similarities between these cases, there are also important differences. First, EITI and CoST focus on improving public governance in particular industries—mining, oil and gas in the case of the former, construction in the case of the latter. OGP has a broader scope, covering everything from fiscal transparency and open contracting, to service delivery and corporate social responsibility. Second, these initiatives differ in size. As of July 2016, fifteen countries have joined CoST, 51 countries have joined EITI, and 70 countries have joined OGP (see Appendix A). Finally, these initiatives have not been operational for the same length of time. While EITI has had over a decade to begin producing results in some countries, CoST experienced a notable gap between the original pilot phase (2008-2010) and re-launch as a global initiative (2012-present), while OGP’s founding countries only began implementation in late 2011.

To the extent that these differences generate cross-case variation on key MSI-level variables hypothesized to drive outcomes, they can be considered a strength of the case selection

design. For example, differences in scope may produce variation in breadth of interest from civil society, the extent to which civil society organizations possess sufficient technical and financial capacity to participate, and the extent to which government staff are able to bring relevant bureaucratic expertise and authority to bear on their implementation. Similarly, if the size of MSIs does indeed serve as a proxy for legitimacy, size differences may influence the extent to which MSIs are able to exert normative soft power over national governments (i.e., with EITI and OGP possessing more soft power than the much smaller CoST initiative), driving variation in compliance with the rules for both regular, independent performance evaluation, and multi-stakeholder power-sharing.

However, differences in scope, size, and implementation time may also produce unique variation in transparency and accountability outcomes that is not attributable to MSI structures or processes. These differences are a key reason why comparisons *between* MSI cases are augmented with three in-depth studies of national implementation *within* each MSI. Within-case studies add additional precision on how each individual MSI might facilitate transparency and accountability within its own boundaries of scope, size, and implementation time, while the subsequent comparative analysis helps to build a middle-range theory of global public sector governance MSI effectiveness.

### 3.1.2 Country Case Selection

Following completion of the comprehensive literature review, I selected three countries—Guatemala, the Philippines, and Tanzania—for inclusion in the within-case and qualitative comparative analyses. Based on practical considerations of funding and time, I decided to select country cases that would provide the most opportunities for within-case analysis of national MSI implementation, and the largest N for comparative analysis: those

countries participating in all three public sector governance MSIs. In order to explore whether and how MSI implementation drives transparency and accountability, a further criterion for selection was also required: that each country had produced at least one MSI progress report (e.g., EITI reconciliation reports, CoST Assurance reports, OGP IRM reports). This additional criterion ensures a fair test of each MSI's capacity to drive change, because the production of such reports is indicative of at least basic compliance with MSI rules. Without compliance, there can be no reasonable expectation that MSIs contribute to improved national governance. (As with the MSI case selection process described in the previous section, this additional country case selection criterion serves to narrow the possible causal pathways through which public sector governance MSIs are presumed to operate.) Seven countries—Guatemala, Honduras, Malawi, the Philippines, Tanzania, Ukraine, and the United Kingdom—currently participate in all three initiatives (see Appendix A). However, at the time of the country case selection, only three—Guatemala, the Philippines, and Tanzania—had produced progress reports for all three initiatives.

Guatemala, the Philippines, and Tanzania are reasonably well matched for comparison, in that all three are developing countries (i.e., Human Development Index scores are low to medium, between .52 and .67), recent democracies (i.e., Guatemala's civil war ended in 1996, the Philippines emerged from the Marcos dictatorship in 1987, and Tanzania adopted multi-party democracy in 1992), and located in the global south (i.e., Central America, Southeast Asia, and Africa, respectively). Nevertheless, their geographical, historical, and cultural diversity also provide a robust opportunity to trace similar processes of change (i.e., MSI-facilitated governance reform) across diverse national contexts. Most importantly, all three can be considered “most likely cases” (i.e., Eckstein, 1975), where MSIs might be expected to have the



greatest likelihood of contributing to improved transparency and accountability. Because successive national governments that have agreed to implement all three MSIs (rather than one or two), they would appear to be highly committed to this particular institutional change strategy. Accordingly, one should expect to find more change in such cases. As “most likely cases,” the absence of such reforms would cast strong doubt on MSIs as effective tools for improving public governance. Simultaneously, if MSI participation also offers national governments a low-cost strategy for improving their reputation, these countries also present the greatest opportunity for openwashing by national governments. The presence of openwashing in “most likely cases” would suggest that public sector governance MSIs are frequently used by national governments to distract from ongoing governance deficits.

### 3.1.3 Limitations of the Case Section Procedure

In social scientific research, defining the cases of interest is logically prior to defining the population, or relevant variables for study (i.e., Ragin, 1992). This research is focused squarely on cases of national implementation of global public sector governance MSIs. Since case selection was purposefully limited to countries participating in MSIs (as opposed to comparing member countries to matched, non-member countries), the inferences drawn from the qualitative comparative analysis should be understood as contributing predominately to middle-range theory. In other words, this research seeks to explore whether and how MSIs serve as a catalyst for change in participating countries, but does not address why some countries join MSIs and others do not, or whether similar countries that did not join MSIs are capable of achieving similar outcomes through alternative means.<sup>26</sup>

Nevertheless, middle-range theories have several benefits. First, because they specify particular conjunctions of events or variables, they are useful for capturing complex causation.

Second, they also allow for explorations of equifinality. Third, they are sensitive to the importance of change over time. Fourth, by focusing on specific types of cases, they allow the researcher to set aside cells of the property space that are empty, theoretically unlikely, unsurprising, or over-determined. Fifth, middle-range theories help to define the universe of cases that can be productively compared (see Bennett & Elman, 2006, pp. 465-468).

While there is always some tradeoff between portability and specificity in research design, the qualitative comparative analysis conducted here is believed to be externally valid within the broader universe of MSI-implementing countries for two reasons: First, case selection reflects the representative variation of public sector governance MSI cases by including cases of CoST, EITI, and OGP implementation, and by reflecting regional variation in country cases within each MSI. Second, the comparative analysis builds on general (as opposed to case-specific) causal mechanisms that were selected for inclusion based on their relevance to existing theory and evidence (see Section 3.3 for details).

### 3.2 Defining Key Concepts

In order to maintain reliability and internal validity, definitions of proactive transparency (i.e., the discretionary release of government data), demand driven transparency (i.e., reforms that increase public access to government information upon request), and accountability (i.e., the extent to which government officials are compelled to publicly explain their actions and/or face penalties or sanction for them) were applied consistently across Stage 1 (i.e., the comprehensive literature review), Stage 2 (i.e., the within-case studies), and Stage 3 (i.e., the qualitative comparative analysis) of the research project. In Stage 2, openwashing was explored via proxy measures: Notable discrepancies between government actions and MSI principles were examined in combination with each government's record of transparency and accountability gains.

### 3.2.1 Transparency

Across all stages of this research, transparency outcomes are broadly defined to include all information disclosed by national governments that can be linked to transnational public sector governance MSI processes. However, transparency can occur via two different pathways. “Proactive dissemination” occurs when an individual or institution releases information about its activities and performance to the public. “Demand-driven access” occurs when individuals or institutions respond to requests for specific kinds of information or documents which otherwise would not have been accessible. Fox (2007b, p. 665) argues that improvements in demand-driven access to information are more likely to produce the information necessary for interested parties to pursue strategies of change. Improvements to proactive disclosure can also be valuable, but ultimately allow the government to maintain discretion over what information is released to the public.

In Stages 1 and 2, transparency outcomes were assessed for the extent to which they reflect proactive or demand-driven disclosure. Proactive transparency is defined as the discretionary release of government data. For example, information released to meet the basic requirements of MSI participation, or commitments designed solely by national government staff would be considered proactive dissemination. Demand-driven transparency is defined as reforms that increase public access to government information upon request. For example, passage of freedom of information legislation or successful innovations in disclosure driven by national multi-stakeholder group discussions would be considered demand-driven transparency.

In Stage 2 (i.e., the within-case studies) the quality of transparency outcomes could be assessed in greater detail. Fox (2007b) describes two “faces” of transparency—one opaque and one clear. “Opaque” transparency refers to the dissemination of information that reveals very little about how individuals or institutions make decisions, or the results of their actions. The

term also refers to information that is disclosed, but turns out to be unreliable or inaccurate. Conversely, “clear” transparency “sheds light on institutional behavior, which permits interested parties (such as policy makers, opinion makers, and program participants) to pursue strategies of constructive change” (p. 667). In Stage 2, transparency outcomes were further assessed for opacity/clarity. For example, the release of aggregated national extractive revenues or infrastructure costs would be considered opaque compared to the release of similar data disaggregated by region or project. These two dimensions (i.e., proactive/demand-driven; opaque/clear) also informed the coding of two transparency outcome conditions in Stage 3 (i.e., qualitative comparative analysis) (see Section 3.5.2).

In Stage 3, (i.e., the comparative analysis), the fuzzy membership set PTRAN is defined as a set of cases where MSIs facilitate reforms that increase the amount of relevant information that is proactively released by the government. DTRAN is defined as a set of cases where MSIs facilitated reforms that increase public access to government information upon request (see Section 3.5.2). Distinguishing between memberships in these sets is important for two reasons. First, MSIs can contribute to improvements in proactive transparency without contributing to improvements in demand-driven transparency, and vice versa. Second, set relations between transparency and accountability may depend on which type of transparency is meant, such that demand-driven transparency is hypothesized to have a more direct causal link to accountability (Fox, 2007b).

There are subtle differences between MSIs that may influence membership in both sets. For example, while proactive information disclosure is a key element in theories of change for both EITI and CoST, broadening access to information is one of OGP’s four core values. Nevertheless, membership in both sets is also likely to be driven by national context, such that

countries implementing OGP often make commitments to proactive transparency (e.g., posting government datasets online). Similarly, national CoST or EITI steering committees could work to improve demand-driven access to construction or extractive sector information.

### 3.2.2 Accountability

Across all stages of this research, accountability outcomes are broadly defined as the extent to which MSI processes and outputs facilitate greater answerability by national government officials, or through which, the capacity for publicly sanctioning national government officials is increased. There are two, somewhat different, components included in this definition of accountability: answerability and the possibility of sanctions (Fox, 2007b, p. 668). Answerability refers to the extent to which individuals or institutions have to explain themselves. This “soft” form of accountability can often be achieved simply via dissemination of reliable, accurate information about individual or institutional behavior (i.e., “clear” transparency). Sanctions go further, in that they suggest the capacity to punish individuals or institutions for the consequences of their decisions. This form of “hard” accountability often requires more than increased transparency. It depends on the existence of “teeth” within the national government—including the possibility of project cancellations, policy reforms, staff terminations, and even legal indictments—as well as civil society’s capacity to demand that these government institutions perform their intended function (see also, Fox, 2015). Given the voluntary nature of public sector governance MSIs, “hard” accountability outcomes cannot be achieved without significant investment in MSI processes across a variety of government (i.e., auditors, courts) and civil society (i.e., analysts, media, and advocacy) actors.

Given that global MSIs are still relatively new contributors to public sector governance reform, I decided to cast a wide net by capturing evidence for both “soft” and “hard”

accountability within a single analytical construct. In Stages 1 and 2, evidence for “soft” accountability outcomes would include government officials organizing or attending public forums (i.e., not invitation-only multi-stakeholder group meetings) to discuss the implications of recently disclosed data for government decision-making processes, or efforts to link key findings to existing legislative or executive branch decision-making processes. Evidence for “hard” accountability outcomes would include government entities (especially those tasked with oversight, e.g., the legislature, auditor, or comptroller) responding to demands by civil society organizations or other government officials with either reforms or sanctions.

While in Stage 1 (i.e., the comprehensive literature review), there was no way to control for the fact that differences in answerability and sanctions could be due to substantive differences in the underlying inefficiencies or transgressions being exposed (e.g., if the construction sector is more problematic than in extractive sector), in Stage 2 (i.e., the within-case studies), the deeper level of case-specific knowledge acquired increased my confidence that any such variation in the need for accountability can be factored into assessments about the robustness of accountability outcomes in each case. What this meant for Stage 3 (i.e., qualitative comparative analysis) is that accountability scores for each case were based on case-specific knowledge about accountability demand, rather than any assumption that demand is equal across cases.

In Stage 3, (i.e., the comparative analysis), the fuzzy membership set ACCT is defined as a set of cases where MSIs facilitated public discussion of (non-transparency related) governance deficits (i.e., in national media, civil society publications, or other forums) that compelled government officials to publicly explain or modify related policies (i.e., “soft accountability”), and strengthened national mechanisms with the power to sanction (i.e., “hard accountability”) (see Section 3.5.2). This is a purposefully broad membership set in order to account for

differences across countries—including specific national goals and years of MSI membership—and MSIs—including initiative age and specificity of goals. While positioning answerability and sanctions along a continuum (as opposed to treating them as separate analytical constructs) does make assumptions about how the public sector reform process works, a single, broad analytical construct was useful for capturing diverse examples of both “soft” and “hard” accountability, given that the specific type of accountability gains that should be expected remained largely unknown at the outset of this research.

Three other components of this definition are also particularly noteworthy, in that they help to clarify how membership in this set is defined. First, accountability is understood as government answerability following *public* discussion of MSI outputs (e.g., in national media, civil society publications, or other forums). This helps to distinguish answerability to the public from answerability to members of the national multi-stakeholder group only, which often takes place behind closed doors. Second, since transparency outcome conditions have been defined separately, membership in the accountability set is defined by public discussion of, and government response to, *non-transparency related* governance deficits, i.e., deficits in how the government runs, not what it discloses. For example, if a public interest group were to complain about the quality of information in an EITI report and the government were to improve the process for information sharing, leading to better EITI reports, that would influence membership in PTRAN, but not in ACCT. However, if a public interest group were to use an EITI report to critique the current fiscal regime governing the extractive sector, and the government were to respond by modifying the contracting process, that would influence membership in ACCT, but not PTRAN. In other words, transparency outcomes are assumed to be logically prior to accountability outcomes. Finally, since public sector governance MSIs are voluntary initiatives,

they have no legal authority to sanction public officials (i.e., they cannot directly improve “hard accountability”). Nevertheless, MSI activities and outputs are expected to strengthen existing national mechanisms that do have the power to sanction (e.g., the Auditor General or Comptroller).

### 3.2.3 Openwashing

The term “openwashing” is used to describe efforts by organizations to present a public image of transparency and accountability, while maintaining questionable practices in these areas. To the best of my knowledge, this research is the first to directly test the hypothesis that global MSIs are vulnerable to openwashing by directly examining cases of national MSI implementation for evidence of the practice. Power discrepancies among stakeholders suggest that private and government sector actors have considerable advantages in both resources and capacity compared to the civil society actors that are expected to monitor and shape their behavior (Bäckstrand, 2006; Buse & Harmer, 2007; Böstrom & Garsten, 2008). Openwashing occurs when governments take advantage of these discrepancies.

Openwashing implies that government sponsors of MSI membership are not sincere in their desire for reform. Consequently, incontrovertible evidence of the practice would require intimate knowledge about the intent of key actors that may prove difficult to obtain. Indeed, openwashing is not explored as part of Stage 1 (i.e., the comprehensive literature review) because detecting its presence requires in-depth knowledge of specific cases. Nevertheless, in Stage 2, I examine notable discrepancies between national government actions (or non-actions) since joining the MSI and the core values or principles that MSI members ostensibly endorse upon joining, combined with each government’s record on transparency and accountability gains, as a proxy for openwashing (see Table 3.2). In cases where there are notable discrepancies



between actions and MSI principles, but also notable gains in transparency and/or accountability, I interpret these discrepancies as normal intra-governmental contestations over whether and how to proceed with reform. However, in cases where there are both notable discrepancies between government actions and MSI principles, and a lack of transparency or accountability gains, I conclude that the government had, in fact, joined the MSI for the purposes of openwashing.

Table 3.2. Proxy method used to identify clear-cut cases of openwashing

	<b>Notable discrepancies between government actions and MSI principles</b>	<b>No notable discrepancies between government actions and MSI principles</b>
<b>Notable transparency and/or accountability gains</b>	Intra-governmental contestations over the course and speed of public sector governance reform	Commitment to MSI path for public sector governance reform aligned with adequate capacity for implementation
<b>No notable transparency and/or accountability gains</b>	OPENWASHING	Commitment to MSI path for public sector governance reform, but weak capacity for implementation

### 3.3 Unpacking the Causal Chain

During Stage 1, I collected and reviewed all available evidence on the effectiveness (i.e., the extent to which these MSIs have helped to change government policy or facilitate public debate in participating countries) and impact (i.e., the extent to which these debates and policy changes have had measurable effects on the social, economic, or environmental conditions within or across participating countries) of the Construction Sector Transparency Initiative (CoST), the Extractive Industries Transparency Initiative (EITI), and the Open Government Partnership (OGP), and interviewed 27 international and national MSI stakeholders about their experiences. Documents were assessed using a framework that first sought to draw clear distinctions between several stages of results—inputs, outputs, outcomes, and impacts—and two levels of analysis—transnational and national. Evidence presented in each document was then categorized into one of the resulting eight cells (see Table 3.3).

Table 3.3. Global public sector governance MSI document assessment framework

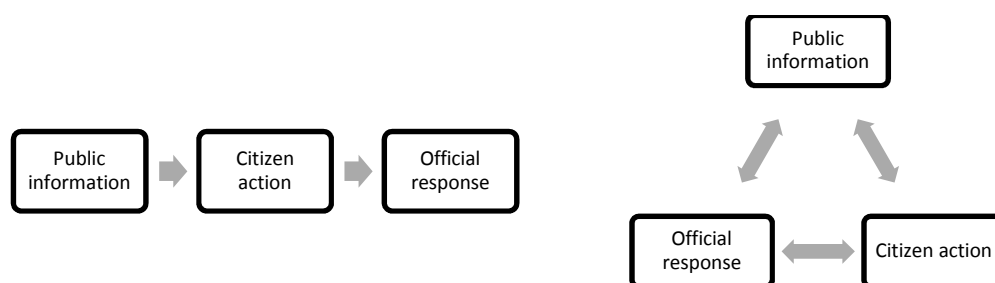
	<b><u>Inputs</u></b>	<b><u>Outputs</u></b>	<b><u>Outcomes</u></b>	<b><u>Impacts</u></b>
<b><u>Transnational</u></b>	<u>Examples:</u> Which national governments, INGOs, private companies, and multilateral organizations participate? What are the rules for decision-making?	<u>Examples:</u> Does the MSI facilitate learning exchanges? How is evidence for national level compliance collected, aggregated, and presented to the public? Does it update the rules in response to changing conditions on the ground? How is additional funding secured?	<u>Examples:</u> How are national level outcomes measured, standardized, aggregated, and presented to the public? Are there broader normative or regulatory effects?	<u>Examples:</u> Is there evidence linking MSI participation to improved scores on social, economic, or environmental metrics?
<b><u>National</u></b>	<u>Examples:</u> Which government, CSOs, and private sector interests participate? How often? How are they selected? What are the rules for decision-making?	<u>Examples:</u> Do national actors follow the rules for MSI participation? Is the required data disclosed? Is data validation/reconciliation taking place?	<u>Examples:</u> How does the MSI contribute to improvements in transparency, participation, and accountability practices by the national government?	<u>Examples:</u> Are national MSI outcomes credited with contributing to broader social, economic, or environmental changes?

Table 3.3. Documents were assessed by first distinguishing between several stages of results—inputs, outputs, outcomes, and impacts—and two levels of analysis—transnational and national. Special attention was paid to evidence for national outcomes.

Inputs at both the transnational and national levels provide important information about whether the structures and processes of an MSI are likely to be considered legitimate by key actors. Outputs, especially at the national level, are key for evaluating the extent to which national governments are complying with MSI rules. Special attention was paid to assessing the evidence for outcomes, in particular, whether and how MSIs contribute to proactive transparency, demand-driven transparency, and accountability outcomes. Finally, little evidence for broader impacts was anticipated, given the relatively recent start date for all three public sector governance MSIs.

Next, I identified seven conditions hypothesized to influence whether global public sector MSIs are able to facilitate improvements in national government transparency and accountability practices, for closer inspection in Stage 2 (i.e., the within-case studies), and Stage 3 (i.e., the qualitative comparative analysis). These seven conditions were selected based on their relevance

to existing theory (i.e., the literature on soft power and social accountability reviewed in Chapter 2) and practice (i.e., the prevalence with which these factors are discussed in existing documents on MSI effectiveness and impact, as well as the frequency with which they were cited by MSI stakeholders during semi-structured interviews). Joshi's (2013) causal chain approach for unpacking social accountability interventions helps to distill much of the existing theory and practice into a more manageable set of causal propositions. Joshi notes that social accountability interventions can be broken into three key components—information, citizen action, and official response. Global public sector governance MSIs have typically assumed a linear process of change at the national level, whereby the provision of more public information disclosure galvanizes citizen action, and citizen action, in turn, compels a response by government officials. However, social accountability interventions actually involve complex, multi-directional feedback loops between actors responding to a variety of different incentives (see Figure 3.2).



*Figure 3.2.* Comparing a standard linear results chain to a more dynamic conceptualization of the social accountability results chain (adapted from Joshi, 2013).

To assess whether social accountability interventions are likely to have their desired effect, the possible content, processes, and contextual assumptions of each of these three components must be carefully examined (see Table 3.4). For example, if information being disclosed is not considered to be relevant to citizens, they will not demand greater access to it; if citizens do not have the capacity to articulate their political demands, public officials cannot

respond to them; and if public officials do not fear sanctions, they have no reason to become more accountable to citizens.

Table 3.4. Joshi's (2013) causal chain approach to unpacking social accountability interventions

<b>Component</b>	<b>Content</b>	<b>Process</b>	<b>Assumptions/Micro-Context</b>
Information	Performance (compared to standards; compared to others); Inspirational	Transparency; Generating New Information (e.g., Perception data, monitoring data); Media campaigns	Literacy/Access; Legitimacy/Credibility of information
Citizen Action	Demand Information; Generate Information; Monitor Performance; Seek accountability; Seek Grievance Redress	Formal bureaucracy; Protests; Political Articulation; Formal complaint channels; Litigation	Priorities; Belief in efficacy of channel; Sense of entitlements
Official Response	Release information; Reform processes; Increase resources; Demands at higher levels; Investigation/sanctions	Transparency; Reduced corruption; Behavior change; Formal and informal channels of reform demands; Formal and informal channels of inquiry and punishment	Public officials think citizens have legitimate grievances; Public officials have capacity; Public officials are motivated by public service; Public official care about their reputation; Public officials have channels of influencing higher levels

Table 3.4. Joshi's (2013) causal chain approach to unpacking social accountability interventions was used to help generate a set of hypothesized causal mechanisms through which public sector governance MSIs are thought to contribute to improvements in government transparency and accountability practices.

Applying Joshi's framework to existing theory and practice on global public sector governance MSIs yields a set of seven possible causal conditions. Regular, independent performance evaluation, and multi-stakeholder power sharing highlight the potential importance of compliance with MSI standards regarding the content and processes for information disclosure. Visible political support, and bureaucratic expertise and authority highlight two different facets of official response. Civil society involvement, and civil society capacity reflect two different components of citizen action.<sup>27</sup> Finally, a prior political crisis may also help or hinder MSI implementation.

### 3.3.1 Regular, Independent Performance Evaluation

Joshi's (2013) framework highlights the importance of transparency in social accountability interventions, but cautions that the information being disclosed must be credible. All three MSIs included in this study require participating national governments to submit to independent review, but the extent to which regular, public performance evaluation actually occurs varies both by initiative (i.e., EITI requires both independent reconciliation of annual extractive payments, and independent validation of compliance with all EITI rules every 3-5 years, OGP conducts independent reviews of NAP implementation both during and following every two-year action plan cycle, CoST Assurance reports are supposed to be completed by independent experts, but not on any given timetable) and by country (i.e., not all reviews are completed on time, or released to the public).

The importance of independent evaluation for driving MSI outcomes is also consistent with Palazzo and Scherer (2010), who differentiate between four levels of increasing MSI engagement with target actors. At the minimum level of engagement, MSIs provide learning platforms where organizations can exchange experiences, signal their commitment, and learn

from each other. At a moderate level of engagement, MSIs develop behavioral standards, in the form of codes of conduct, rule, recommendations, or guidelines regarding actor behavior. At a higher level of engagement, MSIs develop mechanisms for auditing compliance with these newly established rules. At the highest level of engagement, MSIs issue labels and certifications for those organizations that comply with its standards.

In Stage 2 (i.e., the within-case studies), performance evaluation practices were considered as one potential driver of national transparency and accountability outcomes, using within-case causal inference testing (see Section 3.4.3). In Stage 3 (i.e., the comparative analysis), the fuzzy membership set RIPE was defined as a set of cases where regular, independent performance evaluation of implementation efforts took place (see Section 3.5.2). Case membership in this set was expected to vary both by initiative (i.e., EITI requires both independent reconciliation of annual extractive payments, and independent validation of compliance with all EITI rules every 3-5 years, OGP conducts independent reviews of NAP implementation both during and following every two-year action plan cycle, CoST Assurance reports are supposed to be completed by independent experts, but not on any given timetable) and by country (i.e., not all reviews are completed on time, or released to the public).

### 3.3.2 Multi-stakeholder Power Sharing

Joshi's (2013) framework highlights the importance of the formal and informal processes through which citizens make demands on governments for greater transparency, reduced corruption, and other types of behavior change. The literature on global MSIs similarly calls attention to the inclusiveness and scope of multi-stakeholder participation in driving compliance with MSI rules (e.g., Dingwerth, 2007; Schäferhoff et al., 2009;; Mena & Palazzo. 2012). While all three MSIs included in this study aspire to formal and independent multi-stakeholder

decision-making procedures at the global level, the extent to which multi-stakeholder power sharing actually occurs at the national level varies systematically by initiative, and, perhaps even more considerably, by participating country. For example, while all EITI compliant countries have to demonstrate at least some degree multi-stakeholder consultation in order to be validated, the international NGO, MSI Integrity, has criticized the quality of multi-stakeholder participation in 15 EITI countries where they conducted in-depth case studies.<sup>28</sup> Similarly, while all eight original CoST pilot countries were required to form multi-stakeholder groups in part to help facilitate the information disclosure process, the Vietnamese government chose to disclose CoST data unilaterally, rather than collaboratively through the multi-stakeholder group.<sup>29</sup> Finally, while the OGP nominally requires regular consultation with civil society, many participating governments have failed to comply with OGP requirements for public consultation during action plan development.<sup>30</sup>

In Stage 2 (i.e., the within-case studies), multi-stakeholder power sharing practices were considered as one potential driver of national transparency and accountability outcomes, using within-case causal inference testing (see Section 3.4.3). In Stage 3 (i.e., the comparative analysis), the fuzzy membership set MSPS was defined as a set of cases where non-governmental actors (i.e., civil society and the private sector) were treated as full and equal partners in MSI decision-making and implementation (see Section 3.5.2). In essence, this set described cases where national multi-stakeholder governance mirrored the shared governance procedures of these MSIs at the transnational level. Set membership was expected to vary systematically by initiative (i.e., CoST and EITI require formal national multi-stakeholder bodies to be established, whereas OGP does not; however, only EITI certifies whether MSGs are functioning properly), and, perhaps even more considerably, by participating country (i.e., some



OGP countries have established formal multi-stakeholder steering committees, while formal power-sharing practices among EITI and CoST MSGs vary widely).

### 3.3.3 Visible Political Support

Joshi's (2013) framework calls attention to the fact that official responses to social accountability interventions are often driven by internal government incentive structures (i.e., formal and informal channels of reform, inquiry, and punishment). Indeed, the evidence collected thus far suggests that for MSIs to produce meaningful national results, high-level public officials must provide political space for reformers in civil society and government to operate. High-ranking political officials can provide important visible support to MSIs in a number of ways. They can take ownership over the formation of national secretariats or steering committees, regularly attend meetings, or host MSI conferences. For example, in Brazil, a presidential decree to institutionalize open government established a ministerial-level committee charged with the design, implementation, and monitoring of the OGP National Action Plan in consultation with civil society organizations. Additionally, Brazil's hosting of a high-level OGP event served as a catalyst for enlisting the support and participation of additional ministries who had previously not participated in the National Action Plan process.<sup>31</sup>

MSI success depends on knowing "who owns the initiative within the government," says Cielo Magno, National Coordinator for the Publish What You Pay coalition in the Philippines.<sup>32</sup> In countries where there is no visible political support, MSI-facilitated reforms can struggle to gain traction. For example, Petter Matthews and John Hawkins of the CoST International Secretariat attribute the lack of progress in Zambia to "a revolving door of ministers."<sup>33</sup> Commitment to MSIs is often "quite personalized," says Martin Tisné, an investment partner at the Omidyar Network.<sup>34</sup> Indeed, MSIs often struggle to expand support for their agenda beyond a

few key participants within national governments, leaving their work vulnerable to the election cycle and other changes in leadership and priorities.<sup>35</sup> This evidence is consistent with Fung et al. (2007) and Gaventa & McGee (2013), both of which argue that transparency initiatives should only be expected to drive policy reform when the discussion of newly disclosed information is embedded in existing decision-making processes that reflect the interests and priorities of policymakers.

In Stage 2 (i.e., the within-case studies), visible political support was considered as one potential driver of national transparency and accountability outcomes, using within-case causal inference testing (see Section 3.4.3). In Stage 3 (i.e., the comparative analysis), the fuzzy membership set VPS is defined as a set of cases where high-ranking political officials (e.g., executive branch or legislative leadership) offered at least symbolic political support to an MSI through public statements and actions (e.g., positioning of national secretariats/steering committees, attending MSI events or meetings) (see Section 3.5.2). It is important to note that this membership set does not distinguish between high-level political support that succeeds in driving quality MSI implementation and empty gestures. As such, this set is not intended to capture openwashing, but rather, tests the importance of visible, political support as a causal factor for MSI transparency and accountability reforms. There are no inherent differences in the extent to which public sector governance MSI rules require visible political support (i.e., all three initiatives require a public letter of commitment/endorsement from participating governments), so membership in this set is assumed to be entirely national context-dependent.

#### 3.3.4 Bureaucratic Expertise and Authority

Joshi's (2013) framework highlights that assumptions about government officials' capacity are often built into social accountability interventions. Indeed, while visible support by

high-ranking political officials creates the space for would-be reformers to operate, it does not necessarily deliver the administrative capacity or technical expertise necessary to actually carry out reforms. Nevertheless, the evidence suggests that mid-level bureaucratic expertise is equally important for successful MSI implementation. In Malawi, for instance, technocrats in the National Construction Industry Council (NCIC) were able to overcome early resistance to CoST on the part of procuring agencies. Procuring agencies were initially skeptical of CoST and maintained total discretion over which construction projects would be reviewed. As a result, “it was very difficult to get anything going” recalls CoST Chairman of the Board, Christiaan Poortman.<sup>36</sup> Eventually, NCIC—the government oversight body where CoST is housed—found a regulatory loophole that granted them the power to review and improve projects of their choosing and were able to compel agencies to submit projects to review. Over time, says national CoST MSG chair Joe Ching’ani, “the procuring agencies started to cooperate and coordinate more of their own free will.”<sup>37</sup> These stakeholder observations are consistent with Fung et al. (2007), who argue that in order for information disclosure to contribute to policy reform, relevant policymakers need to have the capacity to actually improve performance, and with O’Meally (2013), who argues that the capacity and credibility of the state are important drivers of social accountability project outcomes.

In Stage 2 (i.e., the within-case studies), bureaucratic expertise and authority was considered as a potential driver of national transparency and accountability outcomes, using within-case causal inference testing (see Section 3.4.3). In Stage 3 (i.e., the comparative analysis), the fuzzy membership set BEA is defined as a set of cases where government bureaucrats had appropriate expertise and authority to oversee MSI implementation (see Section 3.5.2). There are perhaps slight inherent differences in set membership between MSIs, simply

because OGP implementation often requires significant breadth of expertise and authority compared to EITI or CoST. Nevertheless, national context is expected to be the primary driver of set membership.

### 3.3.5 Civil Society Involvement

Joshi (2013)'s framework cautions that while citizen action is crucial for social accountability interventions to be effective, action rests on an assumption that citizens believe in the efficacy of the intervention as a channel for achieving reform. Yet, the decision to participate in an MSI is often made by a small group of influential national actors, with encouragement from international donors. As a result, stakeholders report that these initiatives are expected to operate in countries where there may be little initial interest from civil society, regardless of whether there are formal rules to ensure multi-stakeholder power sharing, and regardless of whether civil society organizations have sufficient capacity to utilize MSI outputs in their work. "It's difficult to earn and sustain buy-in from diverse civil society actors," notes Linda Frey, former executive director of the OGP Support Unit.<sup>38</sup> Even in countries with a thriving civil society, the activities and goals of an MSI may simply not resonate with citizens, which in turn, may limit transparency and accountability outcomes. These observations are consistent with Fung et al. (2007)'s concept of "targeted" transparency, which suggests that information should speak to the needs and interests of potential users.

In Stage 2 (i.e., the within-case studies), the degree of civil society involvement in national MSI implementation was considered as one potential driver of national transparency and accountability outcomes, using within-case causal inference testing (see Section 3.4.3). In Stage 3 (i.e., the comparative analysis), the fuzzy membership set CSINV was defined as a set of cases where broad cross-sections of civil society participated in national MSI stakeholder groups (see

Section 3.5.2). Since all MSIs are intended to encourage civil society involvement, set membership was presumed to be a function of national context.

### 3.3.6 Civil Society Capacity

Joshi (2013) notes that the usefulness of information in social accountability interventions is contingent on the literacy of those attempting to use it. Similarly, Gaventa & McGee (2013) and O’Meally (2013) both call attention to civil society capacity as a key factor contributing to social accountability outcomes. For public sector governance MSIs to contribute to governance reform, civil society organizations need to have the capacity to understand newly disclosed information, disseminate it effectively to their base, and organize coherent demands for reform.

In Stage 2 (i.e., the within-case studies), the underlying capacity of participating civil society organizations was considered as one potential driver of national transparency and accountability outcomes, using within-case causal inference testing (see Section 3.4.3). In Stage 3, CSCAP was defined as a set of cases where participating civil society organizations had the resources to regularly attend meetings and the technical expertise to interpret MSI outputs and utilize them in their own work (see Section 3.5.2). Set membership is presumed to be a function of national context, because there are no inherent differences in the level of capacity required for civil society organizations to participate in CoST, EITI, or OGP. At a minimum, participation in each MSI requires the resources and availability to attend meetings. For each MSI, some familiarity with the subject matter (i.e., public infrastructure, extractive revenues, and a variety of national OGP commitments) increases capacity.

### 3.3.7 Prior Political Crisis

A political crisis can greatly influence the perceived viability of existing channels for citizen action, as well as the existing incentive structures for official government response. Indeed, Rich & Moberg (2015) have argued that a heightened level of conflict between stakeholders is necessary before multi-stakeholder initiatives can be expected to contribute to reform efforts. This view imagines multi-stakeholder governance as a “last resort” to which government and private sector stakeholder will only turn when more traditional policy solutions fail. As such, a relative lack of political crisis is argued to explain why EITI has not gained traction in some implementing countries. However, while Rich & Moberg (2015) have argued that crisis may actually be pre-condition for MSI-led reform, other stakeholders suggest that MSIs require a minimum level of political stability to be effective. This is partially why OGP has eligibility criteria for governments seeking to participate. As such, it is unclear whether crisis should be considered a causal factor that helps, or hinders, MSI implementation.

In Stage 2 (i.e., the within-case studies), the lingering shadow of prior political crises was considered as one potential driver of national transparency and accountability outcomes, using within-case causal inference testing (see Section 3.4.3). In Stage 3, CRISIS was defined as set of cases where MSI implementation took place following a period of national political conflict (see Section 3.5.2). While the majority of the causal conditions specified here are hypothesized to have a unidirectional causal influence on transparency and accountability outcomes (i.e., positive influence when set membership is greater than .5, negative effect when membership is less than .5), the causal effect of CRISIS remains unspecified.<sup>39</sup>

### 3.4 Within-Case Analyses

During Stage 2, I conducted nine in-depth studies of national-level MSI implementation (i.e., implementation of three initiatives—CoST, EITI, and OGP—in three countries—Guatemala, the Philippines, and Tanzania). For each case, I used process tracing to reconstruct a sequence of key events, beginning with the government’s initial commitment to implement the MSI, proceeding through the formation of the national multi-stakeholder group, the design, implementation, and review of MSI-sanctioned activities intended to improve government transparency and accountability, and closing with the status of the initiative as of the end of 2015. In particular, I examined the extent to which national governments had followed the official rules for MSI membership (i.e., consultation with civil society and private sector actors), the depth and scope of multi-stakeholder involvement in shaping national MSI implementation, the extent to which MSI-linked projects were fully implemented, and the extent to which national actors have been able to use these processes and outputs to push for broader governance reforms.

Using within-case causal inference tests (i.e., “hoop,” “smoking gun,” and “straw in the wind” tests), I examined the roles that seven mechanisms hypothesized to contribute to proactive transparency, demand driven transparency, and accountability outcomes by applying Joshi’s (2013) analytical framework to the existing literature on public sector governance MSIs (i.e., regular, independent performance evaluation, multi-stakeholder power-sharing, visible political support, bureaucratic expertise and authority, civil society interest, civil society funding and expertise, and political crisis) appeared to play in driving transparency and accountability outcomes in each case. These causal inference tests serve two purposes. First, they allow me to establish whether transparency and accountability outcomes are actually linked to MSI structures and processes (as opposed to concurrent, but otherwise unrelated, phenomena that could also

explain these outcomes). Second, they help to identify key sociopolitical factors that may be necessary (i.e., must be satisfied in order for an outcome to occur) or sufficient (i.e., if satisfied, guarantees a particular outcome will occur) for global MSIs to successfully facilitate improvements in transparency and accountability by national governments.

Finally, I also explored the prospect that MSIs were being used for openwashing (i.e., projecting a public image of transparency and accountability, while maintaining questionable practices in these areas) by looking for notable discrepancies between national government actions taken since joining the MSI, and the core values or principles that MSI members ostensibly endorse upon joining. If these discrepancies occurred in the absence of gains in transparency and/or accountability, they were assumed to be evidence for openwashing. However, when such discrepancies occurred alongside gains in transparency and/or accountability, they were assumed to reflect normal intra-governmental contestations over the speed and course of public sector reform, rather than a deliberate attempt to mislead international observers and national stakeholders.

#### 3.4.1 Process Tracing Fundamentals and Inputs

Collier (2011, p. 824) defines process tracing as an analytical tool used for drawing descriptive and causal inferences from diagnostic pieces of evidence—often understood as part of a temporal sequence of events or phenomena—selected and analyzed in light of research questions and hypotheses posed by the investigator. There are two aspects of this definition that are worth highlighting with regard to the current study. First, Collier's definition calls attention to the importance of both *description* and *sequence* in using process tracing effectively. Careful description is fundamental to processes tracing. One cannot trace how processes unfold over time



without first adequately describing an event or situation at distinct points in time. Characterizing key steps in the process permits careful analysis of change and sequence.

Second, process tracing relies on the investigator selecting “diagnostic” information. This implies that prior knowledge is required in order to determine what information would be considered relevant, given the research questions and hypotheses. The analyst selects which facts are worthy of consideration as key to describing the events of process. Prior knowledge can come from existing conceptual frameworks (e.g., MSI theories of change), recurring empirical regularities (e.g., the existing MSI evidence base), or from existing theory (e.g., the academic literature on global MSIs and social accountability) (Waltz, 1979). Indeed, all three types of prior knowledge were used to guide the selection of evidence considered to be diagnostic in these nine cases. Furthermore, the information determined to be diagnostic may be qualitative (e.g., the voting rules for participating in an EITI national multi-stakeholder group) or quantitative (e.g., the number of OGP commitments).

With regard to these nine case studies, information considered to be diagnostic included any facts pertaining to the three outcomes of interest (i.e., proactive transparency; demand-driven transparency; and accountability), any facts pertaining to possible openwashing (i.e., notable discrepancies between government actions and MSI principles), and any facts pertaining to the seven hypothesized causal factors (i.e., regular, independent performance evaluation; multi-stakeholder power sharing; visible political support; bureaucratic expertise and authority civil society involvement; civil society capacity; and political crisis). Sources for diagnostic information included documents and websites produced by MSI, civil society, government, and multilateral actors, international and national news articles, semi-structured interviews with stakeholders and observers (see Appendix C), and participant observation (see Appendix G).

### 3.4.2 Within-case Causal Inference Testing

After constructing descriptive narratives of each case of national MSI implementation, I assessed the relevance of seven key causal mechanisms for their contribution to proactive transparency, demand driven transparency, and accountability outcomes in each case. Van Evera (1997, p. 31-32) identifies four causal inference tests that can be used as part of within-case process tracing. “Hoop tests” evaluate whether a given causal process is necessary (i.e., must be satisfied in order to obtain a given outcome), but not sufficient (i.e., if satisfied, guarantees a given outcome). In other words, hoop tests can eliminate a causal hypothesis but not confirm one. Conversely, “Smoking Gun tests” evaluate whether a given causal process is sufficient, but cannot determine whether it is necessary. In other words, smoking gun tests can confirm a hypothesis, but not eliminate one. “Doubly decisive tests” simultaneously confirm one causal hypothesis and eliminate all others, by testing whether the causal process in question is both necessary and sufficient. Finally, “Straw in the wind” tests increase or decrease the plausibility of a given causal hypothesis, but provide neither a necessary or sufficient test for accepting or rejecting a hypothesis.

With regard to the current research, the strength of the causal inferences that can be made depend on whether transparency and/or accountability outcomes were robust or weak, and whether the causal mechanisms hypothesized to drive national MSI outcomes were activated in each case (see Table 3.5). There are two scenarios where some causal claims could be definitively rejected. First (represented by the bottom left quadrant of Table 3.5), in cases where the outcome of interest is strong (e.g., improved government transparency), but the hypothesized causal mechanism is not activated (e.g., no high-level political support for the initiative), a “Hoop test” automatically rejects the hypothesis that the mechanism is necessary for explaining why the robust outcome occurred. Second (represented by the top right quadrant of Table 3.5), in

cases where a hypothesized causal mechanism is activated (e.g., strong high-level political support for the initiative) and the outcome is weak (e.g., little improvement in government transparency), a “Smoking Gun” test automatically rejects the hypothesis that the mechanism is sufficient for explain why the robust outcome occurred. However, in all other scenarios—cases where a hypothesized causal mechanism is in play (e.g., strong high-level political support for the initiative) and outcomes are robust (e.g., improved government transparency), or cases where the outcome is weak (e.g., little improvement in government transparency) and a hypothesized causal mechanism is not activated (e.g., no high-level political support for the initiative)—only weaker “Straw in the Wind” tests of plausibility causality are possible.

Table 3.5. Possible within-case causal inference tests

	<b><u>Robust Outcome</u></b>	<b><u>Weak Outcome</u></b>
<b><u>Causal Mechanism Activated</u></b>	<ul style="list-style-type: none"> <li>• Straw in the wind test only (Mechanism could be necessary, sufficient, neither, or both)</li> </ul>	<ul style="list-style-type: none"> <li>• Smoking gun test (Mechanism is not sufficient)</li> <li>• Straw in the wind test (Mechanism could be necessary)</li> </ul>
<b><u>Causal Mechanism Not Activated</u></b>	<ul style="list-style-type: none"> <li>• Hoop test (Mechanism is not necessary)</li> <li>• Straw in the wind test (Mechanism could be sufficient)</li> </ul>	<ul style="list-style-type: none"> <li>• Straw in the wind test only (Mechanism could be necessary, sufficient, neither, or both)</li> </ul>

Table 3.5. The strength of within-case causal inferences depends on whether evidence for transparency, participation, or accountability outcomes is robust or weak, and whether the causal mechanisms hypothesized to drive outcomes are confirmed to be activated.

Realistically, the fact that hypotheses about the role of individual causal mechanisms in MSI implementation cannot, in most cases, be definitively accepted or rejected should not come as a surprise. Even within a single case, MSIs are complex, multi-level, multi-actor, and multi-phase governance interventions. Outcomes are likely to be the result of a combination of causal

mechanisms, all of which are insufficient but necessary parts of an unnecessary but sufficient (INUS) condition. It is for this reason that cross-case comparisons provide added analytical leverage for understanding more broadly how public sector governance MSIs contribute to improvements in transparency and accountability by national governments.

### 3.5 Qualitative Comparative Analysis

In Stage 3, I conducted a qualitative comparative analysis (QCA) across all nine cases of MSI implementation, in order to determine whether any causal conditions, or combinations of conditions, appear to be regularly necessary (i.e., must be satisfied in order to obtain a given outcome) or sufficient (i.e., if satisfied, guarantees a given outcome) for proactive transparency, demand-driven transparency, or accountability outcomes to occur across a variety of global initiatives, and within a diversity of national contexts. Given evidence suggesting that the causal chain for social accountability interventions is extraordinarily complex (e.g., Gaventa & McGee, 2013; O’Meally, 2013), public sector governance MSI outcomes are assumed to exhibit equifinality (i.e., multiple causal pathways to the same result). Nevertheless, while any specific national MSI outcome is presumed to be the product of a unique set of causal mechanisms that are insufficient but necessary parts of an unnecessary but sufficient (INUS) condition, cross-case comparisons can help to illuminate whether particular clusters of causal mechanisms tend to be associated with improved transparency or accountability outcomes across a variety of cases. In other words, the purpose of this final analysis is to begin building a middle-range theory of global public sector governance MSI effectiveness.

Cross-case comparisons were completed using fuzzy set qualitative comparative analysis (fsQCA) (Ragin, 2000; 2008). Using this procedure, each case is first recoded into causal and outcome conditions, drawing on existing theory and knowledge. Scores within each set—ranging

from 1 (“fully in set”) to 0 (“fully out”)—were calibrated based on the in-depth knowledge acquired during the within-case analysis. Next, using the fsQCA software package (i.e., Ragin, Drass, & Davey, 2006), the empirical case data are analyzed using a series of Boolean operations that consider all possible patterns of causal and outcome sets, in order to evaluate the necessity and sufficiency of each causal condition. A total of seven possible causal conditions were included in this analysis (i.e., regular, independent performance evaluation; multi-stakeholder power sharing; visible political support; bureaucratic expertise and authority; civil society involvement; civil society capacity; and prior political crisis) (see Section 3.3).

### 3.5.1 Fuzzy Set Qualitative Comparative Analysis (fsQCA)

I decided to use Ragin’s (2000; 2008) fuzzy set qualitative comparative analysis (fsQCA) method to compare across cases of national MSI implementation for three reasons. First, the set theoretic logic underlying all qualitative comparative analysis is ideally suited for establishing explicit causal connections. MSI implementation is a complex process characterized by numerous pathways and feedback loops connecting inputs, actions and outcomes (i.e., high causal density), and multiple causal pathways to the same outcome (i.e., equifinality). Set theoretic logic can distinguish between different types of causal assessments (i.e., necessity and sufficiency) and between several distinct causal paths to the same outcome. Second, since many social phenomena, including those under investigation here, do not fit neatly into binary categories (e.g., visible political support is likely neither fully present, nor fully absent), the fuzzy set approach—in which the *degree* of set membership can be specified—allows for a more nuanced coding of cases. Third, since fuzzy sets are simultaneously qualitative and quantitative, they infuse mathematical precision into assessments about causal relationships. This additional precision helps to clarify the significance and scope of middle-range theory.

### 3.5.1.1 Set theoretic logic

Ragin (2000; 2008) argues that the underlying logic of all qualitative comparative analysis is that social relationships can be described using set-theoretic statements. For example, to say that democratic countries do not go to war with one another implies that country dyads in which both parties are democracies constitute a near-perfect *subset* of non-warring country dyads. Set-oriented thinking helps to highlight relationships of necessary and sufficient causation in comparative case studies. In order to establish necessity, a set of cases containing the outcome of interest must be a subset of the cases displaying the cause. In order to establish sufficiency, a set of cases containing the causal condition must be a subset of the cases displaying the outcome (Ragin, 2000, pp. 214-217). Boolean algebra (i.e., negation operations) can also be used to show how the absence of causal conditions contributes to outcomes.

Set theoretic arguments are fundamentally different from correlational arguments in two important ways. First, they are asymmetric, meaning that they do not imply that the opposite argument also holds. Consider the argument: “religious fundamentalists are politically conservative.” Stated as a set-theoretic argument, the fact that there are political conservatives who are not religious does not undermine this claim. However, was this argument formulated symmetrically: “religious fundamentalists are politically conservative and non-religious people are politically liberal,” the existence of nonreligious conservatives would indeed weaken the argument. Second, since symmetrical arguments are required for hypothesis testing using correlations, strong set theoretic relationships that are improperly reformulated as correlational hypotheses will produce only weak or modest correlations. This is because correlations focus simultaneously and equivalently on the degree to which instances of a cause can be linked to instances of an outcome, and the degree to which instances of the absence of a cause can be linked to the absence of an outcome.

While correlations (and the numerous forms of sophisticated quantitative analysis built upon them), are appropriate for evaluating probabilities and central tendencies, Ragin (2008) argues that a set theoretic approach is preferable for establishing explicit causal connections because it can distinguish between different types of causal assessments (i.e., necessity and sufficiency) and because it is better-suited for handling complex causation, where an outcome may follow from several different combinations of causal conditions.

Despite these advantages, both qualitative and quantitative researchers have been skeptical of using a set theoretic approach to the study of social phenomena. Prior to the advent of the personal computer, researchers using qualitative comparative analysis would recode both thick description and precise interval/ratio data into nominal or bivariate (i.e., 0 = condition/outcome absent; 1 = condition/outcome present) membership sets in order to utilize the Boolean logic required for analysis. This procedure is known as crisp set qualitative comparative analysis (csQCA).

#### 3.5.1.2 Comparative analysis using crisp sets

Crisp set qualitative analysis proceeds with the goal of producing a Boolean “truth table” (Ragin, 1987) that displays a stylized version of causal and outcome conditions for all cases (see Table 3.5). Once the truth table has been completed, the focus of the analysis turns to identifying whether there are any discernible patterns across the causal conditions and the different outcomes. In the example shown in Table 3.6, the co-occurrence of causal mechanisms F and G, regularly produce outcome H. Formal Boolean analysis would list this set as  $(F+G=H)$ , signifying that the combination of the presence of the two causal factors matches the presence of the outcome to be explained. Closer examination of the table might produce additional insights

as well. For example, mechanism E can be dismissed as neither necessary nor sufficient across all cases, using a combination of Hoop and Smoking Gun tests.



Table 3.6. Crisp set Boolean truth table

<u>Case</u>	<u>Causal Mechanisms</u>						<u>Outcome</u>	
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
1	A	B	C		E	F		
2				D	E			
3			C	D	E		G	
4						F	G	H
5	A	B	C	D		F	G	H
6	A	B		D	E	F		
7					E			
8	A	B	C		E			
9	A					F	G	H

Table 3.6. This crisp set Boolean truth table shows that the co-occurrence of causal mechanisms F and G regularly produce outcome H.

However, since many social phenomena do not fit completely “in” or “out” of a particular membership set (e.g., “democratic” states), a crisp set theoretic approach has been criticized as both overly simplistic and easily manipulated to favor a particular research conclusion. However, with advances in computing power, researchers are now able to use a well-developed mathematical system for specifying the *degree* of membership in sets—fuzzy set theory (Zadeh, 1965)—to add additional quantitative precision to qualitative comparative analysis.

### 3.5.1.3 Comparative analysis using fuzzy sets

Fuzzy sets are simultaneously qualitative and quantitative. They are quantitative in that the degree of set membership (i.e., fully in, more or less in, mostly but not fully out, fully out) is defined using three, four, or six mathematical values (e.g., 1, .82, .67, .52, .48, .33, .17, 0), or even as a continuous scale. They are qualitative in that the calibration of each set—the specification of these value break points—requires the use of substantive and theoretical knowledge, as opposed to relying solely on relative mathematical difference. For example, Ryan & Smith (2012, p. 99) note that while “height” is a quantifiable variable, “tall people” is a set that has to be specified by the researcher based on the nature of the research question.

Once all set membership values are specified for each case, Boolean logic is used to examine necessary and sufficient relationships between sets. However, unlike crisp set QCA, where each case either is, or is not, a member of particular set, fuzzy set QCA distributes *partial* membership from each case into different corners of the vector space (i.e., all possible logical combinations of sets; a multi-dimensional vector space has  $2^k$  corners, where  $k$  is the number of causal conditions). A subset relation is indicated when membership scores in one set (e.g., the causal condition or combination of causal conditions) are consistently less than or equal to their

corresponding membership scores in another set (e.g., the outcome). Owing to the added precision of the fuzzy set approach, scores for consistency—the degree to which the cases sharing a given combination of conditions display the outcome in question (i.e., “does this causal relationship exist?”)—and coverage—the degree to which the causal condition(s) account for instances of the outcome (i.e., “is this causal relationship important?”)—can be calculated as well. In this way, fsQCA infuses mathematical precision into a set theoretic approach to establishing explicit causal connections.

To be used effectively, fsQCA requires an iterative process between theory, case research, set definition, and set calibration (Ryan & Smith, 2012). This process can be quite time consuming and challenging, especially if the researcher does not already possess in-depth within-case knowledge. Nevertheless, fsQCA has several distinct advantages that are especially salient to the current research:

First, Landman (2000) argues that QCA allows for the inclusion of information that cannot—or at least, has not—been measured in a precise, quantitative fashion. Rich, qualitative data is converted into fuzzy sets using case-specific knowledge acquired during the within-case analysis. Such an approach fits well with the current state of the evidence for public sector governance MSI outcomes, which remains largely un-quantified (and perhaps, unquantifiable). Furthermore, this method allows for the (relative) simplification of extremely complex causal processes. By converting causal mechanisms into fuzzy sets, the combinatory logic of Boolean algebra allows for an investigation of necessary and sufficient conditions across a variety of individually complex cases. Simultaneously, Boolean algebra also allows for irrelevant variation to be factored out. This type of simplification is essential both for drawing any broader

conclusions about what drives MSI governance outcomes across participating countries and individual public sector initiatives.

Third, comparative case analysis using Boolean logic allows for an exploration into how certain causal conditions contribute to outcomes when they take place alongside other important factors. This sensitivity to the explanatory power of *combinations* of causal mechanisms (i.e., contribution not attribution) is especially important for assessing MSIs, where long-term collaboration across multiple sectors and levels of society is required to achieve the intended governance outcomes. Indeed, the sole attribution of relatively weighty transparency and accountability outcomes to any single MSI or national mechanism is highly unlikely.

Fourth, beyond simply identifying sets of necessary and sufficient conditions for desired outcomes, this approach also allows for investigations into why outcomes did *not* occur in certain cases. These sorts of post-hoc assessments of negative cases are exceedingly rare in the existing MSI literature; yet, considering why desired outcomes were not achieved might provide important insights into whether existing MSI theories of change are merely incomplete (i.e., causal condition ‘X’ was not properly accounted for) or significantly off-the-mark (i.e., all causal conditions were favorable, but outcome still did not occur).

Finally, Ryan & Smith (2012) point out that this technique allows analysts to make theoretically informed comparisons across within-case studies. Since fsQCA relies on proportional degrees of set membership across all cases, the analysis can generate unexpected, often counterintuitive pathways for explaining outcomes. Since the process of set definition and calibration is relatively transparent, the analysis is replicable in a way that few other methods of qualitative cross-case comparisons have been before. In this way, case studies can be used to help build and test theory.

### 3.5.2 Specifying and Calibrating the Conditions for fsQCA

In order to use fsQCA to identify key causal conditions driving MSI transparency and accountability outcomes, membership in each set of interest must first be carefully specified so that case data can be properly calibrated. To be sure, this process of case simplification requires deep qualitative and historical knowledge of each case (Landman, 2000). This is precisely why more detailed, qualitatively richer within-case case analyses were first completed for all nine cases. The investigator's judgments in converting findings into bilateral variables are rooted in over a year's worth of document collection, interviews, and participant observation across three continents. Nevertheless, the full within-case analyses are presented in Chapters 5-7, so readers seeking to compare the detailed case data to the simplified fsQCA case calibration summary tables presented in Appendix H are able to do so.

Following a comprehensive literature review, interviews with 75 stakeholders, nine within-case analyses, and an iterative process of reflection on global MSI and social accountability theory and practice, I coded each of the nine cases on seven causal conditions—Prior political crisis (CRISIS), Regular, independent performance evaluation (RIPE), Multi-stakeholder power sharing (MSPS), Visible political support (VPS), Bureaucratic expertise and authority (BEA), Civil society involvement (CSINV), and Civil society capacity (CSCAP)—and three outcome conditions—Proactive Transparency (PTRAN), Demand-Driven Transparency (DTRAN), and Accountability (ACCT)—for use in fsQCA. Cases were coded for their degree of membership in each set using an eight-value fuzzy set, where “1” indicated full set membership and “0” indicated the case was fully outside the set (see Figure 3.3). For a full accounting of all fsQCA case calibration procedures, see Appendix H.

1.0 – “Fully in” the set  
0.83 – “Mostly but not fully in”  
0.67 – “More or less in”  
0.52 – “Marginally more in”  
0.48 – “Marginally more out”  
0.33 – “More or less out”  
0.17 – “Mostly but not fully out”  
0 – “Fully out”

*Figure 3.3.* Fuzzy set membership values

The necessity and sufficiency of all seven causal conditions was examined in relation to each of the three outcome conditions. Since transparency is both an outcome condition in its own right, as well as a potential causal condition for achieving accountability gains, the two transparency sets were also investigated as potential causal conditions for the accountability outcome set.

### 3.5.3 fsQCA Procedures

The fsQCA procedures detailed below generally follow those laid out by Ragin (2006; 2008), but also owe a debt to Ryan & Smith’s (2012) demonstration of how to use fsQCA to evaluate participatory budgeting cases; to the APSA’s Spring 2015 Symposium on Qualitative and Multi-Method Research (i.e., Buthe et al. 2015), which highlighted best practices for reporting fsQCA procedures and results; and to Stedman-Bryce et al. (2015), who used fsQCA to evaluate outcomes from three countries participating in the Medicines Transparency Alliance (MeTA).

After set calibration was completed for all nine cases, the raw data table (found in Appendix I) was read into the fs/QCA for Windows 2.0 software package (Ragin, Drass, & Davey, 2006). First, an analysis of necessary conditions for all three outcomes of interest—proactive transparency, demand-driven transparency, and accountability—was completed. Since set relations are asymmetric, good fsQCA practice requires that the negation (indicated by “~”)

of each set also be tested. Additionally, causal sets were tested for relationships with the negation of the outcome variable (i.e.,  $\sim$ ptrans).

Fuzzy set comparative case analysis (fsQCA) uses two measures to help evaluate set relations—consistency and coverage (Ragin, 2008, pp. 44-45). *Consistency* indicates whether a set relationship exists, similar to calculations of statistical significance in large N probabilistic studies. *Coverage* indicates whether this set relationship is empirically relevant or important, similar to calculations of strength or effect size. Similar to relationships between variables, set relations can be quite reliable, without being empirically important (i.e., high statistical significance, small effect size), or they can be less reliable, but relevant across a greater number of cases (i.e., lower statistical significance, bigger effect size). Table 3.7 shows a subset relationship with high consistency (i.e., there is a clear relationship between sets) and high coverage (i.e., this relationship explains a sizeable portion of the total number of cases). Table 3.8 displays the same number of cases, but in this example, there is high consistency and low coverage, suggesting that although a relationship between the two sets exists, it is less important in explaining the full set of cases. Ragin (2008, p. 55) recommends that coverage be calculated only after first establishing that a set relation is consistent.

Table 3.7. Cross-tabulation of cell frequencies: high consistency, high coverage

	Out of causal set	In causal set
In outcome set	3,056	1,474
Out of outcome set	625	55

Table 3.7. Set relations exist and explain a sizeable portion of the total number of cases. Adapted from Ragin, C. 2008. *Redesigning Social Inquiry: Fuzzy Sets and Beyond*. University of Chicago Press: Chicago, p. 56.

Table 3.8. Cross-tabulation of cell frequencies: high consistency, low coverage

	Out of causal set	In causal set
In outcome set	4,373	147
Out of outcome set	675	5

Table 3.8 Set relations exist, but explain only a small portion of the total number of cases. Adapted from Ragin, C. 2008. *Redesigning Social Inquiry: Fuzzy Sets and Beyond*. University of Chicago Press: Chicago, p. 57.

### 3.5.3.1 Analyzing necessary conditions

In the analysis of necessary conditions—that is, where instances of an outcome are thought to constitute a subset of instances of a cause—consistency gauges the degree to which cases displaying the outcome in question agree in displaying the causal condition thought to be necessary. Consistency scores below .75 are generally considered to signify inconsistency, suggesting that no set relation exists. Given the small number of cases included in the analysis ( $N = 9$ ), a consistency threshold of 1 (perfect consistency) was used to ensure a rigorous test for necessary relationships. This is standard practice when using fsQCA with a small number of cases (Ragin, 2008, p. 46). Coverage assesses the relevance of the necessary condition—the degree to which instances of the causal condition are paired with instances of the outcome (Ragin, 2008, p. 45). Very low coverage scores suggest that although a condition is necessary, it is also empirically trivial (e.g., all serial killers breathe air) (p. 61). Results from the analysis for necessary relationships are discussed in Chapter 8. The full fsQCA output and analysis appears in Appendix BB.

### 3.5.3.1 Analyzing sufficient conditions

Next, tests for sufficient relationships were conducted for each of the three outcomes of interest. In the analysis of sufficient conditions—that is, where instances of a causal condition, or combination of causal conditions, are thought to constitute a subset of all instances of an



outcome—fsQCA uses a Boolean truth table algorithm to generate measures of consistency and coverage. Consistency gauges the degree to which cases displaying the hypothesized cause, or combination of causes, agree in displaying the outcome. Coverage assesses the degree to which the cause, or combination of causes, “accounts for” instances of the outcome. When more than one condition, or combination of conditions, is sufficient for an outcome (i.e., when there is equifinality), coverage also provides a method for assessing the *relative* empirical importance of each causal recipe. This is accomplished by calculating the total coverage of all solutions, and then partitioning coverage based on the extent to which the cases fit each unique solution. This process is conceptually similar to calculating unique regression weights for each independent variable included a multiple regression analysis (Ragin 2008, p. 63).

Unlike the more straightforward test for necessary relationships, the investigator using fsQCA must specify both a case frequency threshold and a raw consistency score threshold to be used in the truth table analysis. Initially, the truth table contains as many rows as there are possible combinations between sets (i.e.,  $2^k$  possible combinations, where  $k$  is the number of causal conditions). For example, an analysis of sufficiency for seven causal conditions would yield a truth table of 128 possible unique combinations. The analysis must first be limited to relevant configurations, i.e., those reflected in the actual distribution of empirical cases. Typically, the configurations included in the analysis should be found in at least one case for smaller  $N$  studies, and two or more cases for larger  $N$  studies. Next, the investigator must set a consistency threshold in order to distinguish between configurations that are to be treated as subsets of the outcome from those that are not. In a crisp set comprised of 0's and 1's, this distinction is obvious, but for a fuzzy set, a numeric threshold is necessary. Values below .75

indicate substantial inconsistency and are usually treated as the absence of outcome (Ragin, 2008).

Finally, fsQCA allows the investigator to specify how logical remainders—possible combinations of conditions where no case has membership greater than .5—will be treated in the analysis. By default, fsQCA produces three logical solutions of varying complexity: The parsimonious solution uses remainders to help simplify the equation. The drawback of this approach is that some remainders used to simplify the solution may not be empirically or theoretically plausible. For example, it is a logical possibility that visible political support and bureaucratic expertise and authority serve to limit, rather than improve, MSI transparency outcomes. However, such a scenario is neither theoretically plausible, nor empirically useful. Conversely, the complex solution does not use any remainders. The drawback of this approach is that the resulting solutions tend to be quite complicated, involving many conditions that might have been factored out if the empirical results were more fully utilized.

The intermediate solution splits the difference between the complex and parsimonious solutions, allowing the investigator to specify which remainders should be used to simplify solutions, based on whether the remainders are empirically or theoretical plausible (as opposed to logically possible). In this analysis, most causal conditions are hypothesized to lead to improved outcomes, so logical remainders that posit that these conditions help outcomes are included, while remainders that posit that these conditions hinder outcomes are excluded. There is one exception: Since it is unknown whether a prior political crisis should help or hinder subsequent gains in transparency and accountability, all remainders were allowed to inform the Intermediate solution.

The complexity of the solution is directly related to tradeoffs in consistency and coverage. While the intermediate and (especially) the parsimonious solutions can offer a great deal of simplicity, leading to higher coverage, they often sacrifice the precision needed for higher consistency. Conversely, the complex solution will produce highly consistent paths with lower coverage that applies to fewer cases. These tradeoffs must be considered when deciding which solution offers the most helpful assessment of sufficiency. Results from the analysis for sufficient relationships are discussed in Chapter 8. The full fsQCA output and analysis appears in Appendix CC.

#### 3.5.4 Limitations of the Comparative Method

In his seminal work on the comparative method, Lijphart (1971) identifies four different methods of scientific inquiry, each with its own strengths and weaknesses: The experimental method—where subjects, participants, groups, or communities are randomly assigned to experimental or control conditions—is superb for testing and eliminating rival hypothesis, however, there are both practical and moral reasons it can be difficult to use in the social sciences. The statistical method—where variance within a large data set is used to approximate experimental and control conditions—is easier to do, but requires a wealth of data, is vulnerable to “conceptual stretching,” and cannot directly impute causation.<sup>40</sup> The within-case study method—where a single phenomenon of interest is explored in great detail— is useful for examining causal relationships in-depth, but may have very little external validity. The comparative method—where a small number of cases are systematically compared to one another—is a pragmatic choice when data cannot be collected on an entire population, but may provide weaker analytical leverage than either the experimental or statistical method due to the inherent problem of “many variables, small number of cases” (p. 685).

In the late 1980s and early 1990s—as computer processing power began to increase exponentially—there was a notable and significant shift towards large-N statistical analysis in political science, particularly within the subfield of International Relations. During this time, use of the comparative method came under attack from a variety of authors who argued that many attempts to draw conclusions from a small number of cases were fundamentally flawed due to issues of selection bias and inattention to rival explanations (e.g., Achen & Snidal 1989; Geddes, 1990; King, Keohane, & Verba, 1994). Comparative methodologists pushed back, arguing that generating valid causal explanations for complex national and international outcomes requires in-depth analysis, while large-N statistical analysis risks generating spurious results, due to poor operationalization of concepts, dubious validity, and weak causal tests (Ragin, 1987; Rogowski, 1995; Collier & Mahoney, 1996; Collier, Brady, & Seawright, 2004).

Skocpol and Somers (1980) argue that assessing rival explanations for outcomes is only one possible rationale for using the comparative method. Comparisons also help to show that a given set of concepts usefully illuminates a set of cases (i.e., a parallel demonstration of theory) and can also be used to highlight differences to establish a framework for understanding how change processes play out (i.e., contrasts of contexts), as part of a broader mixed-methods research agenda.<sup>41</sup>

Indeed, while my original intent was to complement a small N analysis with a large N statistical study, the current state of the evidence on MSI outcomes made the use of statistical techniques inadvisable for two reasons. First, inferential statistics require that scores on a sample distribution are representative of the population of interest. Although there are many cases of national implementation for each global public sector governance MSI, the existing evidence base is skewed towards a handful of countries that have been examined repeatedly, meaning that

the construction of a large-N dataset based on the existing evidence would be fundamentally biased. Second, statistical analysis requires that all observations of a given variable are equivalent, i.e., either a single evaluator or instrument has made all observations, or there is an acceptable degree of inter-rater or inter-instrument reliability. Since the existing evidence for MSI outcomes comes from variety of internal, NGO, government, private sector, and academic sources of varying type (e.g., case studies, large N studies, cross-case comparisons) and quality (e.g., blog posts, annual reports, peer-reviewed journal articles), the existing evidence does not provide a clear, consistent dependent variable for use in large N statistical analysis.

While large-N, variable-oriented analysis is well suited to measuring the frequency and strength of observed relationships in the aggregate, it cannot provide insight into the directionality or sequencing by which these relationships come to exist. Indeed, conventional, variable-oriented cross-case analysis cannot systematically address action, agency, or complex event sequences (Abbott, 1992). However, within-case process tracing techniques are designed to do exactly that. In practice, within-case process tracing provides the analytical leverage with regard to establishing the presence or absence of particular causal conditions, while cross-case comparisons help to establish the scope within which these causal conditions, or combinations of conditions, can be expected to apply (Bennett & Elman, 2006). The fact that multiple causal combinations may lead to similar outcomes (i.e., equifinality) can be expressed using Boolean logic statements (e.g., “Insufficient but Necessary parts of a condition which is itself Unnecessary but Sufficient”) that are highly compatible with the goals of middle-range theory building, including generating contingent explanations and policy recommendations (Collier, Mahoney, & Seawright, 2004; Bennett & Elman, 2006).). With regard to the current research design, the within-case analysis does the heavy lifting with regard to establishing causal

mechanisms, while the cross-case comparisons are used to explore the frequency with which particular combinations of causal mechanisms work together to drive public sector governance MSI performance more broadly (i.e., across initiatives and countries).

### 3.6 Conclusion

In this study, three methods of inquiry—a comprehensive review of the existing evidence, nine within case studies, and a comparative qualitative analysis—are used to determine whether and how global multi-stakeholder initiatives (MSIs) contribute to improvements in transparency and accountability by national governments. In the next chapter, evidence from a comprehensive literature review is used to draw broad conclusions about whether MSIs have successfully facilitated improvements proactive transparency, demand-driven transparency, and accountability by national governments, as well as to generate a set of causal factors hypothesized to drive these outcomes. In Chapters 5-7, nine in-depth case studies of national MSI implementation serve to further validate the findings from the literature review, and add additional precision regarding key causal factors believed to be in play in each case. These case studies also provide the first ever examination of openwashing in public sector governance MSIs. Finally, in Chapter 8, findings from a qualitative comparative analysis are presented in order to identify key causal conditions driving transparency and accountability outcomes across all nine cases, in the hopes of building a middle-range theory of global public sector governance MSI effectiveness.

## CHAPTER 4

### GLOBAL MULTI-STAKEHOLDER INITIATIVES FOR NATIONAL PUBLIC SECTOR GOVERNANCE: A REVIEW OF THE EXISTING EVIDENCE

This chapter reviews the existing evidence for the effectiveness and impact of the Extractive Industries Transparency Initiative (EITI), the Construction Sector Transparency Initiative (CoST), and the Open Government Partnership (OGP).<sup>42</sup> “Effectiveness” is defined as the extent to which MSIs have helped to change government policy or facilitate public debate in participating countries). “Impact” is defined as the extent to which these debates and policy changes have had measurable effects on the social, economic, or environmental conditions within or across participating countries. This comprehensive literature review helps to guide the case studies (see Chapters 5-7) and the qualitative comparative analysis (see Chapter 8) by establishing whether public sector governance MSIs are reported to have produced improvements in proactive transparency (i.e., the discretionary release of government data), demand-driven transparency (i.e., reforms that increase public access to government information upon request), and accountability (i.e., the extent to which government officials are compelled to publicly explain their actions and/or face penalties or sanction for them) in participating countries, and by identifying key structures, processes, and sociopolitical conditions believed to facilitate these gains.

The Extractive Industries Transparency Initiative (EITI) is the oldest of the three public sector governance MSIs examined in this study. Section 4.1 reviews the EITI’s history, structures, and processes, and assesses the existing evidence for transparency and accountability outcomes. The existing evidence suggests that EITI is often effective at increasing proactive government transparency. Dozens of countries have disclosed over a trillion dollars in extractive industry revenue via EITI. While there are some instances where national stakeholders have

successfully expanded EITI reporting beyond the minimum standard, no participating country has used EITI as a platform to increase demand-driven transparency, nor has EITI been effective at improving broader government accountability.

The Construction Sector Transparency Initiative (CoST) is both the smallest and least publicized of the MSIs included in this study. Section 4.2 explores how CoST developed as a small pilot and re-launched as a global initiative in 2012, and how governments, private industry, and civil society participate in the initiative. It also assesses the evidence for transparency and accountability outcomes—both during the pilot phase, and since the global re-launch. While the current incarnation of CoST (2012-present) has started to yield some promising proactive transparency outputs, including formal disclosure requirements in Ethiopia, Guatemala, Honduras, and Vietnam, and informal incorporation of the CoST Infrastructure Data Standard (CIDS) in the Philippines, not all participating countries appear to be fully engaged with the initiative. Like EITI, no participating country has used CoST as a platform for increasing demand-driven transparency. Furthermore, the limited body of research available suggests that CoST has not been effective at improving broader government accountability to citizens.

The Open Government Partnership (OGP) is both the newest and largest of the MSIs included in this study. It is also the most flexible in terms of what participating governments can sign up to do. Section 4.3 reviews the OGP's history, structures, and processes, and assesses the evidence for transparency and accountability outcomes. OGP provides a platform for governments to commit to a variety of different activities, but is being used most often to facilitate improvements in proactive government transparency. While demand-driven transparency and accountability outcomes have been recorded in some participating countries,



governments vary in terms of the ambition of their National Action Plans, and significant gains in government accountability remain rare.

Taken together, the evidence collected across EITI, CoST, and OGP suggests that that public sector governance MSIs have helped to increase proactive government transparency in some participating countries, but that demand-driven transparency and accountability gains remain rare. Section 4.4 provides a brief synthesis of the evidence across all three MSIs. At present, there are still only limited sources for evidence on public sector governance MSI effectiveness and impact. Indeed, definitions of MSI “success” remain debated and negotiated. Finally, Section 4.5 draws on the existing evidence base—as well as supplementary interviews with MSI practitioners—to identify key sociopolitical factors believed to contribute to national MSI outcomes. MSIs are most likely to be effective when they are implemented by a coalition of high-level political actors, mid-level reformers, and savvy civil society organizations. MSI participants can also make use of political crises, high-profile meetings, and other unique moments of opportunity to push the work forward. Finally, MSI outputs must be made relevant to broad coalitions of civic actors that have the advocacy muscle to push for public sector governance reform.

#### 4.1 The Extractive Industries Transparency Initiative

In the 1990s and 2000s, a variety of actors began calling attention to “the resource curse”—a phenomenon whereby developing countries with significant natural resources often suffer from poor governance, poverty, lethargic economic development, and conflict.<sup>43</sup> From the Andes Mountains, to the Caspian Sea, to the Niger Delta, disagreements over the distribution of extractive revenues and benefits boiled over into violent conflict, as locally affected communities accused extractive firms of failing to make good on their promises for social development and

environmental mitigation, and citizens accused governments officials of funneling profits into their own pockets. In 1999, seeking a solution to the ongoing violence, corruption, and poverty, six NGOs founded Publish What You Pay, a global campaign calling on extractive firms to publicly disclose all payments made to governments.<sup>44</sup> The initial effort was supported by British Petroleum (BP), but faced roadblocks in the form of national governments that prohibited the publication of natural resource revenue. Consequently, in 2002, the British government called on governments themselves to commit to extractive industry transparency, and the Department for International Development (DFID) was tasked with overseeing the Extractive Industries Transparency Initiative (EITI) pilot program. In 2004, the World Bank set up a Multi-Donor Trust Fund (MDTF) in order to provide grants and technical assistance to countries implementing EITI. By 2005, the rules for participation had been laid out in the EITI Validation Guide. Governments wishing to participate promise to release basic information on the payments they have received from extractive sector companies. Firms operating within these countries are also obliged to release their payment records, so that an independent expert can reconcile the two sets of numbers. Governments also promise to set up a national multi-stakeholder group to oversee the process and to consider and publicize the findings.

EITI's independent International Secretariat was established in Oslo in 2007. In 2009, the first batch of countries was certified as compliant with EITI requirements and the EITI Validation Guide was replaced with the EITI Rules, which were updated again in 2011 to clarify that information disclosure must be timely and regular. As more countries continued to join the initiative, some members began to experiment with disclosure that went beyond these official EITI rules—for example, Liberia reported forestry and agriculture revenue, Nigeria included additional audits, and Ghana and Peru included payments to subnational governments. Although

the rules for participation had been strengthened, critics continued to point out that they still allowed countries to drag their feet on information disclosure, and set no minimum standards for ensuring that the information being released was actually relevant or useful for informing public debate.<sup>45</sup> In response, the EITI released an updated set of rules known as the “EITI Standard” in 2013. The EITI Standard was updated once again in early 2016. By July 2016, the initiative had grown to 51 implementing countries, with 31 certified as compliant under the older EITI Rules.

#### 4.1.1 EITI Structures and Processes

EITI policy is set by a multi-stakeholder board—comprised of representatives of government, private industry, and civil society—and carried out by an International Secretariat that oversees the day-to-day operations (For a complete list of current board members and principal funders, see Appendix 4A). Each participating country is expected to form a national multi-stakeholder group—drawn from these same sectors—that works towards compliance with the EITI Standard. According to Eddie Rich, Deputy Head of the EITI Secretariat and Regional Director for Africa and the Middle East, problems in natural resource governance had been intractable because different stakeholders could not agree on how best to address them. EITI works by “getting the right people around the table and finding something they can do together.” The goal of such collaboration is to find small areas of common ground between groups that usually do not have any. “You need Exxon next to Global Witness.”<sup>46</sup>

Initially, EITI’s diverse set of stakeholders could only agree on two basic principles: First, governments should disclose extractive industry revenue to the public; Second, civil society should have a seat at the table with government and the private sector to help guide this process. To be certified as EITI compliant, each national government had to release information on payments it received from extractive companies, allow these figures to be compared against

the companies' own records, and facilitate multi-stakeholder oversight of the disclosure and reconciliation process. EITI would re-validate each country's efforts every five years. The EITI International Secretariat provides guidance to implementing governments and the World Bank's Multi-Donor Trust Fund (MDTF) provides technical support and funding. Additional funds come directly from the governments of developed countries, many of which participate in the EITI as "supporting countries" rather than "implementing countries." To date, among developed countries, only Norway has been validated as EITI compliant. The United States, the United Kingdom, and Germany are currently in the process of implementing EITI.

Despite its relatively narrow mission, EITI was initially promoted to potential participants as an initiative that would lead to increased foreign investment and economic development and reductions in poverty and corruption (DFID, 2006, p. 26). In 2011, an external evaluation of EITI noted that it did not explain how compliance with its rules would lead to these macro-level impacts (Scanteam, 2011, p. 3). Additionally, EITI's donors began to ask questions about what the initiative had achieved. In response, EITI formed the Working Group on Theory of Change (WGTOC), which attempted to outline the path by which financial transparency would lead to sustainable development and poverty reduction (See Figure 4.1).<sup>47</sup>

What became clear through this exploration was that EITI's implicit theory of change relied on a number of processes that were not being facilitated directly by the rules for participation. Indeed, Deputy Head of the International Secretariat Eddie Rich noted that a common critique of EITI's narrow focus on revenue transparency has been that "it's cough medicine when the patient is dying of cancer." However, Rich counters that the process of moving from the EITI Criteria, to the EITI Rules, to the EITI Standard reflects EITI's strategy of "moving the consensus from the narrow to the meaningful." In this view, while revenue

disclosure might be a “lowest common denominator” that allows stakeholders with different goals and different conceptualizations of fairness to do something small together, over time their conversations continue, mutual understanding grows, and a shared consensus broadens to allow for more meaningful activities.<sup>48</sup>

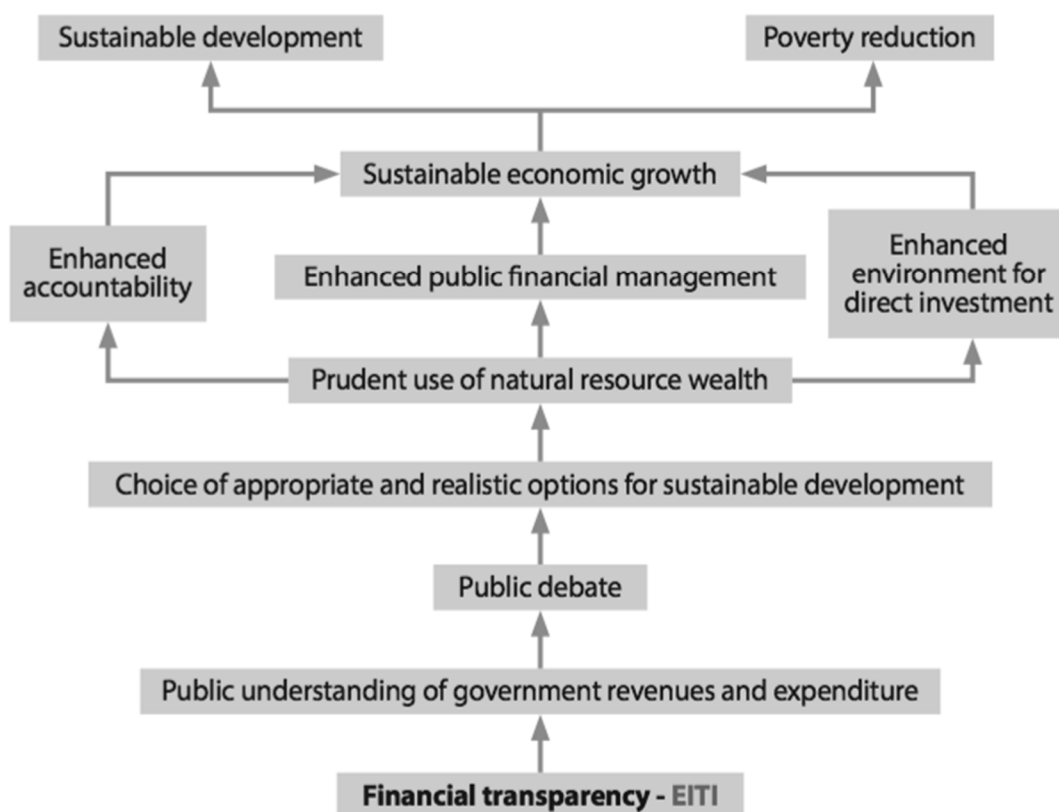


Figure 4.1. The EITI’s implicit theory of change, based on the experience of the World Bank and MDTF, shows that progress towards broader impacts relies on processes not facilitated directly by participation in EITI alone. Source: Department for International Development. (2012). *Report from Working Group on Theory of Change (WGTOC)*, p. 2.

The findings of the WGTC were used to inform the new EITI Standard, according to Erica Westenberg, a Senior Governance Officer with the Natural Resource Governance Institute (NRGI).<sup>49</sup> Nevertheless, Deputy Secretariat Head Eddie Rich insists that EITI has no unifying theory of change because “that implies that you can work out the route and that you have an end point.” Rather, EITI’s processes and results will look different in each country, because they face

different challenges in their extractive sector. “We’re not sure what change we’re trying to bring about.” Across countries, the most that can be said of EITI’s theory of change is that compliance with the EITI Standard should result in “country-specific recommendations” that “inform public debate” and “change policy.”<sup>50</sup>

Prior to the 2013 EITI Standard, the International Secretariat devoted most of its resources for monitoring and evaluation to ensuring that quality information was being disclosed by participating governments and reconciled with company records. Although civil society participation has always technically been a part of EITI’s validation requirements, this aspect of the earlier rules for compliance was poorly defined and difficult to measure. The 2013 EITI Standard provides new tools for monitoring compliance in the form of annual work plans and activity reports.<sup>51</sup> Additionally, countries will now be validated every three years, rather than every five. While the EITI’s independent validation process ensures that participants are following the rules, it will not necessarily provide any evidence for effectiveness or impact.

In July 2015, the International Secretariat announced that they would begin a new round of consultations with participating countries on how to improve the validation process. “There are concerns by many stakeholders that validation is unlikely to provide fair assessments,” the Secretariat wrote. “While the bar for achieving compliance should not be changed, there are concerns that the current validation system does not adequately consider the diversity of implementing countries or take into account progress over time” (EITI, 2015, September). In October, the EITI Board met to review proposals for modifying the validation process by 45 different stakeholders from over 25 countries and several international NGOs. In December 2015, the Board reviewed the results from pilot validations in Mongolia, Sao Tome & Principe, Solomon Islands and Timor Leste and agreed on a number of refinements to the EITI Standard

that were proposed and approved at the Global EITI Meeting in February 2016 (Kilpi, 2015, December 10; Ponsford, 2016, February 24).

#### 4.1.1.1 Mechanisms for building an evidence base

EITI has commissioned two evaluations by external global consulting firms, one by Rainbow Insight in 2009, and one by Scanteam in 2011. “Evaluation reports every few years are useful,” says Deputy Secretariat Head Eddie Rich. It would also be useful to have aggregated information on EITI’s effects on a variety of longer-term impacts, including human rights, credit ratings, pricing, smuggling, artisanal mining, and global commodity flows, he says, but “we haven’t got the resources; we need more in-house capacity.”<sup>52</sup>

EITI also works closely with the World Bank and several international NGOs that collect information on the effectiveness and impact of the initiative in at least some countries. However, according to Erica Westenberg, Senior Governance Officer with NRGI, aggregating national-level findings and learning from them “has not really been part of [EITI’s] mandate.”<sup>53</sup> The Secretariat itself is limited in its ability to make adjustments, due to the formal multi-stakeholder governance of the initiative. For example, some evaluations have suggested that EITI implement a “pass” and “high pass” validation process in order to encourage innovation and more detailed disclosure. While the Secretariat itself is said to favor this approach, the EITI Board resisted, fearing it would encourage ranking and other comparisons between countries that would potentially be perceived as unfair.

#### 4.1.2 Assessing the Effectiveness and Impact of EITI

As discussed above, EITI has yet to articulate a clear results framework that can be used to assess its effectiveness (i.e., the extent to which EITI has helped to change government policy or facilitate public debate in participating countries) or impact (i.e., the extent to which these

debates and policy changes have had measurable effects on the social, economic, or environmental conditions within or across participating countries). Accordingly, a results framework for use in this analysis was intuited from a review of EITI materials (see Table 4.1). At the level of outputs (i.e., compliance with EITI rules), EITI has made considerable progress in improving the transparency of extractive industry payments to national governments. EITI has also generated new spaces for dialogue and negotiation between governments and civil society at the global level—via the International EITI Board—and (in some cases) at the national level—via national multi-stakeholder groups. At the level of outcomes (i.e., tangible policy reforms or increases in public debate), the evidence suggests that greater transparency has rarely led to greater accountability. With regard to impact (i.e., improvement in social, economic, or environmental conditions), a few large N studies do suggest EITI membership may be correlated with improvements on some indicators of good governance, development, and investor confidence.

Table 4.1. Results framework used to assess EITI effectiveness and impact

Result	Definition	Position along the results chain
Increased trust	Stakeholders report that increased dialogue and learning has built trust between government, civil society, and private sector participants	output
EITI reporting	Participating governments release reconciled extractive industry payment data which meets EITI’s reporting requirements	output
Discrepancies identified	EITI reports have revealed missing funds that cannot be explained, and/or inefficient or noncompliant practices	output
Funds Recovery	Missing funds are recovered	outcome
Mandatory disclosure laws	Countries that have passed legislation making disclosure and reconciliation of extractive industry payments mandatory	output/outcome
Policy Reform	National reforms are made to the governance of the extractive sector	outcome
Poverty reduction/Sustainable development	Improved efficiency in the distribution of natural resource wealth	impact



#### 4.1.2.1 National EITI reporting and multi-stakeholder trust building

There can be little doubt that EITI has set a new global standard for proactive extractive sector transparency by national governments. As of December 2015, 42 countries had produced EITI reports disclosing payments covering 256 fiscal years and US \$1.7 trillion dollars in government revenue (EITI, 2014, p. 19). In many cases, countries are disclosing this information for the first time (Caspar, 2012). Currently, 31 countries are “compliant” with EITI requirements for proactive information disclosure. More than half a dozen have even voluntarily expanded the mandate of their national EITI program. For example, Liberia has expanded its EITI mandate to cover logging and plantation agriculture, Mongolia has extended its reporting to include environmental protection and rehabilitation payments, and Kazakhstan, Ghana, and the Philippines have mandated that subnational revenue payments be reported as well.<sup>54</sup>

Nevertheless, in recent years, the EITI’s rhetoric has shifted from a focus on “dollar amount disclosed” to concepts like “trust” and “providing a platform for policy discussion,” says Michael Jarvis, Global Lead for the Extractives Governance program within the World Bank Group’s Governance Global Practice, suggesting that the multi-stakeholder dialogue facilitated by EITI has value, independent from other outputs.<sup>55</sup> EITI has brought together diverse international stakeholders as part of its governance structure, helped them to engage in dialogue, and provides an important network for learning (Mejía Acosta, 2014). In 2013 alone, 250 delegates from implementing countries’ multi-stakeholder groups participated in EITI training workshops. EITI has also achieved significant uptake by governments and private interests. In just over a decade, EITI has grown from less than 10 countries to more than 50, and is currently supported by 88 major oil, gas, and mining companies (EITI, 2014, p. 19).

At the national level, through the creation of national multi-stakeholder groups (MSGs), EITI has facilitated dialogue and learning between stakeholders in at least a dozen countries

(e.g., Scanteam, 2011; Ospanova, Ahmadov, & Wilson, 2013; and Kluttz, Gbede, Barry & Nah, 2015). For example, in a 2015 assessment of EITI in Côte d’Ivoire, Guinea, and Liberia, the Open Society Initiative for Western Africa (OSIWA) reports that researchers assigned to all three case studies “unanimously cite the increase in transparency and in debate or dialogue among stakeholder groups as a positive development, directly stemming from the EITI process and its interaction with the broader governance environment” (Kluttz et al., 2015, p. 4). Moreover, EITI (2010, p. 11) cites improvements in the average World Bank Voice and Accountability index score of African countries participating in the EITI from 1998 to 2008.

Yet, while OSIWA and others suggest that EITI has led to increased dialogue between stakeholders, the extent to which national MSGs fully ensure an inclusive, fair, and efficient decision-making process has been called into question by MSI Integrity (2013; 2015), a human rights NGO that evaluates the governance procedures of MSIs. In seven out of the 15 countries reviewed by MSI integrity, civil society representatives were selected through processes that raise questions about their independence from government or whether they were the best representatives for civil society (MSI Integrity, 2015, p. viii). Furthermore, EITI has no grievance mechanism where the concerns of local communities that have been excluded from the decision-making process can be heard (p. xi). Deputy Secretariat Head Eddie Rich argues that these critiques of EITI “miss the point.” While it is true that “some national MSGs could and should be more representative,” EITI is “not about the procedures,” but about stimulating debate on “issues of substance,” including (in at least some countries) millions in missing revenue.<sup>56</sup>

#### 4.1.2.2 Mandatory disclosure laws and other national policy reforms

In most participating countries, sustained EITI reporting is vulnerable to changing government priorities (e.g., elections, cabinet resignations, etc.), and reliant on the voluntary

participation of private sector companies. However, Ghana, Liberia, Nigeria, and Tanzania have all enshrined their rules for revenue disclosure in national law (in 2011, 2009, 2007, and 2015, respectively), ensuring that their proactive transparency gains are permanent. Whether these mandatory disclosure laws should be interpreted as outputs (i.e., procedural achievements that only have value as far as they contribute to more meaningful changes in extractive sector governance) or outcomes (i.e., improvements to the governance of the extractive sector that are meaningful in and of themselves) remains a question without a clear answer from EITI. However, OSIWA's 2015 report on Côte d'Ivoire, Guinea, and Liberia cautions that "each of the countries boast legislation supporting transparency and accountability, while lacking the institutions and decrees or means to implement these policies to effect change on the ground" (Kluttz et al., 2015, p. 4).

While mandatory disclosure laws require government agencies to regularly release information on the extractive sector (i.e., proactive disclosure), they do not increase public access to government information upon request (i.e., demand-driven disclosure). While EITI's minimum standard for membership does not address demand-driven transparency directly, national MSGs are encouraged to innovate in order to make the activities of the initiative more relevant to domestic concerns. Thus far, however, no national MSG has attempted to use EITI as a platform for working toward greater freedom of information.

Beyond mandatory disclosure laws, there are few examples of sustained public debate or policy change as a result of EITI. In case studies of three EITI countries—Nigeria, Mongolia, and Gabon—Scanteam (2011) found that while participation in the initiative had led to increased dialogue and trust between stakeholders engaged in the process, these improvements had not generated any effects at the societal level. Additionally, in a case study of Liberia and Timor

Leste, O’Sullivan (2013) found that while EITI generated a great deal of initial public interest, the national multi-stakeholder groups in both countries lost momentum shortly after completing the validation process. He suggests that the loss of momentum can be attributed to a combination of turnover among key MSG participants and the highly technical nature of the information being disclosed rendering it irrelevant to public debate. Wilson & Van Alstine (2014) found similar results in a comparative case study of Azerbaijan, Ghana, and Nigeria. In Azerbaijan—the first country to be EITI compliant—the government lost interest in the initiative as soon as the validation process was complete.<sup>57</sup> Even in Nigeria, where the EITI reports are considered a gold standard, they have produced limited benefits, due to a lack of political will to follow up on their findings (e.g., Shaxson, 2009; Keblusek, 2010; Okeke & Aniche, 2013; Bature, 2014).<sup>58</sup>

Ghana stands out as perhaps the best example of policy change driven by EITI participation. Since joining the initiative, EITI reports covering ten fiscal years have been released. These reports showed that the country was failing to collect as much revenue as they could have, and policymakers responded by making significant reforms to the extractive industry royalty and corporate tax structure (Wilson & Van Alstine, 2014, p. 32). “Causality [between EITI reporting and government policy change] is clearest in Ghana,” says Erica Westenberg, Senior Governance Officer with NRG. <sup>59</sup> A few other countries have identified discrepancies in extractive revenue payments using new information made available by EITI reports, but none have taken any significant actions as of yet. To date, EITI has helped Nigeria to uncover \$9.8 billion in missing payments but has only been able to recover about a quarter of that amount (\$2.4 billion).<sup>60</sup> In their most recent report (covering 2011), the Democratic Republic of Congo uncovered \$88 million in missing revenue, but no funds have been recovered, despite a long investigation by the auditor general’s office (EITI, 2014, p. 23). Liberia conducted an audit of

existing oil and mining contracts and found that over 90% of those reviewed did not comply with existing laws and regulations (p. 29). Yet, these revelations have yet to translate into any policy changes. The 2015 OSIWA report sums up the state of the evidence nicely: “case studies do not present evidence that [EITI’s] potential has translated into positive change in the lives of citizens, or into improved development outcomes for the countries’ populations” (Kluttz et al., 2015, p. 4).

Thirty-one countries are fully compliant with EITI, yet only a handful of these countries have been subjected to a full review of national outcomes (see Table 4.2). The evidence that is available suggests that joining EITI may empower some civil society actors and encourage public debate, creating a window of opportunity for policy change, but that the information being disclosed thereafter has yet to drive additional reform. However, without a systematic review of all EITI countries, there is no way to know how widespread national-level effects have been. Indeed, Scanteam (2011, p. 35) cautions that there has been a bias towards documenting only positive results without acknowledging where the initiative has failed to deliver.

Table 4.2. EITI compliant countries discussed in reviewed EITI documents

<b>Country</b>	<b># EITI Documents</b>
<b>Azerbaijan</b>	<b>5</b>
Cameroon	2
Côte d'Ivoire	1
<b>Ghana</b>	<b>5</b>
Gabon	1
Guinea	1
Indonesia	1
Kazakhstan	3
Kyrgyz Republic	1
<b>Liberia</b>	<b>6</b>
Mali	1
Mongolia	2
Mozambique	1
<b>Nigeria</b>	<b>21</b>
Peru	2
Timor-Leste	1
Zambia	1

Table 4.2. These results exclude documents for Guatemala, the Philippines, and Tanzania, which were uncovered separately as part of the case studies presented in Chapters 5-7.

#### 4.1.2.3 Large-N studies of EITI

A handful of studies have endeavored to examine EITI's broader social and economic impacts via statistical analysis of large-N datasets. Researchers have found promising correlations between EITI and indicators of good governance, development, and investor confidence. For example, Aaronson (2008, July 12) compared countries implementing EITI to non-implementing countries and found that EITI participation (as of 2007) had a statistically positive relationship with perceptions of business climate, and scores on the World Bank's Voice and Accountability index.<sup>61</sup> Similarly, Corrigan (2014) analyzed panel data from 200 countries and found that EITI participation (as of 2009) had a positive relationship with GDP per capita (controlling for inflation, investment, government consumption, democracy levels, population and openness in terms of trade), and with Worldwide Governance Indicators (WGI) measuring

perceptions about the rule of law and perceptions about the capacity of governments to make sound policy (controlling for conflict, population, GDP per capita growth, and government consumption). Finally, Schmaljohann (2013) analyzed panel data from 81 countries and found that EITI candidacy (as of 2011) was correlated with a 2 percentage-point increase in FDI to GDP ratio (controlling for economic reforms, changes in government, and candidacy announcement year).

Not all large-N statistical findings have been quite so encouraging. Thus far, researchers have been unable to find correlations between EITI membership and reductions in corruption. Aaronson (2008, July 12) found no relationship between countries implementing EITI (in 2007) and Transparency International's Corruption Perception Index (CPI). Similarly, Corrigan (2014) found no relationship between EITI (in 2009) and a WGI indicator measuring perceptions of corruption. Ölcer (2009) also did not find a relationship between EITI and perceptions of corruption, measured using both the 2008 CPI and the 2007 WGI. In fact, he noted that EITI countries actually performed worse on WGI's control of corruption measure in 2007 than they had in 2002 (pp. 10 & 12).

Yet, other researchers point out that the observed lack of statistical correlation between EITI and global indicators of corruption may simply be an artifact of the large N statistical approach. For example, Scanteam (2011), which also reported inconclusive results from their analysis of "big picture" indicators (including the CPI and WGI indicators), suggests that statistical aggregation "washes out" individual country performance, hiding important differences in how EITI has been implemented (pp. 32-34). Indeed, a 2014 EITI blog post (i.e., Valverde, 2014, December 16) examining country performance on the CPI argues that although finding a direct relationship between the EITI and CPI ranking is challenging, the general trend

is positive. In 2013, the average EITI country score had climbed five positions over four years. In 2014, the CPI showed that EITI countries on average climbed another two positions on the index. For compliant countries (as opposed to countries still in the process of implementing EITI), this average increased to just under 2.5 positions. On average, EITI countries improved their score by one point vis-à-vis the previous year.

#### 4.1.2.4 Making sense of the EITI evidence base

Researchers have offered a variety of explanations for why EITI has not produced more conclusive evidence of societal impacts in participating countries, despite some promising findings from large-N studies. Some argue that simply not enough time has passed for EITI to reasonably be expected to generate national impacts, and suggest reexamining the relationship between EITI and good governance indicators in 5-10 years (e.g., Haufler, 2010; and Corrigan, 2013). Others argue that EITI needs to identify performance indicators that more clearly align with its core national-level activities (e.g., Rainbow Insight, 2009; Scanteam, 2011; DFID, 2012; Mejía Acosta, 2014, and Locke & Henley, 2013). However, the majority of assessments conclude that the limited impacts observed thus far is not an artifact of time or measurement, but evidence that EITI itself is in need of improvement:

At a minimum, researchers suggest that the evidence shows EITI's pre-2013 revenue payment disclosure standard has been too limited to generate broad social impacts. If the EITI is supposed to improve the governance of the extractive sector, EITI disclosure should include the whole extractive industries value chain—from preliminary studies and discussions about whether to extract, through the initial contracting process, to tax payments, to how the government spends the revenue it receives (see Mainhardt-Gibbs, 2010; Scanteam, 2011; Desai & Jarvis, 2012; and O'Sullivan, 2013). In order to be useful to local civil society groups, the information disclosed



should also be disaggregated by project (see Publish What You Pay & Revenue Watch Institute, 2006; Mainhardt-Gibbs, 2010; Ospanova et al., 2013; O’Sullivan, 2013; and Wilson & Van Alstine, 2014).

A broader critique of EITI offered by other researchers is that expanded proactive transparency alone would still fail to generate greater accountability. In order for national interest groups to be able to use technical data on revenue payments to make clear demands for improved public governance of the extractive sector, this information first needs to be translated into useable, actionable information (see Gillies, 2011; Ospanova et al., 2013; O’Sullivan, 2013; Wilson & Van Alstine, 2014; and Mejía Acosta, 2014). Additionally, revelations from EITI reports need to be embedded into broader national conversations around reform (see Kluttz et al., 2015). As Deputy EITI Secretariat Eddie Rich put it, “people respond to a news article about a pileup, not a report on highway safety.”<sup>62</sup> Critics suggest EITI can encourage these improvements in two ways: First, the International Secretariat and its partners should directly fund and support technical and media outreach training opportunities for civil society organizations, in order to increase their capacity to both understand extractive industry data, and communicate it effectively to national constituencies (see Publish What You Pay & Revenue Watch Institute, 2006; Ölcer, 2009; Desai & Jarvis, 2012; Hudson & Lay, 2013; Etter, 2014; Ospanova et al., 2013; O’Sullivan, 2013; and Wilson & Van Alstine, 2014). Second, the International Secretariat should link the use of EITI data to other broader public governance reform efforts or multi-stakeholder initiatives (see Ölcer, 2009; DFID, 2012; World Bank, 2012; Ospanova et al., 2013; Wilson & Van Alstine, 2014; and Kluttz et al. 2015).

#### 4.1.3 A Changing EITI Standard: A sign of improvements ahead?

The EITI Standard was updated in 2013, and again in 2016. Essentially all of the currently available evidence for the effectiveness and impact of EITI pre-dates these changes. The 2013 Standard made several key adjustments to the rules for country participation that may help to address some of the limitations noted here, and potentially improve EITI's performance in future evaluations. First, national multi-stakeholder groups (MSGs) are now expected to submit annual work plans and activity reports. These additional reporting requirements are intended to help national multi-stakeholder group participants come to a consensus about what they hope to accomplish with the disclosed payment figures once they have them. Second, EITI reports are now expected to include revenue allocation by region, subnational transfers, and other types of disaggregated reporting which could make the reports more useful for local communities seeking to understand whether they are benefitting from the extractive sector. Third, all governments now have to submit annual activity reports (previously, only compliant governments had to do so) and have to be revalidated every three years as opposed to every five (Moberg, 2013, May 10). These two adjustments close significant loopholes that might permit openwashing (i.e., presenting a public image of transparency and accountability, while maintaining questionable practices in these areas), whereby an implementing or recently validated country might do little for several years, while continuing to reap the reputational benefits of membership.

The 2013 Standards did not address all of the criticisms levied against the older EITI Rules. EITI still did not require the disclosure of government expenditures or environmental impact and mitigation plans; and while contracts disclosure and beneficial ownership information were "encouraged," they were not made mandatory. Indeed, it remained unclear whether or how the "encouraged" aspects of the new standard would matter. EITI validation was

still “pass/fail,” rather than having a performance gradient that would designate innovative countries as “high pass” and countries doing the minimum as “compliant.” Since countries that did decide to include additional disclosures (e.g., logging payments, expenditures) were not assessed based on their own agenda, but on the minimum standard, there was little incentive for governments to go beyond the minimum. Indeed, one coordinator for a national EITI multi-stakeholder group, interviewed under the condition of anonymity, reported that the MSG was told by representatives of the World Bank—a major provider of EITI funding and technical support—that they should “aim for the minimum first.”<sup>63</sup> This may help to explain why there have not been attempts to use EITI as a platform for improving demand-driven transparency. Indeed, one employee working for an international NGO that monitors EITI implementation in several countries, also interviewed under the condition of anonymity, expressed concern that EITI has not made it clear that the new standard “should be a floor not a ceiling.”<sup>64</sup>

In an assessment of the first 22 EITI reports produced under the 2013 Standard, the Natural Resource Governance Institute (NRGI) found that participating governments were indeed producing more useful information on licenses, political affiliations of company owners, and local revenues, among other things; however, no government had successfully applied every part of the new standard (Westenberg & George-Wagner, 2015). NRGI noted several areas of concern: most EITI work plans are not closely linked to national policy priorities, the information being released is two years old on average, many countries are not publishing data in a machine-readable format, few countries were producing any analysis of the data, and only around half of the annual activity reports explicitly considered whether EITI was having the desired effect on the governance of the extractive sector. Furthermore, uptake of the “encouraged” elements was minimal. NRGI recommended that national MSGs work to disclose

contracts, beneficial ownership information, and project-level data, and to improve data on state-owned enterprises, subnational revenues, and the overall yearly value of extractive resource production.

In December 2015, the Board agreed on a number of additional refinements to the EITI Standard that were proposed and approved in February 2016 at the Global EITI Meeting in Lima (Kilpi, 2015, December 10). Substantive changes to the EITI Standard include an attempt to “mainstream” transparency, by allowing EITI reporting to occur through existing government systems as an alternative to producing separate reports, a provision requiring beneficial ownership disclosure by 2020, a provision requiring national MSGs to agree to a clear policy for the access, release, and re-use of EITI data (an open license is encouraged but not required), and a provision requiring national MSGs to document progress in implementing recommendations made in prior EITI reports or provide a rationale for disregarding these recommendations (Rogan, 2016, March 8). Additionally, the International Secretariat and Board conducted a series of consultations with participating countries on how to improve the Validation process. “While the bar for achieving compliance should not be changed,” the Secretariat wrote that, “there are concerns that the current validation system does not adequately consider the diversity of implementing countries or take into account progress over time” (EITI, 2015, September). As a result, the Validation process was also modified in 2016 to encourage and reward continuous improvement by member countries, and tasks the International Secretariat with data collection (Rogan, 2016, March 8).

The ability of the modified EITI Standard to deliver improved results will be critical for the EITI’s future, but evidence on the impact of these improvements is likely to be years away. Erica Westenberg, Senior Governance Officer with NRGi said that the new standard is

essentially like “resetting the clock” when it comes to measuring effectiveness and impact. Since countries are likely to struggle to fully comply with the new information disclosure requirements for the foreseeable future, Westenberg estimates that “it will take three, five, ten years before we’re looking at long-term data trends.”<sup>65</sup>

#### 4.2 The Construction Sector Transparency Initiative (CoST)

In the late 2000s, the UK Department for International Development—which had overseen the EITI from 2002 to 2006—developed the Construction Sector Transparency Initiative (CoST) to “see if EITI could work in construction,” explained CoST Chairman of the Board Christiaan Poortman.<sup>66</sup> According to Petter Matthews and John Hawkins of the CoST International Secretariat, mismanagement in the construction sector is thought to result in investment losses of up to 30%.<sup>67</sup> <sup>68</sup> Inefficiency and corruption in earlier development projects had left international funders disappointed at the return on their investment, and only served to exacerbate the already adversarial relationship between public procurement agencies and civil society in many countries. In this climate, DFID introduced the idea of an international initiative that would facilitate information disclosure and civil society participation in the construction sector, much like EITI had done in the oil, gas, and mining sector. DFID funded a three-year pilot project in eight countries. The seven original pilot countries (an eighth—Guatemala—was added later) were selected by DFID, based largely on existing personal relationships between DFID staff and national-level stakeholders in these countries. They were also selected to include a mix of developed and developing economies, post conflict states, and strong and weak civil society participation.<sup>69</sup>

The CoST pilot program—which ran from mid-2008 through 2010, and was managed by PricewaterhouseCoopers in collaboration with British Expertise, Engineers Against Poverty, the

Institution of Civil Engineers, and the Tiri Construction Group—required each participating country to establish a national multi-stakeholder group (MSG) comprised of representatives from government, private sector, and civil society.<sup>70</sup> Each MSG conducted a baseline study of transparency in the public construction sector, including a review of current disclosure laws and practices, as well as barriers preventing more effective disclosure.<sup>71</sup> Next, each MSG selected a sample of current construction projects for inclusion in an independent technical review, called the “assurance” process. Assurance teams would request contract and project information from the relevant procuring entities, verify the data they received through a process of expert review, and produce an assurance report—summarizing the results for all selected projects and identifying areas for concern. The MSG would then sign off on the report and release the findings to the public. When the pilot program concluded, international stakeholders worked to analyze the results and design an improved global initiative. However, for most CoST participants working at the national level, the end of the pilot meant that, “everything stopped” for approximately 12-18 months, due to a lack of funding.<sup>72 73</sup>

In October 2012, CoST was officially re-launched as a global program with the support of the World Bank.<sup>74</sup> The UK-based NGO Engineers Against Poverty, which had assisted with implementation of the pilot phase, was selected to staff and manage the new International Secretariat. Several significant changes were made to the CoST membership requirements following the pilot. First, in place of the fairly narrow baseline study, participating countries were now required to produce a broader “scoping study” that provides details on priority infrastructure needs, the structure of the national construction industry, as well as political challenges and opportunities, including key players in each sector and existing institutions and initiatives that support transparency and good governance. Second, CoST now provides specific

recommendations for 40 data points—called the CoST Infrastructure Data Standard (IDS)—that should be disclosed for every public infrastructure project. Third, procuring agencies are required to proactively disclose information directly to the public, often via an online portal. Finally, the assurance process was redesigned, such that assurance teams now review a sample of disclosed projects (usually around 20-30 projects) for compliance with the IDS, as well as for accuracy (i.e., comparing the information disclosed with original documents including contracts, feasibility studies, environmental impact assessments, etc.).<sup>75</sup> As of July 2016, 15 countries have joined CoST.

#### 4.2.1 CoST Structures and Processes

CoST “inherited the MSI approach” from EITI, says Chairman of the Board Christiaan Poortman.<sup>76</sup> Like EITI, CoST has formal multi-stakeholder governance structures at both the transnational and national level. At the transnational level, board members are elected from a delegate assembly of government, civil society, and industry sector participants, and international stakeholders (i.e., the World Bank, Transparency International). (For a complete list of current board members and principal funders, see Appendix 4B). The national multi-stakeholder group selection process varies by country, but participants are drawn from government, civil society, and industry, with donors often attending as non-voting observers. Representatives from both the Board and the International Secretariat believe that bringing civil society and industry into the decision-making process helps to develop relationships between stakeholders, facilitates better coordination across agencies and companies, and improves the credibility and efficiency of projects, through civil society monitoring.<sup>77</sup>

CoST’s International Secretariat is housed within the UK NGO Engineers Against Poverty (<http://www.engineersagainstopoverty.org/>), which was established in 1998 by the Royal

Academy of Engineering and the Department for International Development (DFID), and specializes in engineering and international development. The role of the International Secretariat is largely to offer learning, support, and guidance to participating countries, raise funds, and encourage additional countries to join. While they have also been successful at securing the “rhetorical and political support” of global institutions like the G20, as well as multinational companies and associations, the Secretariat has struggled to translate that support into funding. This has somewhat limited their ability to commission research, conduct in-person training, or monitor progress to date.<sup>78</sup>

According to Bernadine Fernz, a policy advisor with the International Secretariat, participation in CoST involves four key activities: 1) multi-stakeholder collaboration at the national level, 2) disclosure of key contract and project information (i.e., the CoST Infrastructure Data Standard) by government procurement agencies, 3) verification (i.e., the CoST assurance process), and 4) “using information for accountability,” which can take many forms, but must involve disseminating the information in a way that encourages public debate and/or participation.<sup>79</sup> For example, Joe Ching’ani— private sector contractor and national MSG chair—explained how in Malawi, the information from the assurance report is synthesized into easy-to-understand talking points and then discussed by a panel—in both Chewa and English—on live radio.<sup>80</sup> Unlike EITI, CoST does not certify participating countries as “compliant” with these activities.<sup>81</sup> However, the International Secretariat does monitor progress and can suspend non-performing countries. Indeed, Zambia became the first country suspended from CoST in December 2015 (CoST Board, 2015).

The national multi-stakeholder groups (MSG) have significant autonomy in developing their program of activities. They work with government procurement agencies to identify



projects for review and identify nationally based independent experts (i.e., engineers, architects, and other consultants) to serve on the assurance team. “There’s no real science” as to how many projects should be included to start with, says Bernadine Fernz of the International Secretariat, although a minimum of ten projects is encouraged.<sup>82</sup> “When countries sign up to CoST,” she notes, “they commit to working to scale-up disclosure” across procuring entities and sectors, via the creation of online platforms and legislation enshrining mandatory disclosure into law.<sup>83</sup> Since there is no certification process, it is largely up to members of the national MSG to create incentives for reform. This is accomplished using a mix of “top-down” approaches—whereby MSG members lobby the government to institutionalize CoST—and “bottom-up” approaches—whereby MSG members attempt to increase grassroots demand for information and reform. The International Board and Secretariat can provide advice, but national-level multi-stakeholder groups are expected to develop their own action plan for scaling up the initiative.

Following the conclusion of the pilot, CoST refined their theory of change and released a proposed results chain that identifies the intended intermediate and longer-term outcomes of the initiative, as well as the projected impacts (See Figure 4.2). CoST’s theory of change posits that once projects are more transparent, citizens will use that newly available information to demand changes and improvements to individual projects, and to the procurement process itself. Collecting and disclosing information should also improve government self-regulation, as procuring entities improve their practices in response to greater scrutiny by regulatory bodies and the public. These intermediate outcomes should lead to more efficient delivery of assets and greater integrity and fairness in the business process. These outcomes in turn drive impacts that include better infrastructure, cost savings to the government, and greater public confidence in the construction industry.

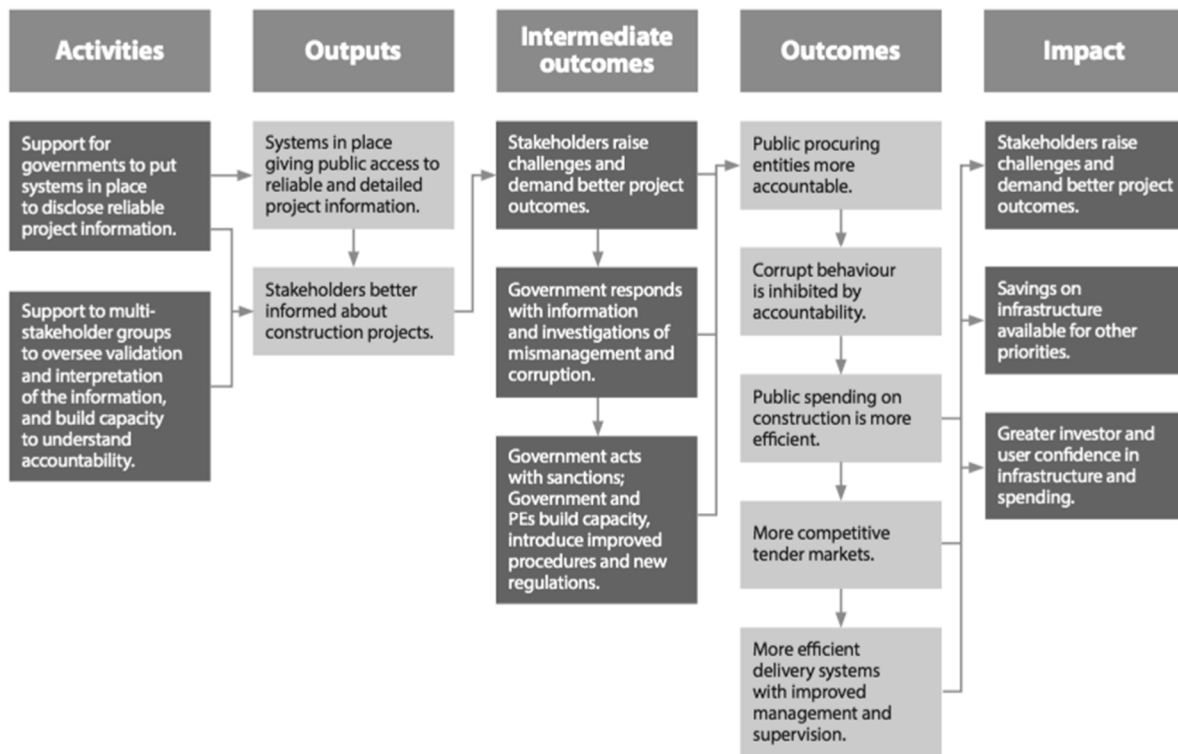


Figure 4.2. The CoST results chain distinguishes between outputs, intermediate and final outcomes, and impact. Source: CoST International Secretariat. (2012a). *Construction Sector Transparency Initiative: Programme summary*, p. 6.

Unlike EITI, which initially tried to incentivize governments to implement the standard by suggesting that public disclosure of extractive revenue would lead to society-wide reductions in poverty and increases in development, CoST initially focused squarely on improvements *within* the infrastructure sector, while acknowledging that the initiative is “part and parcel of a much broader reform.”<sup>84</sup> The goal is to build “islands of integrity” explains CoST Chairman Christiaan Poortman, with the expectation that these islands are subsequently able to “build up commitment to the CoST principles that would withstand political change.”<sup>85</sup> Not only did this approach keep CoST from having to demonstrate links between its modest achievements and broader social impacts, but it also resonated with industry stakeholders like Joe Ching’ani, director of Chico Construction in Malawi and member of the national CoST multi-stakeholder

group. Ching'ani believes that CoST “shouldn't be both the prosecutor and the judge,” when it comes to how project information is used after it has been disclosed. CoST's role is simply to provide the information. Other governance institutions should take over and act on issues of concern raised from assurance Reports.<sup>86</sup>

More recently however, CoST has widened its' theory of change to encompass broader developmental improvements that are hypothesized to result from its work.<sup>87</sup> In essence, since infrastructure is vital for development (i.e., roads and buildings provide access to markets, healthcare, education, etc.), better infrastructure helps to deliver better development outcomes. These additional impacts have yet to be added to CoST's official results chain, but they are discussed in video clips posted to the initiative's website (<http://www.constructiontransparency.org>).<sup>88</sup>

#### 4.2.1.1 Mechanisms for building an evidence base

CoST's small International Secretariat staff oversees progress in all participating countries, but limited resources have prevented them from implementing a robust monitoring and evaluation framework. In 2015, the International Secretariat identified 18 indicators they believed would help to measure national level outputs, but currently, only two participating countries are tracking these indicators (Hawkins, 2015, pp. 27-28). Nevertheless, according to Bernadine Fernz, policy advisor to the CoST International Secretariat, efforts are currently transitioning from monitoring transparency (i.e., formal disclosure requirements, coverage of procurement agencies) to monitoring the *effects* of transparency. Examining this phase of the causal chain is “very difficult,” she says, because “there could be a number of factors (in addition to increased transparency) that could have contributed to the positive change or impact.”<sup>89</sup> Additionally, concerns remain among Secretariat staff that “metrics don't tell the whole story.”<sup>90</sup>

“We get a lot of pressure from donors to demonstrate impact,” says one staff member at the International Secretariat who spoke on the condition of anonymity. Indeed, in the past, funders have stepped in to provide some additional capacity for monitoring and evaluation. DFID commissioned an evaluation—completed by the UK-based firm GHK Consulting, Ltd.—following the end of the pilot program, and the World Bank Development Grant Facility (DGF) commissioned a second evaluation—completed by the UK-based consulting firm Agulhas—which was released in November 2015 (i.e., Vaillant & Spray, 2015).<sup>91</sup> Additionally, as part of the 2011-2014 DGF grant closeout, Engineers Against Poverty produced its own assessment of CoST, also released in November 2015 (i.e., Hawkins, 2015). CoST Chairman Christiaan Poortman is hopeful that recently acquired funding from DFID and the Dutch Ministry of Foreign Affairs will allow the Secretariat to bulk up their capacity for monitoring and evaluation, but at the moment, he acknowledges that CoST’s capacity for evaluation “needs significant strengthening.”<sup>92</sup>

Most evidence for the effectiveness and impact of the initiative during the pilot phase comes from internal “success story” briefs, notably CoST’s *Impact Stories* (2012) briefing note, which collects anecdotal evidence of progress from across all participating countries.<sup>93</sup> Additionally, despite their limited resources for monitoring and evaluation, CoST Secretariat staff have also produced a singularly unique examination of the causal effects of the initiative: a book chapter written by Calland and Hawkins (2012) for the Basel Institute on Governance. In this study, the researchers break the CoST theory of change into its individual components, and then trace whether and how each component contributed to outputs and outcomes in each country. Evidence for CoST’s achievements since the global re-launch comes predominately from two reports—an external evaluation produced by the consulting firm Agulhas (i.e., Vaillant

& Spray, 2015), and a self-assessment produced by the CoST International Secretariat (i.e., Hawkins, 2015). These reports assess CoST both in terms of its efforts to establish itself as a global initiative (i.e., number of new member countries and private sector supporters, amount of outside funding raised, evidence of an international profile), as well as its national level outcomes.

#### 4.2.2 Assessing the Effectiveness and Impact of CoST

CoST's diagram of its results chain (see Figure 4.4) provides a reasonably strong jumping off point for evaluating the evidence for effectiveness and impact. CoST's anticipated outputs are: 1) "Systems in place giving public access to reliable and detailed project information;" and 2) "Stakeholder better informed about construction projects." Anticipated intermediate outcomes are: 1) "Stakeholders raise challenges and demand better project outcomes;" 2) "Government responds with information and investigations of mismanagement or corruption;" and 3) "Government acts with sanctions; Government and procuring entities build capacity, introduce improved procedures, and new regulations." Longer-term outcomes and impacts include more accountable procuring entities, less corruption, more efficient government spending, more competitive bidding, and more efficient management of the sector.<sup>94</sup>

Evidence from the pilot phase (2009-2010) demonstrates the CoST has produced intermediate outcomes in a few countries. Of the eight countries that participated in the pilot, two—Guatemala and Ethiopia—have each generated government sanctions on a single mismanaged project, and two—Guatemala and Malawi—implemented broader reforms within the construction sector as a whole. While the current incarnation of CoST (2012-present) has started to yield some promising proactive transparency outputs in a number of countries, there is still little evidence of broader impacts.

#### 4.2.2.1 Outcomes from the 2008-2010 pilot

CoST reports project-level outcomes from the pilot in Guatemala and Ethiopia. In Guatemala, the CoST assurance process revealed that the contracting process for the Belize bridge project was improperly conducted under “emergency procedures.” The work being proposed was not necessary and would have actually made the bridge *less* safe (CoST Guatemala, 2011, pp. 9-18). After these facts came to light, the contract was cancelled (CoST International Secretariat, 2012b, p. 3). In Ethiopia, the CoST process revealed a “non-optimal design” in the proposed Gindibir to Gobensa Road project, which led the Ethiopian Road Transport Authority to suspend the private consultant who had designed the project for two years (CoST International Secretariat, 2012b, p. 2).<sup>95</sup> While changes to individual construction projects that are mismanaged or dangerous are important, only a handful of projects are ever subjected to the full CoST assurance process. The International Secretariat’s limited capacity for tracing causal processes and monitoring impacts makes it difficult to determine the overall effect that project-level changes have had on the construction industry. “We have reason to believe it is working” says Bernadine Fernz, a policy advisor with the CoST International Secretariat, “but it’s fairly anecdotal.”<sup>96</sup>

Broader sector-level outcomes occurred in Guatemala and Malawi. In Guatemala, the assurance process highlighted that project contracts were being awarded prior to the approval of a budget to cover the cost. Based on the recommendation of the assurance team, legislation was enacted to require a sufficient budget to be in place before the award of the contract (Calland & Hawkins, 2012, p. 169). In Malawi, the initial CoST baseline study revealed average project time overruns of 97 percent and average cost overruns of 6 percent on sampled projects. Malawi’s Parliament subsequently approved a reform package aimed at improving management capacity and ensuring more efficient delivery of public sector construction projects. The package

included measures to detach the Buildings Department from the Ministry of Transport and Public Infrastructure, and gave the former statutory powers to outsource critical functions as a means to mobilize existing capacity wherever it can be found (CoST International Secretariat, 2012, p. 1; Calland and Hawkins, 2012, p. 173). Calland and Hawkins (2012) attempt to trace whether these results would have happened without CoST, were due to CoST but not specifically due to the influence of the national multi-stakeholder group, or were directly due to the influence of the MSG. They conclude that the influence of the MSG was critical for some outputs (i.e., improved disclosure laws in Ethiopia and Malawi) and outcomes (i.e., the redesign of specific construction projects in Guatemala and Ethiopia, regulatory reform in Guatemala), but not others (i.e., regulatory reform in Malawi was triggered instead by the baseline study).

According to Bernadine Fernz, a policy advisor for the CoST International Secretariat, the pilot program also produced two opportunities to realize longer-term impacts. In Guatemala, the cancellation of the Belize bridge project resulted in potential cost savings up to \$4.6 million (CoST Guatemala, 2011, p. 12). Similarly in Ethiopia, the assurance process revealed flaws in the Gindibir to Gobensa Road project resulted in potential cost-savings of up to \$3.8 million dollars (B. Fernz, 2015, February 26, phone interview; 2015, July 15, e-mail correspondence).<sup>97</sup> If these cost savings were to be truly realized, i.e., if money was rerouted from these projects to other priorities, or at the very least to superior infrastructures projects, these results would be classified as impacts according to CoST's results chain (i.e., "Savings on infrastructure available for other priorities").

Since CoST recently decided to expand its theory of change to include broader developmental impacts as part of its results framework, it must also be noted that no evidence currently exists that links CoST pilot performance to improvements on any indexes of

development. While the initiative's expanded scope may help to generate increased interest on the part of potential donors or media outlets, this expansion does not appear to be evidence-based.

#### 4.2.2.2 Achievements since 2012

Since the global re-launch of CoST in 2012, both an independent evaluation by the World Bank Development Grant Facility (DGF) (i.e., Vaillant & Spray, 2015) and a self-assessment by Engineers Against Poverty (i.e., Hawkins, 2015) find that CoST has helped to establish formal disclosure requirements in four countries, scale up disclosure through the use of online web portals, and validate data, via the assurance process, for 95 projects in total. However, they also raise concerns that some of the original pilot countries have shown a lack of ongoing political commitment, since being automatically enrolled in the new global initiative. Finally, they note that the release of project information through the disclosure and assurance processes has not yet translated into broad public awareness or advocacy.

CoST shows significant progress on one key output metric: “put systems in place giving public access to reliable and detailed project information” (see Figure 4.4). Formal proactive disclosure requirements have already been put into place in Ethiopia, Guatemala, Honduras, and Vietnam.<sup>98</sup> Additionally, several CoST countries are currently scaling up efforts to disclose project information online. Guatemala has already disclosed over 3,000 projects on the Guatecompras web portal (<http://www.guatecompras.gt/>).<sup>99</sup> Similarly, Honduras began disclosing information only five months after joining the initiative. Currently, over 350 projects are disclosed on the Sistema de Información y Seguimiento de Obras y Contratos de Supervisión (SISOCS) web portal (<http://www.insep.gob.hn/sisocs/>).<sup>100</sup> Ethiopia has also built an online disclosure portal, and has already trained project engineers on how to publish information online



(CoST International Secretariat, 2013, December 11).<sup>101</sup> “Disclosure is becoming routine,” says Bernadine Fernz of the International Secretariat, “so we can now focus on delivering impact and changes on the ground.”<sup>102</sup>

If national legislation and regulatory changes can be considered lasting legacies of MSIs, then CoST’s proactive transparency results are already on par with EITI.<sup>103</sup> However, the disclosure of project information does not mean that these projects have been scrutinized using the full CoST assurance process. For example, while Guatemala had disclosed information on over 1,200 projects by early 2015, CoST assurance reports included only 18 projects in 2013 and 24 projects in 2014 (CoST International Secretariat, 2013, December 11).<sup>104</sup> Indeed, due to cost and logistics, the CoST assurance process is only intended to address a small sampling of projects that are of particular interest to the national MSG.<sup>105</sup> While all EITI data are validated through an independent process of reconciliation between government and private sector sources, only 95 public infrastructure projects across all participating countries have been validated through the CoST assurance process since the end of the pilot (Hawkins, 2015, p. 1).

Both the independent evaluation (i.e., Vaillant & Spray, 2015) and self assessment (i.e., Hawkins, 2015) acknowledge that significant momentum was lost due to the gap between the end of the pilot phase and the launch of the global initiative. While some pilot participants, including Ethiopia, Guatemala, Malawi, and Vietnam, have recovered, others, like the Philippines and Tanzania, continue to struggle, due to a lack of high-level political support and a lack of resources. Indeed, Vaillant & Spray (2015, pp. v & vi) identify four key factors for successful CoST implementation: access to resources, a functional MSG, political will, and procuring entities with sufficient expertise and authority to comply with disclosure and assurance requirements.

Yet, both reports also acknowledge that disclosure and assurance are insufficient to drive improvements in public sector governance. Vaillant and Spray (2015, p. iv) conclude that, “CoST’s Theory of Change does not go far enough in elucidating CoST’s strategic vision and unpacking its assumptions. In particular, the result chain comes with a limited analysis of stakeholders’ incentives...An unrealistic assumption about pro-active disclosure has meant that the assurance process has remained unwieldy and has not turned, as expected, into regular events for public outreach and advocacy.” Hawkins (2015, p. 5) notes that (similar to EITI) questions remain about the legitimacy of non-governmental actors invited to participate in CoST national multi-stakeholder groups, as well as the balance of decision-making power between government and non-governmental actors. Vaillant and Spray (2015) argue that making CoST’s assumptions more explicit would help to place greater emphasis on behavioral change, and in so doing, move the initiative away from technocratic and apolitical strategies.

Indeed, while CoST acknowledges the importance, at least in principle, of both top-down and bottom-up pressure to achieve reform, Hawkins (2015, p. 16) acknowledges that funding limitations have forced the International Secretariat and national MSGs to prioritize top-down approaches (i.e., disclosure and assurance), at the expense of bottom-up approaches (i.e., raising public awareness, building greater capacity to interpret and utilize project data). This may also help to explain why no national MSG has attempted to use CoST as a platform for increasing demand-driven transparency. “Building demand had been neglected because the emphasis was on disclosing information,” he writes, “what happened once the information was disclosed was seen as relatively less urgent.” Hawkins (2015, p. 29) argues that it is still too early to draw conclusions on whether the initiative has developed the right approach for delivering greater

transparency and accountability in public infrastructure, but acknowledges that, “there are still too many programmes where little progress has been made.”

### 4.3 The Open Government Partnership (OGP)

The Open Government Partnership was formed in 2011, after the White House hosted a multi-stakeholder meeting to exchange ideas for encouraging open government practices around the globe. “Countries were doing amazing things by themselves,” explains Roberta Solis Ribeiro, former International Affairs Advisor for Brazil’s Comptroller General’s Office, who has been involved with OGP since the beginning, “the question was, could these innovations be scaled up and shared between countries.”<sup>106</sup> Participants agreed that because open government is often politically controversial, a high-profile international initiative could help generate commitments from leaders who might otherwise be reluctant to provide the space for civil society and government reformers to operate.<sup>107</sup>

Unlike EITI or CoST, which provide a sector-specific information disclosure standard to participating countries, OGP does not specify a standard, but provides a platform for many different types of action in five key areas: 1) Improving Public Services, 2) Increasing Public Integrity, 3) More Effectively Managing Public Resources, 4) Creating Safer Communities, and 5) Increasing Corporate Accountability.<sup>108</sup> Participating governments are expected to work with national representatives of civil society to “co-create” a two-year National Action Plan that addresses several of these areas. The OGP’s international secretariat, known as the Support Unit, provides support in creating and implementing these action plans as well as a periodic independent assessment of progress.

In September 2011, eight founding countries officially endorsed the Open Government Declaration, and announced their first action plans. As of July 2016, the OGP had grown to 70

countries—the majority of which are now developing or implementing their third action plans—and 435 commitments had been fully implemented.<sup>109110</sup>

#### 4.3.1 OGP Structures and Processes

OGP’s transnational steering committee consists of 11 representatives of government and 11 individuals with ties to civil society, with two rotating chairs for each stakeholder group. (For a complete list of current board members and principal funders, see Appendix C.) Initially, there were no civil society co-chairs, but OGP’s leaders felt it was important to model the “principle of parity” they expect participating countries to emulate in their collaborations with representatives of civil society.<sup>111</sup> The investment and participation of both groups of stakeholders is seen as critical for OGP’s success. “Open government is politically challenging, so you need government. You want it to improve life for citizens, so you need civil society,” explains Linda Frey, former executive director of the OGP support unit.<sup>112</sup>

While there are no eligibility requirements for countries to join EITI or CoST, before joining OGP, countries must first meet basic requirements for fiscal transparency, access to information, public officials asset disclosure, and citizen engagement.<sup>113</sup> The indicators used to assess eligibility are produced by a variety of international actors. The International Budget Partnership’s Open Budget Index is used to measure fiscal transparency. Access to information is assessed using a survey produced by the Open Society Institute Justice Initiative and Access Info Europe (see Open Society Justice Initiative, 2014, February). Public official asset disclosure is measured using the World Bank’s Public Officials Financial Disclosure Law Library (see World Bank Group, 2016). Citizen engagement is assessed using the Economist Intelligence Unit Democracy Index (for the most recent version, see Economist Intelligence Unit, 2015).

OGP governments determine their action plan commitments, ostensibly in consultation with their national CSO counterparts. Unlike EITI or CoST, OGP does not propose a specific set of open government standards; action plans are supposed to respond to national agendas. Martin Tisné, an investment partner at the Omidyar Network, calls this “standard-setting from below.”<sup>114</sup> Action plans can include pre-existing initiatives, provided they fall into one of the core issues areas of the initiative and are not yet complete. According to Joseph Foti, director of the OGP Independent Reporting Mechanism (OGP’s action plan review unit), OGP is a “platform for action”—an “accelerant”—rather than a standard setting organization.<sup>115</sup> “OGP looked like it would complement what we were doing anyway,” says Roberta Solis Ribeiro, former International Affairs Advisor for Brazil’s Comptroller General’s Office, who was charged with developing anti-corruption and good governance initiatives.<sup>116</sup> Since OGP is a broad, flexible initiative, it “allows CSOs to not only hold governments to account, but be active contributors to policy reform” adds Suneeta Kaimal, Chief Operating Officer of the Natural Resource Governance Institute (NRGI), and a former OGP civil society co-chair.<sup>117</sup>

The OGP is institutionally hosted by the Tides Center, located in San Francisco, CA.<sup>118</sup> However, most of OGP’s staff—both the Support Unit and the Independent Reporting Mechanism (IRM), which is responsible for producing regular assessments of governmental progress on action plan commitments—are located in Washington, DC. For each participating country, the IRM contracts with nationally based researchers or journalists to produce assessments of progress on each action plan commitment after one year and then again at the end of the two-year action plan cycle, following a set of criteria designed to be sufficiently flexible to account for widely varying country differences. An International Expert Panel (IEP) is responsible for the IRM’s methodology, and reviews the country reports for quality control and

consistency. In 2014, the OGP’s Independent Reporting Mechanism introduced the idea of “starred commitments” to help to encourage governments to be more ambitious in their action plans. Starred commitments are those that are evaluated by IRM to be: 1) Concrete (“medium” or “high” specificity); 2) Ambitious (projected to have “moderate” or “transformative” potential impacts, if completed); 3) Clearly relevant (relevance to one of three core OGP values—Access to information, Civic participation, Public Accountability); and 4) Complete (“complete” or “substantial” progress) by the end of the action plan cycle (Foti, 2014, p. 21).

In April 2015, following a review of the year-long pilot phase of applying stars to recognize ambitious commitments, the International Expert Panel decided to raise the bar for starred commitments, such that only commitments projected to have “transformative” potential impacts (as opposed to either “transformative” or “moderate”) will qualify. IEP members found that many commitments projected as having moderate potential impacts were insufficiently ambitious to warrant such a designation.<sup>119</sup> The new IRM assessment criteria went into effect in August 2015 and country reports specify the change.

“The IRM is the global accountability mechanism,” explained a staff member with the OGP Support unit interviewed under the condition of anonymity, “and civil society is the domestic accountability mechanism.”<sup>120</sup> At the national level, OGP encourages “regular consultation” between civil society and government to develop an action plan, implement it, and monitor progress. While this requirement for consultation does not explicitly call for the creation of a national multi-stakeholder group (which is the case for both EITI and CoST), Joseph Foti of the OGP IRM interprets this requirement to mean that some sort of regular forum for exchange of ideas and dialogue should exist.<sup>121</sup> Indeed, while several countries—including Mexico, Peru, Costa Rica, the US, the UK, Ghana, Liberia, Georgia, Sierra Leone, the Philippines and

Indonesia—have established multi-stakeholder bodies to oversee OGP design and implementation, the IRM’s 2014 Technical Paper, based on the first 46 OGP actions plans, found that few countries were meeting all of the OGP’s expectations for consultation with civil society (see Foti, 2014, pp. 24-28; and OGP, 2014a, p. 1). OGP has tried to address this by providing additional guidance specifying that “regular consultation” can best be achieved through a “permanent dialogue mechanism.”<sup>122</sup>

Of the three public sector governance MSIs included in this study, the Open Government Partnership has articulated the clearest link between its activities, its overall theory of change, and its metrics for evaluating progress. “We work with a lot of assumptions [in our theory of change]” says an anonymous OGP Support Unit staff member, “which is fine, as long as we acknowledge what they are.”<sup>123</sup> First, OGP identifies three key groups that have an important role to play in implementing each participating country’s open government agenda. High-level support by presidents, prime ministers, or ministry heads creates the political space necessary to innovate and collaborate. Mid-level bureaucrats within the government have the technical expertise and knowledge necessary to carry out reforms. Civil society organizations create the outside pressure necessary to push governments toward greater transparency. “The government needs to know that people are watching.”<sup>124</sup> As these three groups work together to design and implement a National Action Plan, a virtuous cycle develops: as meaningful reforms facilitated by OGP begin to take root, all three groups become increasingly invested in making the next action plan better than the last (See Figure 4.5).

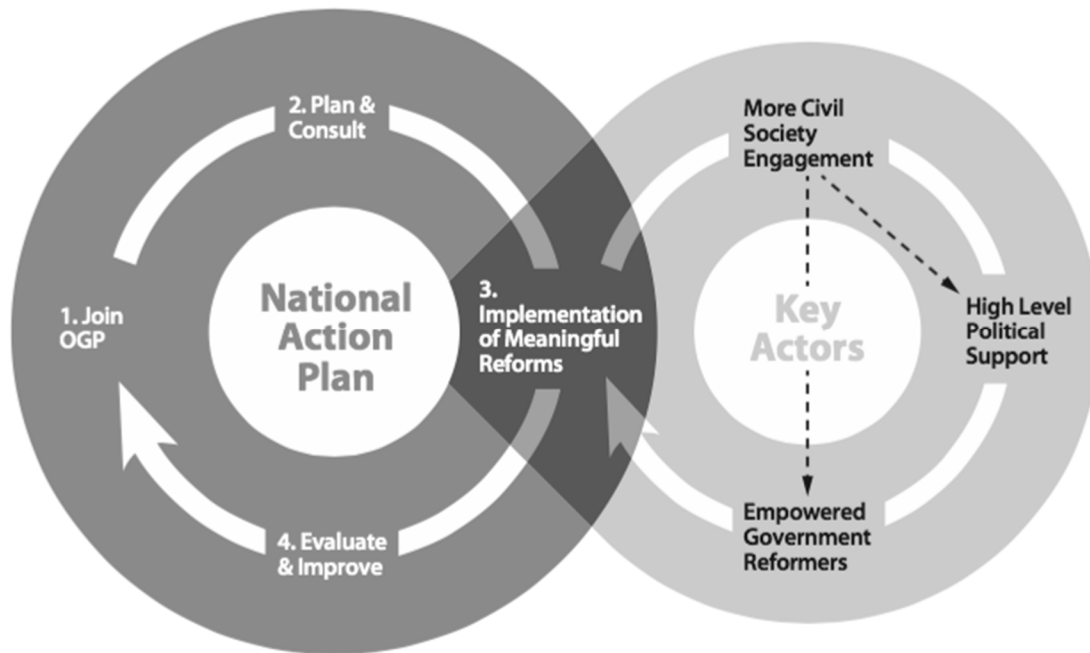


Figure 4.3. OGP’s theory of change includes a virtuous cycle between key actors at the national level and the National Action Plan cycle. Source: Open Government Partnership. (2014b). *OGP Four-Year Strategy 2015-2018*, p. 13.

Based on this theory of change, OGP has developed a unique set of activities targeted at each group (See Figure 4.6). High-level support is obtained by convening summits and other high-profile events to put the spotlight on leaders and encourage them commit to reform. Mid-level reformers benefit from technical support and peer-learning opportunities that provide them with valuable introductions to other reformers. Finally, civil society can be supported through capacity building and outreach to ensure they understand their rights to participate in OGP decision-making processes. Driving this process is the OGP National Action Plan cycle, which allows the Support Unit to provide guidance and the IRM to provide an independent assessment of progress.





Figure 4.4. OGP has identified different activities that help key actors remain invested in the process. Source: Open Government Partnership. (2014b). *OGP Four-Year Strategy 2015-2018*, p. 17.

#### 4.3.1.1 Mechanisms for building an evidence base

While OGP has ambitious goals, “there has to be clarity about what we can realistically achieve in the short and long term,” says an OGP Support Unit staff member interviewed under the condition of anonymity.<sup>125</sup> The OGP Support Unit has been tasked with identifying indicators to measure progress on each strategic objective as well as measuring country-level results (OGP, 2014b, pp. 30-31). Since the release of the OGP’s Four-Year Strategy Paper, which outlined the basic framework for monitoring and evaluation, around 90% of concrete short and long-term indicators have been finalized. Each indicator will have ownership within OGP’s 20-person support staff. Each indicator will be updated annually or biennially, so the Support unit also hopes to develop a “dashboard” to track country progress. Short-term and country-level

indicators will be built using data gathered by national liaisons. Longer-term indicators (e.g., “expanding the space for dialogue”) will rely mostly on existing outside metrics. According to the OGP Support unit, six additional research projects —two internal and four external —that will identify key factors driving OGP implementation are currently in various stages of implementation (OGP Support Unit, 2014, Appendix 2). Finally, OGP also plans to contract with external evaluators to conduct an independent evaluation of strategic objectives in 2016 and an assessment of longer-term results in 2018 (OGP, 2014b, pp. 28-29). The mid-term evaluation will be used for internal learning purposes, allowing OGP to adjust its theory of change if necessary. “This is not something we’re doing only for donors,” says an OGP Support Unit staff member, “we’re doing this for our own purposes. Even if we don’t have an [external] evaluation coming up, we’re going to evaluate ourselves.”<sup>126</sup>

In addition to the Support Unit, the OGP’s Independent Reporting Mechanism (IRM) also provides some additional capacity for building an evidence base, though its primary function is to track governments’ compliance with the National Action Plan cycle. In the first IRM Technical Report, Foti (2014) lays out a results chain for the OGP, broken into domestic and international levels of analysis (See Figure 4.7). Foti notes that while the IRM is well placed to assess national-level implementation of action plan commitments (“outputs”) and *preliminary* evidence of how reforms are being used at the national level (“outcomes”), it does not assess broader social impacts. Since the IRM is designed to allow countries to track their own progress, but not to compare their progress with that of other countries, IRM staff only occasionally aggregate country-level data into metrics on the OGP as a whole. Additionally, since most OGP countries are only in their second action plan cycle, it will be years before there is enough data for meaningful trends to emerge.

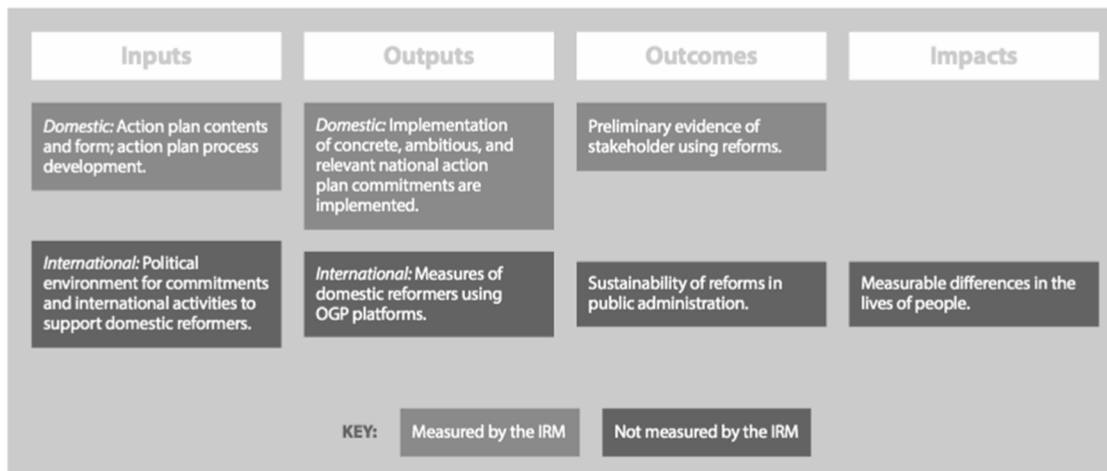


Figure 4.5. The IRM may be able to provide some national-level data on outcomes, but is not designed to assess the broader effectiveness or impact of the OGP. Source: Foti, J. (2014). *Independent Reporting Mechanism Technical Paper* (No. 1), p. 110.

Nevertheless, the IRM data, which is released publicly, makes it possible to explore structure and process-oriented questions about OGP outputs, including, which types of commitments are most frequently implemented, which types of commitments generate the most public attention, or which ministries tend to develop the strongest commitments (OGP Support, 2014). Even here, however, the quantitative IRM data on commitments only provides a jumping-off point, insofar as most of the underlying evidence of commitment-by-commitment progress is qualitative (e.g., progress towards implementation can be rated as “limited,” “substantial,” or “complete”). Indeed, each IRM country report dedicates a succinct 2-3 pages to assess progress on each commitment.

There are currently no independent evaluations of the OGP’s overall effectiveness or impact.<sup>127</sup> Indeed, because each government maintains discretion over what it commits to do as part of OGP, and because action plans can include existing projects or policies as commitments, no set of consistent cross-country evaluation metrics exists.<sup>128</sup> OGP has posted a wealth of disaggregated National Action Plan and IRM data online, in the hopes that external groups

would provide additional research capacity to explore the impacts of the initiative. As of May 2015, external OGP research projects were underway at Hivos, Global Integrity, U4, and Princeton University's Innovations for Successful Societies program. In August 2015, OGP itself also launched a call for proposals for research exploring cross-country correlations between progress on OGP and other development indicators, using National Action Plan and IRM data, funded by the International Development Research Centre (IDRC). Six small grants were awarded and in late 2015, the resulting research was posted to the OGP website (<http://www.opengovpartnership.org/topics>).

#### 4.3.2 Assessing the Effectiveness and Impact of OGP

Prior to 2015, little independent research on cross-country trends in OGP country outcomes has been completed. Most early research focused on country compliance with OGP rules for public participation and action plan quality. A second phase of OGP research still underway seeks to identify key drivers of successful action plan implementation. OGP can point to its contributions to passing freedom of information laws and stimulating national dialogue around public procurement, although some policy areas identified as key issue areas (i.e., safer communities, improving public services) remain relatively unaffected. Finally, although three large-N studies—Harrison & Sagoyo (2014), Petrie (2014), and the World Justice Project (2015)—were identified that purport to examine the relationship between OGP membership and other metrics of open government, only one (World Justice Project, 2015) relies on a truly independent measure of openness in order to make the case for causation.

##### 4.3.2.1 Compliance studies

Compliance studies provide insights into early links in the results chain, although they cannot speak to effectiveness (i.e., the extent to which OGP has helped to change government

policy or facilitate public debate in participating countries) or impact (i.e., the extent to which these debates and policy changes have had measurable effects on the social, economic, or environmental conditions within or across participating countries) directly. OGP National Action Plans (NAPs) are published online, so any interested party can assess the quality of the commitments being made. For example, in 2012, Global Integrity looked at the extent to which NAP commitments to date were “SMART” (1) Specific 2) Measurable 3) Actionable 4) Relevant and 5) Time-bound), and published their findings in a blog post. They found that nearly 70% of commitments reviewed met at least four of those five criteria. However, fewer than half of countries outlined metrics for assessing their progress and 40% did not have clear timelines for implementation (Anand, 2012, June 21). In the years since the blog post, OGP has provided additional guidance to countries on how to write “SMART”er commitments.

Following the completion of the first OGP National Action Plan cycle, the IRM released a technical paper providing insights into the implementation of NAP commitments, the quality of these commitments, and government compliance with OGP processes (i.e., Foti, 2014). The report found that implementation of action plan commitments was uneven across countries. A small group made significant progress, but a larger group completed less than half of their commitments. Twenty-five percent of commitments made by OGP’s second cohort of 35 countries were evaluated as “starred.” IRM found no correlation between the number of commitments evaluated to be potentially “transformative” and the number of commitments completed, suggesting that more ambitious plans were implemented just as frequently as less ambitious plans. Only 36% of commitments were evaluated as “new,” though there was wide variation between countries. A majority of action plans also had a number of “filler” commitments—defined as those evaluated by IRM to have low specificity, no potential impact,

or unclear relevance to OGP values. In another report looking specifically at action plan commitments on public participation in Latin America (i.e. Whitt, 2014), the IRM found that while a third of Latin American commitments (34%) focus on improving public participation, over half of these encouraged only shallow forms of participation (e.g., “inform,” “consult”), rather than more transformative ones (e.g., “involve,” “collaborate,” “empower”).

Valenzuela, Criado, & Ruvalcaba (2015) conducted a review of commitments in 9 North and South American OGP countries, in order to determine their potential impact. The authors began with NAP commitments that the IRM had evaluated as potentially transformative and complete, and further assessed them based on their capacity to transform the environment of government (i.e., nano = generating dialogue between actors; micro = improving existing public programs; meso = improving organizational forms; macro = changing national laws and rules), in order to determine the size of the organizational change they might bring about (i.e., shallow, intermediate, deep, or rooted). Of the 58 potentially high-impact commitments originally identified by the IRM, 66% were assessed as having the potential for deep or rooted organizational change.

While the IRM itself did not rank and compare the performance of individual countries, others have used publicly available IRM data to compare countries on their OGP performance. For example, Alberto Abella of the Open Knowledge Foundation (2014, August 19) used IRM data to rank countries by the quality, ambition, and implementation rate of their action plan commitments. He found that the overall highest performers were Slovakia, Moldova and Croatia. Countries with limited ambition but strong implementation included Paraguay, Denmark and Czech Republic. Countries with great ambition but poor follow-through included Estonia, Romania and Greece. Similarly, the Ukraine chapter of Transparency International

looked at OGP progress in Eastern European countries and divided them into “champions” (Georgia and Moldova) and “slowpokes” (Azerbaijan, Armenia, and Ukraine) (Presniakov & Wolanskyj, 2012).<sup>129</sup>

A few recent studies have also shown that OGP countries have been conspicuously selective in terms of what they are willing to commit to do. In one noteworthy study, Ojo et al. (2015) compiled all OGP country scores on a series of well-established government indicators (i.e., the Corruption Perception Index, the World Bank Worldwide Governance Indicators, the United Nations E-Government Survey 2014, World Economic Forum’s Global competitiveness report and the Open Data Barometer report) in order to determine how each country currently performs on each of OGP’s “grand challenges” (i.e., public service, public integrity, public resources, safer communities, and corporate accountability). The authors then compared these scores with each country’s National Action Plan commitments, in order to determine the extent to which OGP is actually being used to address the most pressing issues in each country. Twenty countries were evaluated as having “very strong” or “reasonably strong” links between the grand challenges most in need of redress and NAP commitments. However, 14 countries were evaluated as “fair,” and 33 were evaluated as “weak” or “very weak.” 80% of OGP countries were assessed to have commitment shortfalls with regard to public resources, and 91% of OGP countries were assessed to have commitment shortfalls with regard to both corporate accountability and safer communities. In other words, Ojo et al. (2015) found that only 30% of OGP countries appear to be using the initiative to address their most pressing governance issues, and several of the OGP’s grand challenges are not being addressed at all.

Elena (2015) found similarly anemic results with regard to justice-related issues. Only 1.8% of OGP commitments (35/1985) address justice issues. Furthermore, while commitments to

justice reform made up 2% of commitments during the first National Action Plan cycle, they make up only 1% of commitments made during the second and third action plan cycles. Finally, only 14% of justice commitments (5/35) have been evaluated as “starred” commitments by the IRM.

Looking beyond National Action Plan commitments, the IRM (i.e., Foti, 2014) also found that many of OGP’s second cohort of 35 countries failed to follow the OGP’s rules for consultation with civil society during the design and implementation of their first National Action Plans. For example, compliance with consultation requirements during the design phase of the action plan cycle ranged from 23% (making a timeline available to the public) to 74% (in-person consultations). That means nearly a third of OGP countries did not hold a single in-person meeting to discuss the action plan before it was finalized. During the implementation phase, less than half of OGP countries held regular forums to discuss progress.

Newer, preliminary assessments by the IRM suggest that country compliance with this requirement has improved dramatically. Nevertheless, an increase in the *quantity* of CSO engagements does not necessarily mean that the *quality* of these engagements has improved as well. In a case study of nine OGP countries, Francoli et al. (2015) found that only a narrow circle of NGOs are usually involved in the National Action Plan design process. Smaller CSOs located outside national capitals often lack the capacity to engage in consultations and simply remain excluded. Beyond the initial design process, even the more professional NGOs often find themselves excluded from discussions about implementation. The authors conclude that there is a clear need to build capacity among government civil servants to carry out inclusive, sustained consultations with civil society.



As the majority of OGP countries work to design and implement their third National Action Plans, there is some anecdotal evidence to suggest that government-civil society collaboration does indeed “deepen” over successive cycles. In Brazil, during the first National Action Plan cycle, a ministerial committee on open government charged with drafting the action plan consulted with CSOs as part of the process. During the second NAP cycle, members of the committee actually formed an ad-hoc working group with ten CSO organizations to draft the action plan. For the third action plan, CSOs are seeking to further institutionalize this working group and include representatives from the private sector and academia, according to Roberta Solis Ribeiro, International Affairs Advisor for Brazil’s Comptroller General’s Office.<sup>130</sup> Similarly, in Mexico, the first National Action Plan was drafted with little input from civil society, but the second was the result of tough negotiations between government representatives and participating civil society organizations (Fundar, 2015, October 27). Finally, in a case study of nine OGP countries, Francoli et al. (2015) also found evidence that government-civil society dialogue seems to be reinforced over time. Although these are promising developments, there are currently few empirical studies that examine whether and how greater CSO participation influences action plan design or implementation.<sup>131</sup>

#### 4.3.2.2 Identifying key factors for successful National Action Plan implementation

Although OGP allows participating governments to commit to a variety of different activities, the initiative also seeks to share best practices across its members to help them achieve results. OGP has “the ability to scale up [reform] quickly, if we know what’s working,” says Suneeta Kaimal, Chief Operating Officer of NREGI.<sup>132</sup> IRM and other independent researchers work to identify common factors leading to quality action plan commitments and their successful implementation across high-performing countries. They also seek to identify shared bottlenecks

that prevent other countries from doing the same. In the Presniakov & Wolanskyj (2012) study of OGP in Eastern Europe, for instance, the researchers conclude that "slowpoke" countries experience some unique challenges like political turbulence, lack of financial resources, and limited civil society capacity, yet share other bottlenecks with "champion" countries, including society capacity, poor collaboration between stakeholders, and limited demand among citizens. Similarly, in a study of seven African OGP countries, Azeem (2015) found several shared roadblocks, including a lack of legal empowerment for national OGP steering committees to compel implementation among government agencies, a lack of dedicated OGP staff, a lack of participation by the Judiciary or Legislature, a lack of public awareness about the initiative, and a lack of Action Plan commitments that actually stretch government activity beyond the status quo (i.e., too many commitments to existing projects).

The IRM also attempted to examine possible correlates of success, without naming countries. Foti (2014) found that new commitments were no more or less ambitious than existing commitments and that specific and measurable commitments were just as likely to be completed as vague ones. Following certain procedural steps—specifically, making a timeline and publishing a list of civil society inputs—were also related to higher completion rates. Foti also found that commitment completion was not related to any institutional differences in the government-OGP interface, including a change in the executive, multiple-agency involvement, the involvement of the foreign ministry, or the involvement of the president or prime minister's office.

Berliner (2015) used a hierarchical regression model to examine both country-level and commitment-level factors driving commitment completion. At the country level, countries with more democratic institutions and less corruption tend to complete more of their commitments.

National OGP procedural factors like public consultation, participation by a large civil society network, or the total number of commitments were not related to completion rates. Commitments evaluated as having greater potential impact were less likely to be completed than those with lesser potential impact, while commitments with greater specificity were more likely to be completed than those with less specificity. However, both country-level and commitment-level finds also showed interaction effects. While higher-potential-impact commitments are less likely to be completed overall, this correlation is weaker in countries with larger OGP civil society networks. While specific commitments are more likely to be completed overall, middle-income and high-income countries drive this relationship, whereas specificity appears to offer no advantage in low-income countries.

A series of five country case studies (in Chile, Croatia, Georgia, Ghana and Uruguay) recently conducted by the U4 Anti-Corruption Resource Centre also identifies several key factors driving action plan implementation. Preliminary cross-case analysis points to three common factors driving successful implementation: high-level political support, a strong national coordination unit, and civil society involvement (U4, 2015, December 1). Case studies in Chile and Uruguay demonstrate that choosing OGP commitments that are consistent with existing government policy reform agendas increases the chance of success. Strong national coordination units and permanent structures for dialogue between government and civil society in Uruguay and Croatia improved the quality of National Action Plans and also helped to make implementation more effective. However, the Chilean case study also showed that changes in government could upset political support for reform, and the Croatian case study showed that online participation mechanisms should be complemented with other avenues for participation in order to be successful.

#### 4.3.2.3 Evidence for national policy reforms

Ninety percent of all OGP commitments have been evaluated by the IRM as related to open data. While over 65% of commitments address the OGP value “Access to Information,” most of these commitments are actually intended to increase government disclosure of information (i.e., proactive transparency), rather than increase public access to government information upon request (i.e., demand-driven transparency). Forty-two percent of commitments that address “Access to Information” are to be accomplished via electronic government (i.e., improvements to government systems for data collection and storage or public data portals), whereas only 17% are accomplished via capacity building and only 11% via legislation or regulation.<sup>133</sup> For example, Hungary has published information on all public contracts (see OGP, 2014b, p. 8) El Salvador passed a law requiring public disclosure of political party financing (see Villalta, 2013, pp. 65-66), and Estonia passed a new anti-corruption law (see Hinsberg, 2013, pp. 25-26). According to Suneeta Kaimal, Chief Operating Officer of the Natural Resource Governance Institute (NRGI) and a former OGP civil society co-chair. OGP has also been successful in encouraging governments to sign up to EITI (e.g., Colombia, the UK, Ukraine, and the US), and to release information on beneficial ownership (e.g., the UK).<sup>134 135</sup>

There is also some evidence that OGP has also helped to facilitate demand-driven transparency reforms. For example, Rakesh Rajani, former OGP civil society co-chair, Martin Tisné, investment partner at the Omidyar Network, and Linda Frey, former executive director for the OGP Support Unit all partially attribute Brazil’s passage of its first access to information law to political pressure associated with founding membership in OGP, and in particular, hosting the first global OGP summit.<sup>136</sup> Since joining OGP, Croatia, Georgia, Montenegro, and Spain have also passed new right to information laws. Additionally, after joining OGP, Moldova passed a law authorizing the reuse of public sector information by nongovernmental actors. Like EITI,

however, OGP's publicly promoted success stories do not provide a proper accounting of how many OGP countries committed to these types of reforms and failed.

Finally, OGP is also being used to facilitate improvements in government accountability—defined as the extent to which government officials are compelled to publicly explain their actions and/or face penalties or sanction for them. The IRM determined that 34% of all OGP commitments address the OGP value “Accountability.”<sup>137</sup> While there are no official estimates of the number of countries that are using the OGP platform to make substantive improvements, in early 2015, a staff member with the OGP Support Unit estimated that “about half” of all OGP countries had committed to politically difficult, challenging reforms.<sup>138</sup> This estimate is validated by an independent analysis of OGP commitments evaluated by the IRM. Forty-one out of seventy participating countries (59%) had submitted action plan commitments that were evaluated by the IRM as having potentially transformative impacts.<sup>139</sup> “If one-third to one-half of countries are delivering success, that’s a meaningful impact,” says Linda Frey, former executive director of OGP Support.<sup>140</sup> Here, the IRM data once again support OGP Support’s claims: Nineteen countries out of 70 (27%) have completed commitments evaluated to have potentially transformative impacts.<sup>141</sup>

Of course, the challenge in assigning OGP some share of the credit for these policy victories is that participating countries are allowed to include preexisting commitments in their action plans. Nevertheless, “pushing for these types of wins is easier with OGP,” says former civil society co-chair Suneeta Kaimal.<sup>142</sup> Indeed, five countries (Sierra Leone, Malawi, Tunisia, Senegal, and Myanmar) reformed their open governance practices just to be eligible to participate (OGP, 2014b, p. 8). “[OGP] is moving the needle in small, quiet ways,” says Rakesh Rajani, former OGP civil society co-chair. “It’s up to country-level stakeholders to decide

whether OGP's theory of change is working or not." Although progress will likely continue to be uneven, messy, and incremental across countries, Rajani suggests that researchers should consider the history of limited progress on open government reforms prior to OGP: "This is not the same sort of progress we've seen before."<sup>143</sup>

#### 4.3.2.4 Large-N studies of OGP

Although national-level outcomes of OGP participation are likely to vary, one might expect to find that broader metrics of open government show trends across countries. Indeed, two of the three large-N statistical studies examine the relationship between OGP, the Open Budget Survey, and its composite, the Open Budget Index. Harrison & Sagoyo (2014) found that submitting an OGP action plan had a limited but positive, relationship with some measures of transparency (measured as the content of the budget), accountability (measured as the timely release of comprehensive budget info) and participation (measured as public engagement with supreme audit institutions) on the Open Budget Survey data. This relationship was stronger for lower-GDP countries, where these types of good governance mechanisms may not have been in place otherwise. Similarly, Petrie (2014) compares OGP countries' scores on the Open Budget Index to non-participating countries located in the same region and found that OGP countries are more transparent and participatory than other Asian countries, but less transparent than other European countries.

The problem with both of these studies, however, is that since the OGP uses the OBI as part of its eligibility criteria, it is not a convincing indicator for evaluating OGP effectiveness. If the OBI is both an independent and a dependent variable, a correlation does not demonstrate causality (i.e., endogeneity). In other words, these studies used the same metric as both part of the input (i.e., OGP membership) and as a measure of its outcomes. Nevertheless, these studies

are relevant insofar as they raise the possibility that OGP countries may already differ systematically from one another with regard to their open government practices in ways that limit the usefulness of large-N analysis for measuring global OGP performance trends later on.

Alternatively, the World Justice Project (2015) recently released a large-N study that finds that OGP membership is correlated with open government, but based on an independent index that includes both public sector policies *and practices*. The WJP's Open Government Index is built from 78 variables drawn from more than 100,000 household surveys and in-country expert questionnaires collected for the WJP Rule of Law Index. These variables are grouped into four dimensions of open government: publicized laws and government data, right to information, civic participation, and complaint mechanisms. Perhaps most notably, the index incorporates actual citizen experiences with exercising their information rights (measured as whether requests for information are granted within a reasonable time period, at a reasonable cost without paying a bribe, and if the information provided is pertinent and complete). WJP found that OGP countries are likely to score higher than non-OGP countries on their new Open Government Index, and that countries in their second action plan cycle tend to score higher than countries in their first action plan cycle. While WJP's findings are encouraging evidence for causation, the WJP study cannot be interpreted as conclusively demonstrating that participation in OGP leads to good governance. An alternative explanation is also plausible: that founding OGP countries already had better open government practices than countries that joined later. Additional research will be required to address these two divergent explanations.

#### 4.4 The Current State of the Evidence for MSI Transparency and Accountability Outcomes

Despite the recent proliferation of public sector governance MSIs, and increasing country membership in CoST, EITI, and OGP, there are still only limited sources for evidence on public

sector governance MSI effectiveness and impact. Indeed, definitions of public sector governance MSI “success” remain debated and negotiated. Nevertheless, the evidence collected thus far suggests that these MSIs have helped to increase proactive government transparency in some participating countries. Demand-driven transparency and accountability gains remain considerably more rare.

#### 4.4.1 Limited Sources of Evidence, Ongoing Debates over Definitions of Success

As of late 2016, there are still only a handful of robust studies on the effectiveness and impact of global public sector governance MSIs. On one hand, this should come as no surprise, given that the MSIs reviewed in this report were—with the exception of EITI—less than five years old at the time this evidence base was compiled. However, another reason for the limited evidence base is that MSIs themselves remain in the process of defining how they will measure success. “There’s a disconnect” says one anonymous staff member for an international NGO which monitors EITI implementation in several countries, “between what’s in the EITI principles and what people think it’s supposed to do.”<sup>144</sup> Indeed, EITI is often perceived as an anti-corruption or pro-development initiative, when, in fact, the initiative’s modest goals are to facilitate the disclosure, reconciliation, and public discussion of information about the extractive sector.

EITI has commissioned two substantial external reviews, one completed by Rainbow Insight in 2009 and one completed by Scanteam in 2011. While the former focuses primarily on EITI’s structures and process, the latter explores the effectiveness of EITI in opening up resource governance in a handful of countries and examines EITI’s relationship to several macro-level social and economic metrics. Scanteam (2011, p. 1) found that: “little impact at the societal level can be discerned ... largely due to [EITI’s] lack of links with larger public sector reform



processes and institutions.” The report’s findings have been influential within the EITI research community, as well as within the EITI itself. The Scanteam evaluation is widely cited in other reviews of EITI, and is credited for driving some of the changes made to the EITI Standard in 2013 (see <https://eiti.org/eiti/history>).

The effectiveness of EITI within specific countries has also been explored by a number of NGOs and think tanks, but no one has yet produced a systematic assessment across all EITI countries.<sup>145</sup> A handful of academic papers explore the relationship between EITI and broader impacts (e.g., Schmaljohann, 2013; Sovacool et al., 2016), but the large-N datasets used to conduct statistical analysis in these studies are often too old to give a good sense for the current state of affairs. The majority of EITI documents reviewed focus on incentives for participation and membership (e.g., Schuler, 2012), or governance structures and procedures to encourage fairness and compliance (e.g., MSI Integrity, 2015).

While EITI attempts to temper expectations about its broader impacts, CoST is in the process of expanding its own theory of change to encompass broader developmental improvements as anticipated impacts of its work. Similarly, OGP—already the broadest of the three MSIs—has announced that it is expanding its scope to include sub-national governments (see Robinson & Heller, 2015) and additional open parliament initiatives (see Hubli, 2012, September 7). Yet, even fewer sources of evidence exist for CoST and OGP outcomes. The first external review of CoST to be made publicly available was released in 2015 (i.e., Vaillant & Spray, 2015).<sup>146</sup> Also in 2015, OGP provided six research grants to external parties to complete research on “impact,” but the resulting studies focus on earlier phases of the results chain (e.g., action plan planning and implementation) (see Open Government Partnership, n.d., *Advancing Open Government and Evaluating Its Impact*, as well as Berliner, 2015; Elena, 2015; and

Valenzuela, et al., 2015). OGP is scheduled to commission its first external review in 2016 (OGP, 2014b, pp. 28-29). To date, the majority of evidence for the effectiveness of CoST and OGP comes from internally produced reports (e.g., CoST 2012b; Foti, 2014) and from other interested parties, including Global Integrity (i.e., Anand, 2012, June 21) and Transparency International (i.e., Presniakov & Wolanskyj, 2012). Only one peer-reviewed academic journal article addresses the OGP (i.e., Harrison & Sagoyo, 2014) and no peer-reviewed academic articles have been written about CoST.

#### 4.4.2 MSIs Increase Transparency by Some National Governments

Evidence for the effectiveness of global public sector governance MSIs is patchy across countries. Nevertheless, where evidence is available, EITI, CoST, and OGP efforts to improve proactive government transparency (i.e., the discretionary release of government data) appear to be bearing fruit in at least some participating countries. Since joining EITI, Nigeria, Liberia, Ghana, and Tanzania have passed new extractive revenue disclosure laws, and 35 countries have released some information on oil, gas, and mining payments. Since joining CoST, Honduras, Vietnam, Guatemala, Ethiopia, and Malawi have put new public construction project disclosure requirements in place. Finally, since joining OGP, 18 countries have fully completed National Action Plan commitments evaluated by the IRM to improve access to information, and as having the potential for transformative impacts.<sup>147</sup> However, national-level stakeholders across all three initiatives warn that the information being disclosed is often too technical to be comprehensible or useable by citizens without additional translation or contextualization. Moreover, by focusing chiefly on laws and procedures for disclosure, MSIs may risk encouraging isomorphic mimicry—the reproduction of formal structures of governance in the absence of other key sociopolitical conditions that enable these structures to serve their intended purpose—among

participating governments (see Pritchett, Woolcock, & Andrews, 2013). If government actors are indeed corrupt, this type of formal mimicry provides an opportunity to construct what Moene & Søreide (2015, p. 46) call “good governance facades” intended to mislead domestic stakeholders and international observers.

Evidence for improvements to demand-driven transparency (i.e., reforms that increase public access to government information upon request) appears to be limited to OGP. (The absence of demand-driven transparency gains from membership in CoST or EITI is not particularly surprising, given that both initiatives focus on proactive government transparency.) Since joining OGP, Brazil, Croatia, Georgia, Montenegro, and Spain have passed FOI laws (see OGP 2014b, p. 8; Čalović, 2013, pp. 82-85; Nicandro Cruz-Rubio, 2013, pp. 25-31, respectively). Additionally, Sierra Leone passed an FOI law as part of their efforts to meet OGP membership eligibility criteria (see OGP, 2014b, p. 13). Nevertheless, the degree to which OGP is successful at facilitating these types of reforms remains unknown, as other participating governments may have committed to passing FOI legislation and then failed to do so. Indeed, this turns out to be the case in both the Philippines and Tanzania (see Chapter 7).

#### 4.4.3 Accountability Gains are Limited

Across all three global public sector governance MSIs, there are only a few examples of tangible improvements in government accountability, defined as the extent to which government officials are compelled to publicly explain their actions and/or face penalties or sanction for them. EITI helped to uncover almost USD \$10 billion in missing extractive industry payments in Nigeria, a quarter of which was subsequently recovered.<sup>148</sup> To date, similar evidence of mismanagement uncovered by EITI reports in DRC and Liberia has yet to result in any reform. Only Ghana has pursued sector-wide reforms beyond information disclosure, reforming its

royalty and corporate tax code. Similarly, while CoST played a role in revisiting individual mismanaged projects in both Guatemala and Ethiopia, only Malawi has passed broader reforms within the public construction sector. Finally, with regard to OGP, while 34% of commitments have been assessed by the IRM to address government accountability, only 51% of these accountability commitments have been entirely or substantially completed. In other words, only 17% of all OGP commitments have been evaluated by the IRM to have the potential to produce accountability gains.<sup>149</sup>

Ultimately, a comprehensive assessment of MSI transparency and accountability gains will require balanced research that explores cases of failure as well as success. Yet, to date, many of the documents produced by MSIs and reviewed here (e.g., EITI, 2010, *Impact of EITI in Africa*; CoST, 2012b, *Impact Stories*; and OGP’s ongoing “Inspiring Stories” series) privilege success stories that skew the overall body of evidence towards more favorable cases (for a similar critique, see Scanteam, 2011, p. 35). Even independently produced studies (mostly of EITI) base their conclusions on a handful of country cases that have been studied in greater depth than most (e.g., Nigeria, Ghana, Liberia, and Azerbaijan). These cases may or may not reflect the experiences of other participating countries.

#### 4.5 What Drives Outcomes? Reflections from the Existing Transnational Evidence Base

In the face of limited evidence on outcomes, MSI scholars and practitioners—including 27 stakeholders interviewed to supplement the review of the existing evidence—suggest that MSIs are most likely to be effective when they are implemented by a coalition of high-level political actors, mid-level reformers, and savvy civil society organizations. MSI participants can also make use of political crises, high-profile meetings, and other unique moments of opportunity to push the work forward. Finally, MSI outputs must be made relevant to broader

coalitions of civic actors that have the advocacy muscle to push for reform. These key factors identified inductively from the existing evidence base (as opposed to deductively from existing theories of soft power and social accountability) can be succinctly summarized as: “the right people, at the right time, with the right message.”<sup>150</sup>

#### 4.5.1 The Right People

Stakeholders agree that one of the most critical drivers of success for MSIs is the participation of influential, capable, and persuasive representatives from each stakeholder group. It is not enough simply to sign on to participate in a multi-stakeholder group, individual actors need to have the access, the influence, and the disposition to deliver results. The Open Government Partnership has explicitly identified high-level political actors, mid-level reformers, and civil society as key groups where the right people need to be incentivized to participate (OGP, 2014b, p. 14). Stakeholders across other MSIs shared similar sentiments. For example, Joe Ching’ani of CoST Malawi explained that the project owes its success to a mix of high-level support from the Vice President, diligent work by technocrats within the National Construction Industry Council (NCIC), and a “very committed team” on the national MSG. “Their hearts are in good governance.”<sup>151</sup>

High-level political support provides the space for reformers in civil society and government to operate. For example, in Brazil, a presidential decree to institutionalize open government established a ministerial-level committee charged with the design, implementation, and monitoring of the OGP National Action Plan in consultation with civil society organizations.<sup>152</sup> In countries where there is no high-level buy-in, MSI-facilitated reforms can struggle to gain traction. For example, representatives of the CoST International Secretariat attribute the lack of progress in Zambia to “a revolving door of ministers.”<sup>153</sup> Similarly, in the

Philippines, civil society organizations were initially wary of participating in EITI because—according to Dr. Cielo Magno, national coordinator for the Filipino civil society organization Bantay Kita (Revenue Watch)—they “didn’t trust” President Gloria Macapagal Arroyo’s commitment to reform. Even under the more reform-minded presidency of Benigno Aquino III (2010-2016), continued progress on EITI depended on “what level of representative [attended] from each agency.” It is important to have “high level folks,” who can “make decisions,” Dr. Magno said.<sup>154</sup>

Of course, even once high-level political support is obtained, “politics are never far away,” cautioned CoST Chairman of the Board Christiaan Poortman.<sup>155</sup> Because of their voluntary nature, MSIs are vulnerable to national election cycles. EITI, CoST, and OGP have all experienced sudden shifts in momentum due either to new reformers coming to office (e.g., the Philippines for EITI, Malawi for CoST) or old champions losing power (e.g., Australia for OGP, Indonesia for OGP, Mexico for CoST and OGP). “The challenge” according to an anonymous OGP Support Unit employee, “is to be creative on how to re-activate [the MSI] again” in the face of these types of changes.<sup>156</sup>

Gaining the support of mid-level reformers is equally important, since their technical expertise is often required to actually carry out reforms. In Malawi, for instance, technocrats in the National Construction Industry Council (NCIC) were able to overcome early resistance to CoST on the part of procuring agencies. Procuring agencies were initially skeptical of CoST and maintained total discretion over which construction projects would be reviewed. As a result, “it was very difficult to get anything going” recalls CoST Chair Christiaan Poortman.<sup>157</sup> Eventually, NCIC—the government oversight body where CoST is housed—found a regulatory loophole that granted them the power to review and improve projects of their choosing, and were able to

compel agencies to submit projects to review. Over time, the procuring agencies themselves have started “to cooperate and coordinate more of their own free will,” said national CoST MSG chair Joe Ching’ani.<sup>158</sup>

MSIs give participating government bureaucrats more visibility, which can allow them to undertake politically sensitive reforms, but their higher profile does not necessarily deliver the administrative capacity or technical expertise they need to carry out reforms. For example, in the Philippines, where both the private sector and a reform-minded president have committed to the EITI, the lack of capacity within the government has significantly slowed progress. According to Dr. Cielo Magno, national coordinator for the Filipino civil society organization Bantay Kita (Revenue Watch), the government has been slow to digitize the information that needs to be released and there has been a lack of coordination between agencies.<sup>159</sup>

Moreover, adds Joseph Foti, director of the OGP Independent Reporting Mechanism, when reform champions are identified within government, there is a risk that a “tragedy of the commons” will develop, such that a successful reformer becomes a victim of his or her own success and becomes overwhelmed by new responsibilities. Alternatively, a successful national reformer may “go international” and leave the country-specific efforts to their less enthusiastic colleagues.<sup>160</sup>

Finally, civil society organizations also need to have the capacity to understand newly disclosed information, disseminate it effectively to their base, and organize coherent demands for reform. In the Philippines, for example, Dr. Cielo Magno of Bantay Kita explained that she and her colleagues “really studied the standard,” as well as existing natural resource governance policies, so that they could effectively participate in debates. “CSO preparation is key,” she said. Her organization coordinates with other civil society organizations in an “insider/outsider”

strategy of civil society engagement. Some organizations, like hers, play the “inside game” in order to facilitate the disclosure of information. They lobby for more civil society participation in mining sector decision-making and help to train other civil society organizations so that they have the capacity to read contracts. Meanwhile, other organizations take the data that is released and use it to advocate around human rights, environmentalism, and anti-mining. These organizations put pressure on the government to improve its performance in areas including environmental monitoring and rehabilitation, and informed consent.<sup>161</sup> Although not planned, a similar insider/outsider division among civil society organizations has also developed in Mexico according to Alejandro Gonzalez, Director General of Operations for Gestión Social y Cooperación (GESOC), with organizations like GESOC and others working inside the OGP, and the Red por la Rendición de Cuentas (Accountability Network) criticizing both the government and the OGP from the outside.<sup>162</sup>

#### 4.5.2 At the Right Time

Stakeholders also agree that MSIs often benefit from exploiting unique moments of strategic opportunity or crisis. For example, CoST failed to gain traction in Malawi until the Cashgate scandal brought renewed attention to corruption in the public construction sector.<sup>163</sup><sup>164</sup> Indeed, Eddie Rich, deputy director of the EITI International Secretariat suggested that the initiative tends to be most successful “when there’s real conflict in the country” because “real disagreement creates a reason for everybody to be at the table.” There needs to be “fire and anger” on the part of civil society, he said, which creates incentives for the private sector and the government to manage conflict by participating.<sup>165</sup> “Perpetual conflict is the fuel that keeps the wheels of an MSI moving,” wrote EITI’s leaders (see Moberg & Rich, 2014, May 20).



Not only can MSIs take advantage of existing moments of strategic opportunity, they can create new ones as well. Linda Frey, former executive director of the OGP Support Unit, explained that by putting the spotlight on political leaders during regularly scheduled high-level public events, governments like Brazil and the UK were induced to increase the depth of their commitment to OGP—indeed, both launched new open government reforms at their respective summits.<sup>166</sup>

#### 4.5.3 With the Right Message

The information disclosed through MSI processes is often highly technical. In order for it to generate meaningful discussions among citizens, it must be disaggregated, translated, and interpreted to fit within a broader public narrative unique to each country or region. “We have to do what we can to make [the findings] relevant,” said EITI deputy director Eddie Rich. He admits that the relevance of EITI findings to national debates has been “patchy” across countries. For some—like Nigeria, DRC, and Myanmar—“it’s been really central to the debate.” For others where it should be just as relevant—like Guinea—“it’s just box-ticking.” “We need to get [citizens] excited.”<sup>167</sup>

The extent to which MSIs can orient their outputs to each country’s existing civic and social constituencies helps to drive whether broader progress is achieved. For example, prior to OGP, Brazil had been implementing transparency initiatives under the umbrella of anti-corruption/good governance. OGP helped reformers to expand support for these initiatives and complete an online portal where citizens can request information from the government, an online forum for the public discussion of government policy, and the publication of information on Federal government credit card spending.<sup>168</sup> In the Philippines, EITI outputs have been tied to existing human rights, environmental, and anti-mining movements.<sup>169</sup> In Malawi, the Malawi

Economic Justice Network, an NGO that participates in the national CoST MSG transmits its findings to their affiliates around the country.<sup>170</sup> The work of the initiative “needs to fit within a political narrative between government and the people,” explained Petter Matthews and John Hawkins of the CoST International Secretariat.<sup>171</sup>

MSI funders attempt to provide guidance to civil society organizations on how to interpret highly technical information, and how to develop a communication and advocacy strategy. For example, in 2012, the World Bank released *Implementing EITI for Impact*, which provided specific guidance to each EITI stakeholder group, and in 2013, the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) released *Talking Matters!*, a communication strategy guide for use by EITI’s national multi-stakeholder groups (i.e., Kearney, 2013).

#### 4.6 Conclusion

Global multi-stakeholder initiatives are still relatively new contributors to national public sector governance. This review of the existing evidence suggests that these initiatives have made some notable progress promoting proactive information disclosure by national governments. However, public sector governance MSIs have yet to show themselves to be especially effective drivers of either demand-driven transparency or accountability. The evidence further suggests that the processes by which multi-stakeholder collaboration and mandatory information disclosure might drive greater government accountability are complex and multi-directional. Indeed, collaboration and disclosure—the twin pillars of public sector governance MSIs—may help to empower national pro-reform actors, but the existing interests and capacities of these actors also determine the extent to which MSIs will be effective drivers of public governance reform.

By identifying key structures, processes, and sociopolitical conditions that scholars and practitioners believe allow MSIs to contribute to improvements in government transparency and accountability practices, this inductive review of the available evidence serves as a guide for the remainder of the study. At their core, public sector governance MSIs rely on a combination of multi-stakeholder power sharing, and regular, independent evaluation of government performance. They rely on participating governments to provide visible political support and sufficient bureaucratic expertise and authority to implement their transparency and accountability agenda. They also rely on national civil society to possess sufficient interest in the goals of the initiative, and sufficient capabilities, to actively participate in decision-making and embed the MSI within broader coalitions advocating for reform. Finally, moments of political crisis appear to provide unique opportunities to strengthen stakeholder investment and implementation. The relative importance of these factors for facilitating gains in transparency and accountability is further investigated using both within-case process tracing (see Chapters 5-7) and qualitative comparative analysis (see Chapter 8).

## CHAPTER 5

### THE EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE: THREE CASES OF NATIONAL IMPLEMENTATION

The Extractive Industries Transparency Initiative (EITI) is the oldest of the three public sector governance MSIs examined in this study, dating back to the early 2000s. As of July 2016, 51 countries are in the process of implementing EITI. To be certified as EITI Compliant, participating governments have to release information on payments they received from extractive companies, allow these figures to be compared against companies' own records, and facilitate multi-stakeholder oversight of the disclosure and reconciliation process. Thirty-one countries are currently certified as compliant (under the 2011 Rules). Yet, as the evidence review in the previous chapter demonstrates, there is significant cross-country variability with regard to EITI's national transparency and accountability outcomes.

In this chapter, three cases of national EITI implementation are explored in-depth, in order to determine whether and how EITI helps to facilitate improvements in proactive transparency (i.e., the discretionary release of government data) and accountability (i.e., the extent to which government officials are compelled to publicly explain their actions to citizens, and/or face penalties or sanction for them), or merely provide participating governments with an opportunity to project a public image of transparency and accountability, while maintaining questionable practices in these areas (i.e., openwashing). A review of the existing evidence (see Chapter 4) suggests that EITI is not been used as a platform for improving demand-driven transparency (i.e., reforms that increase public access to government information upon request), so demand-driven transparency outcomes were not anticipated in these three cases.

For each case, the process of EITI implementation is traced from government commitment, through the formation of the national multi-stakeholder group, EITI reporting and

(where applicable) validation, and closing with the status of the initiative at the end of 2015.

Each case history is followed by assessments of multi-stakeholder governance, and transparency and accountability outcomes. Next, within-case causal inference tests are used to identify key factors that appear to be driving transparency and accountability outcomes in each case. Finally, each case closes with brief reflections on future prospects for national EITI implementation.

Section 5.1 reviews the implementation of EITI in Tanzania from the initial commitment in 2009, until shortly after the country's suspension from the initiative was lifted in December 2015. A straw-in-the-wind causal inference test suggests that following several high profile government corruption scandals and growing public disillusionment with the benefits of the extractive sector, the Kikwete Administration lent visible political support to EITI, allowing a genuinely multi-stakeholder steering committee to oversee regular, independent performance evaluation (in the form of six EITI reports), and the eventual passage of a mandatory disclosure law. Civil society organizations, including Haki Madini, NREGI, and others, were actively involved in setting the national EITI agenda, but their support was likely not critical to the passage of the 2015 EI(TA) Act. However, a smoking gun test demonstrates that these same factors were insufficient to facilitate broader improvements in government accountability.

Section 5.2 examines how EITI became largely irrelevant in Guatemala, despite being validated as EITI compliant in 2014 and overcoming a suspension in 2015, and considers whether it can be revived. A straw-in-the-wind causal inference test suggests that minimal and temporary transparency gains might be attributed to private sector support for EITI, following increased public criticism over environmental and human rights violations near several mines. Private sector support was likely critical for the semi-regular production of EITI reports, despite lackluster interest by both the Pérez Administration and influential civil society organizations.

However, a smoking gun test demonstrates that significant political conflict surrounding the extractive industries, private sector support, and the production of independent, regular performance evaluations (i.e., EITI reports) were insufficient to facilitate gains in accountability.

Section 5.3 examines the Philippines' ongoing efforts to make EITI relevant at the local level, while awaiting validation under the new EITI standard. A straw-in-the-wind causal inference test suggests that visible political support from the Aquino Administration, EITI's guidelines for producing regular, independent performance evaluations, genuine multi-stakeholder governance of the PH-EITI steering committee, empowerment of the technical secretariat to compel and improve disclosure across government agencies, and support from both the private and civil society sectors may have all contributed to transparency outcomes. However, a smoking gun test demonstrates that these very same factors have thus far been insufficient to produce improvements in government accountability.

Section 5.4 considers the likelihood of openwashing as a motivation for government participation in EITI in all three cases, but finds no clear-cut evidence for the practice. In the Philippines, the Aquino Administration's embrace of inclusive, participatory multi-stakeholder governance fits within a much broader agenda of anti-corruption and good governance reform. In Guatemala and Tanzania, notable discrepancies between national government actions and MSI principles were observed. However, since both Guatemala and Tanzania did, in fact, register gains in proactive transparency (marginal improvements in the case of the former, significant improvements in the case of the latter), this discrepancy may simply reflect intra-governmental contestations over whether and how to open up, rather than an attempt to deliberately mislead observers.

Finally, Section 5.5 concludes with a brief synthesis: EITI is often effective at increasing proactive transparency, but rarely effective at improving accountability. EITI-facilitated disclosure in Tanzania and the Philippines has significantly increased the amount of information about the extractive sector that is available to the public. In contrast, Guatemalan civil society organizations have dismissed EITI reports as largely irrelevant. While none of three countries examined have been able to use EITI to improve broader government accountability to citizens, the reasons for this outcome in each country appear to vary. In Tanzania, the government has actively sought to limit public debate on the extractive sector, despite strongly supporting EITI's transparency goals. In Guatemala, the quality of both multi-stakeholder governance, and of the newly disclosed information itself, has been too poor to expect any subsequent improvements to accountability. Finally, in the Philippines, it may simply be too early to expect EITI to have triggered substantive improvements in government accountability.

### 5.1 EITI in Tanzania

Tanzania is one of the poorest countries in the world. It ranks 193<sup>rd</sup> in GDP per capita and 68% of the population lives below the national poverty line (Central Intelligence Agency, 2015). While sizeable deposits of gold, iron, diamonds, and tanzanite, along with a nascent but fast-growing hydrocarbon industry suggest the potential for significant natural resource-driven economic development, the country continues to be plagued by weak governance in its extractive sector. In 2009, Tanzania was admitted into the EITI as a candidate country. The Tanzania Extractive Industries Transparency Initiative—known nationally as TEITI—has been a solid performer in terms of both regular information disclosure and consistent multi-stakeholder participation. Indeed, both the national multi-stakeholder group (MSG) and the EITI reporting requirements were enshrined in national law in August 2015. One month later, however,

Tanzania was suspended by the EITI Board for failure to complete its 5<sup>th</sup> EITI report on time. While the temporary suspension from EITI, which was lifted in December 2015, has been blamed on government bureaucracy and procurement problems, a much more significant issue facing TEITI is that compliance with EITI rules has yet to produce broad public debate about the management of the extractive sector, despite that fact that EITI data has been used by civil society organizations to identify areas of concern. Furthermore, the government continues to make unilateral decisions about extractive sector governance, which stands in sharp contrast to the multi-stakeholder spirit of EITI. Nevertheless, proponents from within the government argue that the increased transparency facilitated by EITI has changed the way companies do business in Tanzania.

#### 5.1.1 Extractive Industries in Tanzania

Tanzania is endowed with significant mineral and natural gas reserves. Metallic minerals (e.g., gold, iron, silver, copper, platinum, nickel and tin), gemstones (e.g., diamonds, tanzanite, ruby, garnet, emerald, alexandrite and sapphire), industrial minerals (e.g., coal, phosphate, lime, gypsum, salt, and uranium), and building materials (e.g., stone and sand) are mined and quarried throughout the country. Mining in Tanzania dates back to the colonial era, however the sector saw little development following independence from Great Britain in 1962, due to the nationalization of the mines in 1972. In the mid-1980s, Tanzania replaced its command economy with a market-oriented system, and further liberalized its mining sector in the late 1990s with the adoption of the Mineral Policy of 1997 and the Mining Act 1998. The act gave the state ownership of minerals and the power to grant the rights to the private sector to explore develop, produce, and trade minerals. Foreign investment in the mining sector increased, leading to major mineral exploration and mining activities. Six large-scale gold mines—Tulawaka, Golden Pride,



Bulyanhulu, Buzwagi, Geita, and North Mara— were commissioned during this period. Today, gold mining accounts for over 90% of mineral production in Tanzania (BDO East Africa, 2015, p. 43).

Tanzania's mining sector is comprised of both small-scale operations (i.e., artisanal mining) and large-scale mechanized mining, including seven major gold mines, one diamond mine, and one tanzanite mine. The mining sector contributes just over 3% to the national GDP (BDO East Africa, 2015, p. 51). That contribution is small, however, relative to the growth in the sector. Consequently, the Mineral Policy of 2009, which replaces the 1997 policy, aims to better integrate the mining sector within the broader national economy, improve the capacity of the government to administer the sector, and address environmental degradation. The Mining Act of 2010, which similarly replaces the 1998 law, establishes new rules for licensing and royalties in the mining sector, and increases the rates of royalties levied on the gross value of minerals (previously, government royalties were calculated based on the net value) (Bates & Gray, 2010, May 2).

Gas production in Tanzania is concentrated in Southern Tanzania. Although natural gas was first discovered in 1974, gas production did not begin until 2004. Currently, gas is produced in two fields, the Songo Songo field in Kilwa district and Mnazi Bay/Msimbati in the Mtwara region. The gas produced from these two fields is used for generating electric power in Tanzania, rather than being exported for profit. However, several major on- and offshore discoveries since 2010 have quintupled Tanzania's total estimated natural gas reserves from 10 trillion to over 50 trillion cubic feet (TCF) (BDO East Africa, 2015, p. 37). While these reserves have yet to make a significant contribution to the national economy, major production of natural gas for export is

expected to start in the next ten to fifteen years, and the economic contribution of the gas sector is expected to overtake that of the mining sector (BDO East Africa, 2015, p. 42).

Until 2015, exploration and production in the oil and gas sector was governed by the 1980 Petroleum (Exploration and Development) Act. This law designates the Ministry of Energy and Minerals (MEM) as the agency responsible for the oversight and management of the sector, including the issuance of licenses for exploration and development. The Tanzania Petroleum Development Corporation (TPDC), an agency under MEM, is tasked with the actual exploration and development of oil and gas resources, and with negotiating Production Sharing Agreements (PSAs) with private companies. However, due to the number of recent, major gas discoveries throughout the country, the government faces significant challenges in managing this rapidly growing industry, including the establishment of effective legal and institutional frameworks, the development of domestic and export markets, revenue management, infrastructure, health, safety and environment protection. The Petroleum Act of 2015 replaces the 1980 Petroleum (Exploration and Development) Act and updates the governance of the sector by establishing an Oil and Gas Bureau within the Office of the President and designating TPDC as the official National Oil Company (NOC) and owner of licenses. The law also establishes a Petroleum Upstream Regulatory Authority (PURA) to regulate exploration and extraction activities, and reorganizes the Energy and Water Utilities Regulatory Authority (EWURA) to become the regulator of transportation, storage, and refinement (i.e., “midstream” and “downstream”) activities. Contractors and sub-contractors are expected to pay corporate tax, capital gains tax and other applicable taxes, per existing laws, and income taxes must be paid on profits from sale or any other disposal of rights under a petroleum agreement, limiting the use of tax exemptions in production agreements (Ernst & Young, 2015, August 11). The accompanying Oil and Gas

Revenues Management Act of 2015 establishes an Oil and Gas Fund designed to maintain macroeconomic stability, and sets rules for deposit, withdrawal, parliamentary oversight, and transparency.

The Tanzanian extractive sector currently contributes approximately 12% of total government fiscal revenues (BDO East Africa, 2015, p. 10). Yet, there are ongoing concerns that weak governance of the sector is preventing citizens from reaping the full benefits of increased investment and production. In 2014, two senior members of the TPDC were arrested for failing to release the details of all 26 PSAs that Tanzania had signed with oil and gas companies, including ExxonMobil, Shell, Statoil, BG Group, and Ophir (Makoye, 2014, November 4). The fairness of these PSAs was called into question when a 2012 addendum to a 2007 PSA between the Norwegian firm Statoil and the Tanzanian government was leaked to the public. The addendum showed that the split of “profits gas” was far less favorable to the government than either the split found in TPDC’s publically available “model PSA” or assumptions used by the IMF in their analysis of the sector. As a result, the Tanzanian government stands to lose between \$400 and \$900 million per year (Taylor, 2014, July 4).<sup>172</sup> These types of problems are not limited to the natural gas sector. In 2013, the Natural Resource Governance Institute (formerly the Revenue Watch Institute) measured the transparency and accountability of the extractive industries in 58 countries. Tanzania’s mining sector was evaluated as having a weak institutional and legal setting, weak reporting practices, and a weak enabling environment and the country was ranked 27<sup>th</sup> in natural resource governance (Revenue Watch Institute, 2013, p. 9).

#### 5.1.2 EITI under the Kikwete Administration, 2009-2015

Jakaya Kikwete, the fourth president of Tanzania (2005-2015), had been in office for three years when his administration announced its commitment to join the EITI in late 2008.

During his 2005 campaign, Kikwete ran on a platform of good governance in the extractive sector, recognizing that domestic public opinion towards the sector was becoming increasingly hostile. Despite over a decade of increased investment in the extractive industries, most citizens had yet to feel any tangible benefits. Kikwete, who had served as Minister of Foreign Affairs before being elected president, also had a talent for international relations. Joining EITI represented an opportunity to reassure both Tanzanian citizens and foreign investors that the governance of the sector was in good hands.

In February 2009, during the 4<sup>th</sup> Annual Global Conference in Doha, the EITI Board approved Tanzania as a candidate country. In November, the national multi-stakeholder working group held their inaugural meeting. Government, private industry, and civil society each selected their own members. The MSG consisted of five representatives each from government (Ministry of Energy and Mines, Ministry of Finance and Economic Affairs, Tanzania Revenue Authority, Tanzania Petroleum Development Corporation, and the Prime Minister's Office for Regional Administration and Local Government) civil society (For Development in Africa/Publish What You Pay, Haki Madini, Disabled Organization for Legal Affairs and Social Economic Development, and representatives for faith-based organizations, trade unions, and the media) and the private sector (Tanzania Chamber of Minerals and Energy and representatives for small scale mining companies) and elected Judge Marc Bomani as chairman (see Appendix M). The newly formed TEITI technical secretariat was organized within the Ministry of Energy and Mines and selected the Hart Nurse Ltd. and the BDO East Africa accounting firms to conduct the first reconciliation report.

President Kikwete and CCM emerged victorious in the 2010 national elections, winning 63% of the presidential vote, and 186 of 239 seats in parliament (African Elections Database,

2011, March 20). The first EITI reconciliation report, comparing government revenue and private sector payment records was released in February 2011, covering 2008/09. The process of producing the report had taken much longer than anticipated, thanks in large part to existing policies and laws that prevented the government from sharing information on Mining Development Agreements (MDAs) and Production Sharing Agreements (PSAs). As a result of these ongoing challenges, Tanzania requested an extension for Validation of their status as an EITI compliant country until May 2011.

After reviewing the Validation report in August 2011, the EITI board ruled that while Tanzania had made “meaningful progress,” it was not yet compliant with all EITI rules. Given the significant discrepancies between what companies reported paying and what government entities reported having received in the first TEITI report, the independent validator—Adam Smith International, in association with Resource Consulting Services—expressed concern regarding the reconciliation process, notably the insufficient planning and consultation with reporting entities, lack of collaboration by some companies, and the reliability of data reported by the government (Kråkenes, 2011, August 23). Given the progress that had been made, however, the EITI Board granted Tanzania a waiver from undertaking a second validation, and instead tasked the International Secretariat with assessing whether the remaining requirements have been met. In December 2012, following the publication of a second reconciliation report covering 2009/10 that showed only a small discrepancy between industry and government payment figures, Tanzania was certified as EITI compliant by the Board (Rich, 2012, December 12). Two additional reconciliation reports were published in June 2013 (covering 2010/11) and June 2014 (covering 2011/12). In October 2013, the government published the National Natural Gas Policy, which further committed the government to “develop transparency and

accountability guidelines in [the] natural gas industry; and enforce transparency and accountability to all stakeholders involved in the natural gas industry” (United Republic of Tanzania, 2013, October, p 19).

While many of the technical roadblocks to disclosure and reconciliation faced by TEITI in the early years have been resolved, other challenges remained in the spring of 2015, as work progressed on the fifth report. Most notably, Amani Mhinda, executive director of the Tanzania NGO Haki Madini (Mineral Rights) and member of the national multi-stakeholder working group, reported that although the 4<sup>th</sup> reconciliation report was of poorer quality than expected, existing public procurement rules significantly slowed the process for selecting a different accounting firm to complete the 5<sup>th</sup> report.<sup>173 174</sup> As a result, Tanzania was suspended from EITI in September 2015 for failing to publish their 5<sup>th</sup> reconciliation report on time. In November, two reconciliation reports (covering 2012/13 and 2013/14) were published, so in December, the EITI Board lifted the suspension. Tanzania will undergo validation under the updated EITI Standard in 2016.

Despite their recent suspension, Benedict Mushingwe, national coordinator for TEITI, remained proud of the government’s efforts to improve transparency in revenue collection and licensing since joining EITI.<sup>175</sup> Indeed, the government even volunteered to be part of an EITI pilot project to disclose beneficial ownership information (EITI International Secretariat, 2015, October 6). And while only 11 companies reported payments in the first reconciliation report (i.e., Hart Nurse Ltd., 2011), 65 companies reported payments in the sixth (i.e., BDO East Africa, 2015). Mr. Mushingwe believes that EITI has provided important leverage to encourage private companies to open their books that would not exist without it.<sup>176</sup> Yet, without a law to compel disclosure by the private sector, extractive companies would continue to participate in

EITI on a voluntary basis. Indeed, independent validators Adam Smith International, in association with Resource Consulting Services, pointed to precisely this this lack of legal status when they questioned the sustainability of TEITI (Adam Smith International, 2011, p. 30).

Tanzania took an important step to address this issue in August 2015, when President Kikwete signed the Extractive Industry (Transparency and Accountability) Act of 2015, making the disclosure of all new payments, contracts, and licenses relating to the extractive industries mandatory. In doing so, Tanzania joins only a handful of other EITI countries (Ghana, Liberia, Nigeria, and Ukraine) that have successfully encoded extractive industry disclosure into national law. The law also recognizes the national MSG as the legal entity in charge of EITI implementation.

While it would be easy to interpret the passage of the EI(TA) Act of 2015 as a significant victory for good governance advocates, and for the EITI, the picture becomes decidedly more complex upon closer inspection. In July 2015, the ruling party—Chama Cha Mapinduzi (CCM)—pushed the bill through the National Assembly using a certificate of urgency, which prompted a walkout by opposition lawmakers. Under regular Tanzanian parliamentary procedures, a bill is first read without debate and then a second reading with time allotted for debate is scheduled for a number of weeks later. The gap between the first and second reading allows the responsible committee time to consult with the public and analyze the bill. A certificate of urgency compresses this process into a single session and significantly limits the opportunity for public consultation and debate. In effect, the government passed a bill ultimately designed to encourage public oversight and debate by limiting public oversight and debate.

The lack of public debate during the passage of the EI(TA) Act was not an isolated incident. On the same day, both the Petroleum Act of 2015 and the Oil and Gas Revenues

Management Act of 2015 were passed using the same parliamentary procedure (Masare, 2015, August 5). The Mining Act of 2010 was also passed using a certificate of urgency (Olan’g, 2010, May 21). Indeed, the emerging trend has been for the Tanzanian government to close off space for open policy debate. The Statistics Act of 2013 criminalizes the “distortion of facts” by the publication of statistics not authorized by the National Bureau of Statistics. The Cybercrimes Act of 2015 criminalizes the publication of information that the government deems to be “misleading, deceptive or false” (Washington Post Editorial Board, 2015, May 16). While the scope and extent to which these bills will be enforced is a matter of much debate in Tanzania, TEITI national coordinator Benedict Mushingwe insists that EITI data will count as official government data and encourages journalists to publish stories that utilize EITI data: “Nobody will be able to take you to court.”<sup>177</sup> Nevertheless, Amani Mhinda, executive director of Haki Madini, expressed concern that these bills could limit the kinds of analysis and commentary that civil society and media organizations will be allowed to produce: “TEITI itself may be illegal, who knows?”<sup>178</sup>

### 5.1.3 Multi-stakeholder Governance of TEITI

By all accounts, multi-stakeholder collaboration has helped to improve relations between sectors of Tanzanian society. While civil society organizations like Haki Madini (Mineral Rights) had worked with the government before, EITI was their first opportunity to work directly with representatives of the extractive industries. “Five years ago” Haki Madini executive director Amani Mhinda explained, “CSOs and industry didn’t talk at all.” Indeed, CSOs who worked with industry were accused of “selling out.” EITI represented a “cultural change.”<sup>179</sup> At first, “there was a lot of finger pointing,” agrees Silas Olan’g, East and Southern Africa/Tanzania Manager for NREGI, “but now there are more meaningful discussions.”<sup>180</sup> TEITI coordinator



Benedict Mushingwe even speculated that CSOs have gotten *too* comfortable with the private sector, perhaps implying either that they have led their guard down, or that they have been corrupted.<sup>181</sup>

Nevertheless, questions remain about the quality of participation by all three sectors. Civil society stakeholders report that the government officials who regularly attend EITI meetings are too junior to make any real decisions or compel higher-ranking officials to aid in the disclosure and reconciliation process. Moreover, the government is notorious for working in silos, which can make intra-government coordination difficult without high-level involvement.<sup>182</sup> For their part, private sector representatives sometimes fail to attend MSG meetings. Since all MSG decisions are made by consensus, their absence can significantly slow down the work of the secretariat.<sup>183</sup> For example, TEITI volunteered for the EITI beneficial ownership disclosure pilot in January 2014, but the MSG had yet to agree on a plan for implementation in May 2015, because key private sector representatives had not attended a meeting.<sup>184</sup>

While civil society participants regularly attend TEITI meetings, stakeholders report that the process of selecting only 5 representatives from such a diverse sector has proved challenging and contentious. At a January 2009 workshop organized by the Revenue Watch Institute (now the Natural Resource Governance Institute) and funded by the government, CSOs met to elect representatives to the national MSG. RWI suggested that representatives should come from organizations with expertise and experience working on extractive issues and those with constituencies clearly impacted by the extractive sector. Yet, when the voting started, reports one stakeholder, the CSOs disregarded the guidelines and voted “politically,” spreading the seats across a wide range of groups, including faith-based and disabled persons organizations.<sup>185</sup> Only one seat is held by an organization with expertise in the extractive sector (i.e., Haki Madini).

While civil society participants voice support for the multi-stakeholder group, TEITI remains at its core, a government initiative. As part of the Ministry of Energy and Mines, the initiative may have a sizeable budget, but Amani Mhinda, executive director for Haki Madini, reports that it lacks the flexibility to fund time-sensitive outreach and education efforts, particularly in rural communities. Additionally, Mr. Mhinda argues that as part of the Ministry of Energy and Mines, TEITI lacks the legal status to sue other parts of the government that refuse to comply with disclosure requirements.<sup>186</sup> While the new EI(TA) Act of 2015 should serve to further empower TEITI, the government's reluctance to grant the initiative greater independence may be indicative of the ongoing ambivalence that the CCM government expresses towards civil society. On one hand, allowing civil society to oversee government revenue disclosure gives the process a much-needed boost of legitimacy. Indeed, according to national TEITI coordinator Benedict Mushingwe, key evidence of EITI's success is "less public outcry" about the lack of benefits coming from the extractive sector.<sup>187</sup> On the other hand, cracking down on civil society via the Statistics and Cybercrime bills allows the government to weaken organizations it believes to be little more than opposition party surrogates—critiquing the government solely to score political points—or foreign agents—doing the bidding of various international development agencies.

#### 5.1.4 National Outcomes in Tanzania: Transparency for What?

While TEITI has successfully released reports covering six years' worth of extractive industry payments and maintained productive working relationships between stakeholders from government, civil society, and the private sector, questions remain as to whether greater information disclosure and multi-stakeholder collaboration have generated any tangible improvements in how the extractive sector is managed. On one hand, government representatives

argue that increased transparency has improved public scrutiny of private sector arrangements. Yet, despite the ongoing efforts of CSOs to analyze EITI data in order to identify weaknesses in the governance of the sector, little seems to have actually changed.

Civil society organizations with the expertise to analyze EITI data have used this new information to call attention to the unfavorable terms under which extraction has taken place. Bubelwa Kaiza, a civil society member of the national stakeholder group, used data from the first EITI report (covering 2008/9) to highlight that while the government received only US \$1 million in corporate tax from mining and gas companies, Tanzania's miners and construction workers paid US \$35 million to the government in taxes, calling attention to what he perceives as preferential treatment of foreign extractive companies over Tanzanian citizens (Kaiza, 2011, March 8). Mr. Kaiza also pointed out that while the country's total extractive revenue was US \$48 million, the export value of gold alone was US\$ 906.5 million. Similarly, Haki Madini analyzed EITI data to show that the government was being paid about US \$2.50/gram for tanzanite. Tanzanite, which is found nowhere else in the world except Northern Tanzania, sells for a market rate of \$250-300/gram.<sup>188</sup> In the third EITI report (covering 2011) the MSG itself was compelled to point out that only one of the country's six major gold mining operations, Resolute Tanzania Limited, was currently paying corporate tax. Resolute's Golden Price Mine operated for 16 years and paid corporate tax only in the final two, before closing down in 2013. The potential for additional revenue lost, due to what the MSG calls "disproportion[ate] revenue sharing between companies and the Government," was significant because the mine operated during a high water mark in the commodities market (BDO East Africa, 2013, p. 6).

Nevertheless, TEITI national coordinator Benedict Mushingwe insists that, "EITI has changed how companies do business." As an example, he described how EITI data revealed that

extractive companies had opted to pay a flat rate of US \$200,000 to local governments, instead of a .3% service levy that would have resulted in substantially more revenue for these governments. When this knowledge became public, he says, private sector companies changed course and opted to pay the service levy instead. Furthermore, he reasoned, without the public scrutiny generated by the EITI reports, Resolute Tanzania Limited would have simply found additional loopholes and avoided paying taxes altogether.<sup>189</sup> Yet, while the private sector may indeed wish to address its “image problem,” due to the poor optics of their previous agreements with the government becoming public, this limited theory of EITI-driven change would seem to let the government off the hook for explaining why the agreements were so one-sided in the first place.

Several explanations have been offered for the limited improvements seen in government accountability following six years of EITI reporting. First, by the time payment data is released, it is already several years old, and extractive agreements are already in place. Indeed, both government and civil society representatives agree that the laws put in place during the 1990s were quite favorable to private sector firms order to encourage greater investment in Tanzania’s energy sector. “It’s not tax evasion, there are just a lots of incentives [for private companies] to use,” explained TEITI national coordinator Benedict Mushingwe.<sup>190</sup>

Second, while there is a small handful of professional CSOs that have the technical capacity to make sense of the raw EITI data, many of the local organizations and governments that are most directly affected by extractive industries are least able to use the reports to make decisions about their relationship to the sector. Haki Madini executive director Amani Mhinda believes that EITI reports have the potential to be a useful advocacy tool that empowers local communities to take action by contacting their local government or members of parliament.

However, at the moment, “few groups understand what they’re seeing.”<sup>191</sup> Indeed, a Tanzania-based employee of a large international development organization that works on social justice in the extractive sector—interviewed on the condition of anonymity—expressed concern that pointing out discrepancies without providing explanations or solutions has the potential to demoralize citizens or trigger riots.<sup>192</sup>

The TEITI secretariat and affiliated international NGOs are aware that they need to do more to make EITI data meaningful to a broader constituency. TEITI staff met with business and financial journalists to encourage them to write stories. NRCI conducts education and training sessions for local civil society organizations, journalists, and government officials. Nevertheless, stakeholders admit that the outreach process has been a slow one. An anonymous, Tanzania-based employee of an international development organization that works on social justice in the extractive sector recalled being asked by local groups what “EITI” meant in Swahili.<sup>193</sup> Plainly, the public visibility of EITI in Tanzania remains low.

Finally, another ongoing and related challenge identified by stakeholders is securing financial support for small, local CSOs to participate in EITI trainings or discussions. Many of these organizations don’t have the time, resources, or expertise to identify and secure outside funding from international development organizations. According to some stakeholders, the Ministry of Energy and Mines’ procurement process is too onerous to easily provide small amounts of funding to local groups interested in learning more about EITI data. “Supporting the secretariat isn’t the same thing as supporting the EITI’s goals,” said Amani Mhinda, executive director of Haki Madini.<sup>194</sup> For their part, government stakeholders dispute the fact that the procurement process is to blame for the lack of participation by local groups. TEITI coordinator Benedict Mushingwe even implied that local civic organizations might be disinterested in EITI

because they have clandestine beneficial relationships with the private sector that they would rather not have exposed.<sup>195</sup>

While there is undoubtedly still progress to be made in terms of data timeliness, as well as civil society interest and capacity, the biggest impediment to government accountability would appear to be the government itself. Few stakeholders would dispute that the fiscal regime governing Tanzania's extractives sector needs some degree of reform to provide greater benefits to citizens. Yet, when the government has acted to update the fiscal regime governing the extractives sector—as with the 2010 Mining Act or the 2015 Petroleum Act—they have sought to do so without public debate.

#### 5.1.5 Evaluating Causal Mechanisms Shaping EITI Implementation in Tanzania

In Tanzania, EITI helped to facilitate significant improvement in the transparency of the extractive sector. The Kikwete government has produced six years of data on extractive revenues thus far, and the EI(TA) Act of 2015 makes the disclosure of all new payments, contracts, and licenses relating to the extractive industries mandatory. Yet, there has been no corresponding improvement in government accountability. EITI data has been used by civil society organizations like Haki Madini and forDIA to call attention to weaknesses in the existing governance of the extractive sector, but the government has not responded to these concerns publicly. A combination of hoop, smoking gun, and straw-in-the-wind tests can be used to illuminate the most likely causal explanations for these outcomes (see Table 5.1).

Table 5.1. Results of causal inference tests for EITI in Tanzania

	<b><u>Robust Outcome</u></b>	<b><u>Weak Outcome</u></b>
<b><u>Causal Mechanism Activated</u></b>	<ul style="list-style-type: none"> <li>• Straw in the wind test suggests that following several high profile government corruption scandals and increasing public disillusionment with the benefits of the extractive sector, EITI received visible political support from the Kikwete administration, which allowed a genuinely multi-stakeholder steering committee to oversee regular, independent performance evaluation (in the form of six EITI reports) and the eventual passage of a mandatory disclosure law. Civil society organizations, including Haki Madini, NRGI, and others, were actively involved in setting the national EITI agenda; however their support was likely not critical to the passage of the EI(TA) Act.</li> </ul>	<ul style="list-style-type: none"> <li>• Smoking gun test demonstrates that despite endemic mistrust in government institutions, visible political support for EITI, multi-stakeholder power sharing, regular, independent performance evaluation, and interest by skilled civil society organizations, were insufficient to facilitate broader improvements in government accountability.</li> </ul>
<b><u>Causal Mechanism Not Activated</u></b>	<ul style="list-style-type: none"> <li>• Hoop test demonstrates that significant bureaucratic expertise and authority was not necessary for improving government transparency.</li> </ul>	<ul style="list-style-type: none"> <li>• Straw in the wind test suggests that a lack of bureaucratic authority and expertise may have prevented greater EITI outreach and education to local communities. In combination with other factors, such outreach could have allowed these communities to use EITI reports more effectively to guide their deliberations and discussions surrounding local extractive projects.</li> </ul>

Following several high profile government corruption scandals and increasing public disillusionment with the benefits of the extractive sector, EITI received visible political support from the Kikwete administration, which allowed a genuinely multi-stakeholder steering committee to oversee regular, independent performance evaluation in the form of six EITI reports, and likely facilitated passage of the mandatory disclosure law. However, limited bureaucratic expertise and authority often slowed the production of these reports, and resulted in

a brief suspension from EITI in 2015. Civil society organizations, including Haki Madini, NRGJ, and others, were actively involved in setting the national EITI agenda and interpreting the results, but limited flexibility in how TEITI funds are spent appears to have limited outreach and education to local communities.

With regard to transparency outcomes, a hoop test demonstrates that TEITI's bureaucratic weaknesses did not prevent it from achieving transparency outcomes, suggesting that significant bureaucratic expertise and authority was not necessary to achieve results in this case. While less definitive, a straw-in-the-wind test suggests that some combination of visible political support and multi-stakeholder power sharing helped to facilitate regular, independent performance evaluation, first in the form of EITI reports, and eventually through the passage of the mandatory disclosure law. While the participation of civil society organizations may have helped to improve the quality of EITI reports over time, and to push the government toward mandatory disclosure, the eventual passage of the EI(TA) Act of 2015 using emergency procedures limiting public debate suggests that civil society support was not a critical factor in this case. Yet, additional comparisons between cases are necessary to determine whether any of these conditions can be said to be broadly necessary or sufficient for MSIs to facilitate improvements in government transparency.

With regard to accountability outcomes, a smoking gun test demonstrates that visible political support, multi-stakeholder power sharing, regular, independent performance evaluation, and interest by skilled civil society organizations were not sufficient to facilitate broader improvements in government accountability. Indeed, the EI(TA) Act itself was passed using procedures that limited public discussion. This findings call into question whether EITI is “fit for purpose” with regard to generating improvements in government accountability: Government,



civil society, and private sector actors displayed a strong commitment to EITI's fundamental tenants of multi-stakeholder governance and transparency, yet, even with most key factors in place, there was little evidence of improvements to either government answerability (i.e., soft accountability) or increased capacity to sanction (i.e., hard accountability).

Two alternative explanations for the lack of observed accountability gains are worth considering briefly. First, perhaps the EITI reports uncovered no actionable deficiencies in the governance of the extractive sector. Second, perhaps simply not enough time had passed to see accountability gains. However, neither of these alternative explanations is especially convincing in the face of the actual case evidence. Tanzania released its first EITI report in January 2011 and was certified as compliant in December 2012. Deficiencies were, in fact, uncovered in the first several EITI reports (e.g., overly favorable tax arrangements for foreign corporations in the first report, well-below-market rates for tanzanite royalties in the third). In 2015, however, the government chose to address these issues behind closed doors, rather than by offering a public account of their actions (e.g., passage of the EI(TA) Act, the Petroleum Act of 2015, and the Oil and Gas Revenues Management Act of 2015, using emergency procedures limiting public debate).

A less definitive straw-in-the-wind test can be used to suggest that, had TEITI been able to facilitate more outreach and education to local communities, perhaps these communities might have been able to use EITI reports more effectively to guide their deliberations and discussions surrounding local extractive projects. However, it seems unlikely that bureaucratic improvements alone would have been sufficient to facilitate improved government accountability. More likely, stronger links between TEITI and broad civic coalitions with existing capacity for political advocacy on the one hand, and independent government oversight bodies on the other, would be

required to improve accountability outcomes. In order to determine whether greater bureaucratic expertise is necessary, or sufficient in combination with other factors, for public sector governance MSIs to facilitate improved government accountability, a review of cases with more robust accountability outcomes is required.

#### 5.1.6 The Future of TEITI

With Tanzania's recent suspension from the EITI, the impending retirement of national MSG chair Judge Mark Bomani, and the election of a new president in October 2015, some stakeholders expressed concern that EITI may not survive the end of the Kikwete administration. The suspension, some feared, would give the incoming president an excuse to ignore the initiative. While it remains too early to tell what the future holds, there are some encouraging signs. Following the inauguration of President John Magufuli on November 5, 2015, TEITI released reconciliation reports for 2013 and 2014, and the suspension was lifted. President Magufuli is also developing a reputation for targeting government inefficiency and corruption (see Shoo, 2015, August 12; and Allison, 2015, December 8).

Assuming the new government continues to support TEITI, the next major challenge will be validation under the new EITI Standard, currently scheduled for 2016. Amani Mhinda, executive director of Haki Madini, expressed concern that many national EITI secretariats, including TEITI, will be overwhelmed by the new reporting requirements included under the new standard.<sup>196</sup> He points out that while the new standard requires more work, it was not accompanied by additional funds, so the secretariat is being asked to do more with the same level of support. It remains to be seen what the EITI Board's decision to revisit and refine the validation process means for Tanzania.

While meeting all the requirements for validation under the improved EITI Standard would certainly improve the depth and scope of disclosure and may also encourage national stakeholders to articulate clearer strategies for education and outreach at the local level, it is unclear whether EITI can play a more meaningful role in opening up governance of the extractive sector to greater public debate. The government seems to value EITI for the leverage it provides to encourage greater information sharing by private sector, and for the added legitimacy that multi-stakeholder oversight—albeit of a largely technocratic nature—confers, in the eyes of national civil society and international donors and investors alike. However, there is little evidence that the government feels compelled to provide additional explanation, or obtain additional citizen input, regarding their governance of the extractive sector, because of EITI.

## 5.2 EITI in Guatemala

Guatemala is the most populous country in Central America, but has struggled to catch up with the rest of Latin America and the Caribbean economically, following a brutal 36-year civil war. Almost 20 years after the 1996 Peace Accords, GDP per capita remains at half the average for the region. More than half of the population lives below the national poverty line. Worse still, poverty appears to have increased over the past decade (Pocasangre & Orozco, 2016, January 11). Poverty is especially prevalent for Guatemala's sizeable (40%) indigenous population, with 73% living in below the national poverty line and 22% living in extreme poverty (Central Intelligence Agency, 2015). As a resource-rich country, Guatemala's extractive industries could hypothetically serve as an important driver of economic development, yet the extractive sector has also been a source of significant conflict across the country (Sustainable Development Strategies Group, 2013, p. 10).<sup>197</sup> Against this backdrop, the government of Guatemala announced its intention to join EITI in early 2010.

From 2011 to 2015, EITI struggled to gain traction in Guatemala, failing to establish a legitimate national multi-stakeholder group or produce meaningful reconciliation reports, before being briefly suspended by the EITI Board in February 2015. Later that same year, a government-wide corruption scandal—known as “La Línea”—dealt the initiative a blow from which it may not be able to recover. In August, the vice president—the public face of EITI in Guatemala—was indicted on charges of bribery and corruption. In December, following national elections, the Guatemalan Congress defunded the Presidential Commission on Transparency and Electronic Government (COPRET), which oversees EITI implementation (see Pocasangre & Contreras, 2016, January 27). Indeed, even if the initiative can survive the current governmental reshuffle, serious challenges remain unresolved, including a constitutional article that impedes tax payment disclosure and a rejection of EITI by key civil society organizations.

### 5.2.1 Extractive Industries in Guatemala

Guatemala is the 15th largest producer of silver in the world and the 46th largest producer of gold (International Organizing Committee for the World Mining Congress, 2015). There are also considerable deposits of copper, nickel, lead, zinc, and limestone, as well as some limited oil production (Sustainable Development Strategies Group, 2013, p. 7).<sup>198</sup> Yet, despite being a resource-rich country, the extractive sector contributes only 1.6% of Guatemala’s national GDP (Sánchez, 2015, p. 13).

Following the 1996 Peace Accords, Guatemala’s fiscal regime governing the extractive sector was liberalized in order to attract investors. Decree No. 48-97, approved January 1997, decreased the royalties paid to the State from 6% to 1% of market value (split equally between the national and municipal governments), removed import taxes on machinery, and legalized 100% foreign ownership (Sustainable Development Strategies Group, 2013, p. 8). Applicants are

required to submit an environmental mitigation study for an exploration license and a more comprehensive environmental impact study for an exploitation license. However, these studies are produced by the companies themselves, and are not easily available to the public.<sup>199</sup>

Additionally, the government does not require companies to enter into more formal mining agreements with local communities, which would typically detail the rights and obligations of the parties, including those related to dispute resolution and the environment (Sustainable Development Strategies Group, 2013, p. 8).

The new mining law did not go unchallenged. In 2008, the Constitutional Court declared that several articles were invalid, amid concerns about environmental impacts, allegations of corruption in licensing process, concerns that the 1% royalty rate would limit economic benefits, and a legal challenge that the law did not adequately protect indigenous communities. In 2009, the Colom Administration imposed a moratorium on the issuance of new licenses, but the moratorium was lifted by the Pérez Administration in 2012, after the Supreme Court upheld the constitutionality of the mining law and the association of mining companies signed a voluntary agreement with the government to pay higher royalties for gold and silver (4%) and base metals (3%) (Sustainable Development Strategies Group, 2013, p. 9).

The extractive sector has been a source of significant conflict within Guatemala. A number of mines, including GoldCorp's Marlin Mine in the western highlands, Tahoe Resources' Escobal Project in southeast Guatemala, Kappes, Cassiday & Associates (KCA)'s El Tambor Mine an hour north of Guatemala City, and the Fenix Mine in eastern Guatemala have come under public scrutiny for various environmental and human rights violations. Allegations against these operations range from inadequate consultation and environmental degradation (i.e., the Marlin Mine in 2010;), to police intimidation (i.e., El Tambor Mine in 2014), to murder and

sexual assault committed by private security forces (i.e., the Fenix Mine in 2009) (see Hufstader, 2011, October 17; Network in Solidarity with the People of Guatemala, 2014, April 11; and McConahay, 2015, March 23). In July 2013, the Pérez Administration proposed a new two-year moratorium on the granting of new mining licenses, so that the government could pass reforms to the mining law. No such reforms have materialized. In December 2014, Congress increased the mandatory royalty rate to 10% as part of the 2015 budget bill, however in September 2015, Guatemala's Constitutional Court declared the move unconstitutional, thus the original 1% rate remains in force. Challenges to the illegality of individual mining licenses continue to be heard by the Constitutional Court (Sustainable Development Strategies Group, 2013, pp. 9-10).

#### 5.2.2. EITI under the Colom Administration, 2010-2011

Guatemala technically joined EITI in March 2011, the final year of the Colom Administration (2008-2011), but the membership process began a full year earlier. President Colom—whose term in office had been marred by corruption scandals in the Ministry of the Interior and the National Police, and (later determined to be unfounded) allegations of complicity in the death of attorney Rodrigo Rosenberg Marzano—had already committed Guatemala to implement the Construction Sector Transparency Initiative (CoST) in 2008, in order to demonstrate that the government was working to address public corruption (see Chapter 6). Manfredo Marroquín, the director of the Transparency International, met with Colom's Vice President, José Rafael Espada, and encouraged him to meet with members of the EITI International Secretariat as well.

In March of 2010, Vice President Espada sent a formal communication to the EITI Chair announcing Guatemala's intent to implement EITI. But while a multi-stakeholder group was formed and went on to develop a preliminary work plan, Guatemala was not accepted as an EITI

candidate country until a full year later, in March 2011 (Sustainable Development Strategies Group, 2013, p. 40). Implementation was further delayed by national elections later that year. Sandra Torres, President Colom's ex-wife, was a candidate for the presidency until the Guatemalan Supreme Court disqualified her in August 2011. Otto Pérez Molina, former Guatemalan Army General and candidate of the conservative Partido Patriota, was elected president during the second round of voting. Subsequently, the bulk of EITI implementation would fall to the Pérez Administration, which had not actually made the decision to join the initiative.

### 5.2.3 EITI under the Pérez Administration, 2012-2015

Otto Pérez Molina was the first former military official to be elected to the presidency since the return to democratic elections in 1986. Pérez faced accusations of human rights abuses stemming from his military service during the dictatorship of Efraín Ríos Montt, but he also participated in negotiations that brought the 36-year conflict to an end in 1996, signing the peace accord on behalf of the army (BBC, 2012, January 15). Pérez's vice president, Roxana Baldetti, was the co-founder of the Partido Patriota and had served in Congress since 2004, making a name for herself as an anti-corruption champion. When Pérez and Baldetti took office, they dissolved the Vice Ministry of Transparency, located within the Ministry of Finance under Colom, and created a new department, the Secretariat of Control and Transparency (SECYT), under which several international transparency initiatives, including EITI, would be implemented. At first, donors thought that putting EITI under the auspices of the Vice Presidency would help to raise the political profile of the initiative, said Oscar Avalle, Guatemala Country Manager for the World Bank. Instead, the results have been "a disaster."<sup>200</sup> Pablo Valverde, Guatemala country manager for the EITI International Secretariat agreed: Baldetti

“hijacked EITI,” he said, using the international transparency initiatives overseen by the Presidential Commission on Transparency and Electronic Government (COPRET) to shield herself from public scrutiny.<sup>201</sup>

In May 2012, Government Resolution 96-2012 created the Comisión Nacional de Trabajo de la EITI (CNT) to oversee implementation of EITI. The commission would be comprised of representatives from the Vice President’s Office, and the Ministries of Public Finance, Energy and Mines, and Environment and Natural Resources. Representatives of civil society and industry participate only as “permanent special guests,” a structure that will be discussed in greater detail in the next section. Vice President Baldetti announced that SECYT would preside over the steering committee; however, the newly formed department had quickly become a source of political controversy. Opposition party members in Congress accused Baldetti of using SECYT to attack her political enemies and argued that the new department was unconstitutional. The Constitutional Court agreed and SECYT was dissolved, only to be replaced weeks later by the Commission on Transparency and Electronic Government (COPRET), now located directly under the vice presidency. COPRET assumed the leadership role in EITI implementation originally meant for SECYT, but the legal challenges aimed at the now-defunct department further delayed EITI implementation.

In July 2012, CNT commissioned the Ministry of Energy and Mines to house the technical secretariat, known as “EITI-Guatemala.” Stakeholders report that COPRET, the head of the CNT, and the Ministry of Energy and Mines, were often at odds over who was really “in charge” of EITI. Furthermore, other government agencies that had at one time shown interest in EITI (e.g., the Ministry of Finance, the Vice Ministry of Local Affairs) were marginalized, once COPRET took over the commission. Yet, despite the vice president’s insistence that COPRET



oversee implementation, stakeholders from civil society and the international donor community report that COPRET staff actually had very little leverage over other ministries to compel greater coordination or information sharing. Despite the difficulties in coordinating action, Pablo Valverde, country manager for the International Secretariat noted that the national stakeholders have often privileged “formality, process, [and] bureaucracy,” which has slowed down progress.<sup>202</sup>

In April 2013, three years after the initial commitment to EITI, Guatemala finally released its first reconciliation report (covering payments for 2010). A second report (covering 2011) quickly followed in May 2013. These reports showed that Guatemala received payments totaling US \$165 million in 2010 and US \$225 million in 2011. Although the reports covered 94-98% of total extractive payments to the government, only one company, Perenco, provided detailed information of each type of payment it made (i.e., royalties, direct payments, profit-sharing, donations). In addition to aggregate company payments, the reports also listed all license holders, although detailed information about each license agreement was not provided.

Unlike in Tanzania, where civil society organizations with the appropriate fiscal expertise used data from EITI reports to generate new analysis of the governance of the extractive sector, civil society organizations in Guatemala found little of interest within the EITI reports. Indeed, these organizations already have access to, and indeed publish, vast amounts of information that is not included in the EITI reports. For example, the Instituto Centroamericano de Estudios Fiscales (ICEFI) regularly releases fiscal analysis of the Guatemalan extractives sector, using numbers acquired directly from the Ministry of Finance (e.g., Ozaeta, J.P., Molina, L. & Castaneda, R., 2015, September 1; Molina & Barrientos, 2015, March), and the influential environmental organization Madreselva recently produced a report detailing the environmental

impact of the extractive sector (La Noticia en Guatemala, 2016, April 28). EITI reports have not contributed to debates about extractive sector governance, argues Miguel Zamora-Mills, a researcher with la Plataforma Internacional contra la Impunidad, because “it’s not information we didn’t have before.” Indeed, rather than waiting for the EITI report, Zamora notes that one can obtain the same information—only more current—through the Access to Public Information Law.<sup>203</sup>

Nevertheless, the EITI Board certified Guatemala as EITI Compliant in March 2014, although the independent validator—the Sustainable Development Strategies Group (2013)—cautioned that the non-member status of civil society and private sector stakeholders within the MSG was “problematic” (p. 32), and that the voluntary disclosure by the two biggest private companies—Perenco and Goldcorp—did not guarantee that additional companies would participate, should the extractive sector continue to grow (p. 26).

The 2014 Validation represented a high water mark for EITI-Guatemala, albeit a brief one. Within six months, several influential civil society organizations—including Acción Ciudadana—had withdrawn from EITI, following disputes with COPRET and the Vice President. (Details of their departure will be discussed in the next section.) With the next reconciliation report due by December 2014, the technical secretariat also had the unenviable task of being the first country to produce an EITI report under the enhanced EITI Standard. After a request for an extension was denied, Guatemala was suspended from EITI in February 2015 for failing to produce the report on time.

In April that same year, the UN International Commission against Impunity in Guatemala (CICIG) accused a number of Pérez Administration officials of having set up a criminal network within the Tax and Customs Administration. In essence, import companies would call to arrange

for lower customs duties in exchange for very significant bribes. The network, known as “La Línea” for the telephone line where the arrangements would be made, was initially thought to implicate the head of the Tax and Customs Administration and the Vice President’s personal secretary. However, prosecutors would eventually charge both Vice President Baldetti and President Pérez as the ringleaders of the network. In May 2015, CICIG announced two additional corruption cases—one involving the Guatemalan Social Security Institute (IGSS), and another involving energy contracts. In total, more than 35 high-ranking government officials were arrested, including the head of the Central Bank, the current and former heads of the National Tax Office, and the head of the IGSS. Four judges and several members of Congress were also investigated. By November, over 600 public employees had been arrested under suspicion of corruption (see Sánchez, 2015, November 30).

In response, Guatemalans staged a series of peaceful mass protests, calling for the resignation of both Pérez and Baldetti, for immediate political and campaign finance reform, and (in some cases) for delaying the election until such reforms could be made (see Isaacs, 2015, June 22). An estimated 60,000 people participated in a protest in Guatemala City on May 16, and thousands more protested throughout the country (see Cuffe, 2015, May 22).

President Pérez attempted to contain the damage by replacing a number of high-ranking officials, many of whom served on the EITI commission. On May 8<sup>th</sup>, Vice President Baldetti resigned from office, after her central role in “La Línea” came to light. On May 15<sup>th</sup>, the Minister of Energy and Mines resigned, amidst new scrutiny into irregularities in mining, energy, and other environmental project contracts. On May 20<sup>th</sup>, Pérez fired Verónica Taracena, the head of COPRET (see República.gt, 2015, May 20). Although Taracena has not been indicted, some stakeholders suspect that she was aware, if not a part, of the Vice President’s illicit activities.

The following day, Pérez fired five more high-ranking officials, including the Minister of the Environment and Natural Resources and the new Minister of Energy and Mines (see Cuffe, 2015, May 22). Less than a year after Guatemala was certified as EITI compliant, essentially every high-ranking government official that had overseen the initiative had been accused of corruption.

Nevertheless, the technical secretariat pressed on. In June 2015, EITI-Guatemala released reconciliation reports covering 2012 and 2013, showing that mining revenues fell by 20% and oil revenues fell by 8% (see Berger, 2015, July 17). Thirteen companies provided data to reconcilers, up from 8, again representing around 95% of all production (Sánchez, 2015, p. 21). And this time, companies provided disaggregated numbers. Publication of the reports resulted in the EITI Board lifting Guatemala's suspension in July 2015. While critics acknowledge that the new reports were an improvement on the first two, they still fail to provide detailed information on licenses, human rights, or environmental impacts that could meaningfully contribute to national debates about extractive sector governance. "If you have a [EITI] certificate, it should mean something," said Miguel Zamora-Mills, researcher with la Plataforma Internacional contra la Impunidad.<sup>204</sup>

While Guatemala was once again EITI Compliant, the national political scandal continued to unfold. On August 21, Roxana Baldetti was arrested. On September 1, the Guatemalan Congress stripped President Pérez of his immunity from prosecution. He resigned the following day and was succeeded by interim president Alejandro Maldonado. Pérez was arrested on September 3. On October 25, Jimmy Morales—a former comedian with ties to retired right-wing military officials and business elites—was elected president of Guatemala during the second round of voting. His campaign slogan promised he was "ni corrupto, ni ladrón" ("neither

corrupt nor a thief”), but little is known about how he intends to govern when he takes office in January 2016 (see Malkin, & Wirtz, 2015, October 25). In November 2015, the Guatemalan Congress cut all funding for COPRET from the 2016 annual budget, calling into question whether (and how) EITI will endure into the newly elected Morales administration.

#### 5.2.4 Multi-stakeholder Governance of el Comisión Nacional de Trabajo de la EITI

EITI-Guatemala has never had true multi-stakeholder governance. Government Resolution 96-2012, which authorized the creation of the Comisión Nacional de Trabajo de la EITI (CNT), recognizes only government officials as members (see Ministerio de Gobernación de la República de Guatemala, 2012, May 10). Article 5 of the Commission’s internal rules grants representatives of civil society and industry the right to speak as permanent special guests, “con voz pero sin voto (with voice, but no vote).” Observers from Guatemalan civil society expressed disappointment that the international EITI secretariat did not intervene. However, the government justified this structure to EITI validators by explaining that they cannot legally require private citizens to participate in a public commission.

In 2014, Resolution 96-2012 was modified to grant private sector and CSO participants the right to vote, but still maintained their status as guests of the government (Ministerio de Gobernación de la República de Guatemala, 2014, March 5). Consequently, attendance by organizations representing these sectors remains by government invitation only (see Appendix N). Additionally, the CNT governs by majority, rather than consensus, and each stakeholder group (i.e., government, private sector, and civil society) gets a single vote. In practice, this means that civil society is consistently marginalized, as government and industry tend to vote together. These arrangements call into question both the breadth and depth of multi-stakeholder

participation. As Oscar Avalor, country manager for the World Bank put it, the nature of these rules was “setting [EITI] up for failure.”<sup>205</sup>

Outside observers report that gathering information about EITI-Guatemala’s structures, processes, members, activities, and meetings has been difficult. The initiative website (<http://eitiguatemala.org.gt/acerca-de-eiti/comision-nacional-de-trabajo/>) lists those in government who have been assigned to the initiative, as well as those from civil society and the private sector who have been *invited* to participate, however no official list of participants exists. The closest approximation is the minutes for each meeting (<http://eitiguatemala.org.gt/category/actas-de-sesiones-2015/>). However, there is no way to know whom the current civil society participants are, who elected them, by what process, or for how long, limiting the accountability of these actors to the rest of civil society. There is also no EITI staff contact listed on the COPRET website, so there is no apparent pathway for additional civil society organizations to get involved.

During the first few years of implementation, CNT meetings were regularly attended by representatives from government (the Ministry of Energy, the Ministry of Finance, the Office of the Vice President, the Ministry of Environment, and the Tax Administration), civil society (Acción Ciudadana, the Asociación de Desarrollo Integral Comunitario Indígena (AIDIC), the Kab’awil indigenous group), and the private sector (Perenco Oil and Gas, the Union of Mining, Quarrying, and Processing (GREMICAP), and the Union of Extractive Industries (GREMIEXT)), with observers from the World Bank and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).<sup>206</sup> Nevertheless, stakeholders report that the overall visibility of the initiative remained quite low. For example, researchers from Congreso Transparente, a Guatemalan NGO working on congressional transparency had not heard of EITI

until they were asked to evaluate its progress as part of the OGP's first Independent Reporting Mechanism (IRM) report.<sup>207</sup>

By the time Guatemala was certified as compliant in early 2014, relations between Vice President Baldetti and Acción Ciudadana had deteriorated. According to stakeholders from civil society and the international donor community, Acción Ciudadana had contributed a chapter to a Transparency International publication that was critical of the Pérez government. This angered some in the government, who felt that such criticisms should have been made privately.<sup>208</sup> COPRET opted not to consult with Acción Ciudadana during the planning process for the first Open Government Partnership (OGP) National Action Plan, despite Acción Ciudadana's central role in bringing OGP to Guatemala (see Chapter 4). To add insult to injury, the National Action Plan included commitments to implement EITI and CoST, both initiatives that Acción Ciudadana had championed. In response, Acción Ciudadana stopped attending steering committee meetings for both initiatives. Following their lead, other CSOs stopped attending EITI meetings as well.

COPRET attempted to recruit new civil society organizations to participate in EITI, but these efforts only served to intensify opposition from several influential CSOs, including the Instituto Centroamericano de Estudios Fiscales (ICEFI). ICEFI, along with several other CSOs, had agreed to attend a single information session early in the EITI implementation process, but ultimately chose not to participate. Nevertheless, in 2013, they found themselves listed as "civil society representatives" in the EITI Validation Report (Sustainable Development Strategies Group, 2013, p. 47). In 2015, COPRET once again used ICEFI's name as part of their new CSO recruitment campaign, implying that they had endorsed the initiative.<sup>209</sup> "[ICEFI] was pissed, and I don't blame them," said Oscar Avalle, country manager for the World Bank.<sup>210</sup> Indeed, this

incident reinforced the belief among many in civil society that the Pérez government simply wished to use civil society to legitimate their activities in the extractive sector, rather than actually consulting with them.

Following the exit of Acción Ciudadana, new organizations were recruited to participate in EITI. However, these smaller organizations had neither the technical expertise nor the resources to participate fully in the work. Moreover, civil society observers report that these organizations began to compete with each other over the limited resources provided for civil society participation in EITI (i.e., travel funds). Since civil society only has one vote on the CNT, only one of these organizations could be considered the “real” civil society representative. Indeed, other civil society observers question whether any these organizations are truly legitimate. Some appear to have been organized by the government expressly for the purpose of participating in EITI. Others represent indigenous communities, but as members of the indigenous chamber of commerce. However, Pablo Valverde, country manager for the internationals secretariat, disputes that these participants are illegitimate and instead suggest that polarization and fragmentation *within* Guatemalan civil society had resulted in these contestations over legitimacy, and prevented the sector from developing a united front.<sup>211</sup> The government may have exploited these divisions, but they were there to be exploited. “CSO representation is problematic to this day,” agreed Dr. Lothar Rast, country director for Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).<sup>212</sup>

With key civil society organizations’ withdrawal from the EITI steering committee, observers, including Miguel Zamora-Mills of la Plataforma Internacional contra la Impunidad and Lothar Rast of GIZ, credit the private sector with keeping the initiative alive.<sup>213</sup> The private sector has continued to attend meetings and even paid for radio advertisements to raise



awareness about EITI. Given the relatively simple structure of the extractive sector in Guatemala, and the limited nature of the data being released, it is unlikely that private sector participation in EITI is intended to improve the information available to companies. Rather, EITI provides three different benefits to the private sector, one reputational, one political, and one normative. First, given the prevalence of social conflict surrounding the extractive industries, especially mining, participation in EITI allows companies to highlight their positive financial and social contributions to Guatemala. Put simply, the private sector needed some good press. Second, the private sector hopes to demonstrate that the government's current moratorium on licenses is strangling investment. Yet, while the latest reports do show that mining revenues fell by 20% and oil revenues fell by 8% (i.e., Berger, 2015, July 17), this decline is likely attributable to a variety of factors, including a reduction in production since 2012.<sup>214</sup> Third, participation in EITI allows the private sector to set the terms of the debate. By willingly engaging with civil society on revenue transparency, the industry is able to sidestep more difficult issues, including prior informed consent, human rights, and environmental impact.

Finally, the international donor community continues to explore whether Guatemala's multi-stakeholder EITI steering committee can be salvaged. GIZ has offered to provide trainings to help train civil society organizations so that they can participate more effectively, but has declined requests to actually convene a multi-stakeholder meeting.<sup>215</sup> "The government eroded the process," agrees Oscar Avalle, country manager for the World Bank, "the government needs to reach out." International donors have no wish to prop up an initiative that has no national champions. "Either they want [EITI] or they don't."<sup>216</sup>

### 5.2.5 National Outcomes in Guatemala: Little to Show

After four reconciliation reports, EITI has managed to produce only limited improvements in extractive sector transparency. Currently, Article 24 of the Guatemalan Constitution prevents the government from disclosing tax data. As a result, companies disclose information to EITI-Guatemala on a voluntary basis. While voluntary participation by companies has been strong, if EITI-Guatemala were to request more detailed information than companies are willing to provide (for instance, regarding licensing agreements) these companies would have the legal right to refuse. Additionally, if EITI-Guatemala were to dissolve altogether—a very real possibility, given the political scandals that have damaged both the Ministry of Energy and Mines and government-led transparency initiatives more broadly—disclosure would likely stop.

According to Miguel Zamora-Mills, a researcher with la Plataforma Internacional contra la Impunidad, the lack of consultation processes lies at the very heart of the conflict over the extractive sector in Guatemala.<sup>217</sup> Yet, due in large part to the extraordinary corruption of the Pérez administration, the EITI has failed to improve public participation in the governance of the extractive sector. Influential civil society organizations have refused to participate in EITI in order to avoid legitimizing the government's brazen ploy to use international transparency initiatives to distract from illicit activities. Even if civil society organizations had decided to continue participating, the rules governing the Comisión Nacional de Trabajo de la EITI would preclude them from having any real influence. And yet, had the government been less corrupt, civil society might still have struggled to effectively participate in EITI. While the protests against the corruption of the Pérez Administration created new alliances between urban and rural interests, civil society remains deeply divided over whether and how to build and govern an extractives industry. Those with the most to lose still remain largely absent from the conversation.

With little improvement in transparency and even less in participation, it is perhaps not surprising that EITI has also failed to contribute to tangible improvements in government accountability. Were it not for the work of the UN International Commission Against Impunity in Guatemala (CICIG), it seems likely that EITI would have continued to provide a shield for the corruption of the Pérez administration, without ever actually uncovering it. Indeed, critics of the EITI in Guatemala argue that its scope is simply too narrow to threaten entrenched interests. Yet, even if EITI's scope were dramatically expanded and produced much stronger findings regarding corruption, human rights abuses, or environmental degradation, there is still no guarantee that it would trigger corrective action by what Central American security specialist Dr. Thomas Boerman has called a “fully criminalized state.” “You can't implement a rule-of-law-based program in a sociopolitical context where there is no rule of law.”<sup>218</sup>

#### 5.2.6 Evaluating Causal Mechanisms Shaping EITI Implementation in Guatemala

EITI has helped to facilitate only marginal and temporary gains in the transparency of the extractive sector in Guatemala. While the release of four EITI reports has technically increased the amount of data about the extractive sector available to the public, Article 24 of the Guatemalan Constitution prevents the government from disclosing tax data. As a result, companies continue to disclose information to EITI-Guatemala on a voluntary basis. There have been no notable improvements in government accountability during EITI implementation. In fact, corruption at the highest levels of government has continued unabated, with two successive Ministers of Energy and Mines, and the Minister of the Environment and Natural Resources being implicated during fallout from the “La Línea” scandal.

A mix of hoop, smoking gun, and straw-in-the-wind tests can be used to demonstrate that these minimal gains reflect minimal effort on the part of government and civil society actors (see

Table 5.2). The Colom Administration did not prioritize quick implementation of EITI in the same way it prioritized implementation of CoST. Upon coming to power in 2012, the Pérez Administration failed to provide visible political support, or empower COPRET with sufficient authority to compel greater coordination or information sharing. The government also failed to ensure genuine multi-stakeholder governance in the Comisión Nacional de Trabajo de la EITI (CNT), by authorizing civil society and private sector participants to participate only as “guests” and by using majority rules decision-making procedures.

For their part, influential civil society organizations have dismissed EITI as irrelevant, while others have withdrawn their support. Indeed, a hoop test suggests that multi-stakeholder power sharing, visible political support, bureaucratic expertise and authority, and civil society interest and capacity were all unnecessary for the production of the marginal transparency gains observed in Guatemala. A straw-in-the-wind test suggests that these gains can be attributed instead to the voluntary participation of the private sector, following allegations of environmental and human rights violations near several mines. To alleviate public pressure, private companies participated in EITI, allowing for the semi-regular production of EITI reports. Indeed, it seems unlikely that EITI would continue to exist in Guatemala, were it not for the strong support of the private sector.

Table 5.2. Results of causal inference tests for EITI in Guatemala

	<b><u>Robust Outcome</u></b>	<b><u>Weak Outcome</u></b>
<b><u>Causal Mechanism Activated</u></b>	<ul style="list-style-type: none"> <li>• Straw in the wind test suggests that minimal and temporary transparency gains might be attributed to private sector support for EITI, following increased public criticism over environmental and human rights violations near several mines. Private sector support was likely critical for the semi-regular production of EITI reports.</li> </ul>	<ul style="list-style-type: none"> <li>• Smoking gun test demonstrates that significant political conflict surrounding the extractive industries, private sector support, and the production of independent, regular performance evaluations (i.e., EITI reports) were insufficient to facilitate gains in accountability.</li> </ul>
<b><u>Causal Mechanism Not Activated</u></b>	<ul style="list-style-type: none"> <li>• Hoop test demonstrates that multi-stakeholder power sharing, visible political support, bureaucratic expertise and authority, and civil society interest and capacity were all unnecessary for the production of the marginal transparency gains observed in Guatemala.</li> </ul>	<ul style="list-style-type: none"> <li>• Straw in the wind test suggests that some combination of greater government support, greater civil society support, and more multi-stakeholder power sharing might be necessary or sufficient to produce improvements in accountability.</li> </ul>

These case findings suggest that participating countries can remain compliant with EITI with minimal effort from either government or civil society. While transparency gains were technically achieved in Guatemala, the rejection of EITI reports by civil society organizations, including ICEFI and Madreselva, suggests that EITI has been little more than a box-checking exercise in this case. This assessment is further validated by the failure of these limited transparency gains to facilitate any improvement in government accountability. Indeed, a smoking gun test demonstrates that the production of independent, regular performance evaluations was insufficient to facilitate gains in accountability. A less definitive straw in the wind test suggests that some combination of greater government support, greater civil society support, and more multi-stakeholder power-sharing might be necessary or sufficient to produce improvements in accountability.

Using the Tanzania case as a counterfactual, one can imagine that greater political support by the Colom or Pérez government might have led to the creation of a genuine multi-stakeholder steering committee, which, in turn, might have generated greater interest on the part of civil society. Rather than producing reports that meet the minimum standards for EITI membership, a strong multi-stakeholder group might have decided to prioritize making the reports useful to a variety of national and local interest groups (e.g., human rights or environmental advocacy groups), or finding a way to make disclosure more sustainable, in lieu of Article 24 of the Guatemalan Constitution. While the Tanzania case clearly demonstrates that improving the quality and sustainability of transparency outcomes is not a sure fire way to produce greater government accountability, Guatemala has a strong tradition of civil society advocacy, as evidenced by the aftermath of the “La Línea” scandal. Were EITI-Guatemala to produce reports that actually addressed the concerns of civil society organizations—environmental mitigation, human rights, or government spending—these organizations might be well positioned to mobilize broader civic coalitions to act on this information and demand government accountability.

### 5.2.7 The Future of EITI-Guatemala

In the aftermath of the “La Línea” scandal, international EITI stakeholders express optimism that the removal of Pérez, Baldetti, and Taracena may actually help to reinvigorate the flagging initiative, if civil society organizations can be persuaded to give EITI another chance. National-level actors are not so optimistic. Lourdes Molina, an economic researcher with ICEFI, reports that she remains unconvinced that EITI has the capacity to add to the debates about the governance of the extractive sector, because of its narrow focus on company payment data. “Advocates of EITI seem to think that people are against [the Extractive Sector] because they

don't know the benefits," she said, "but it's not that simple."<sup>219</sup> CSOs want more information on environmental impacts, licensing agreements, local transfers, and expenditures. "The problems [in the mining sector] are not an issue of transparency," agrees Oscar Avalle of the World Bank.<sup>220</sup> While the International Secretariat has argued that, under the new EITI Standard, the national steering committee (Comisión Nacional de Trabajo de la EITI) could act to expand the focus of future EITI reports, it is unlikely to do so, given its current structure. CNT does not recognize civil society and the private sector as full members and votes by majority, with each sector having a single vote. Indeed, it seems likely that EITI's governing rules must be reformed before civil society organizations will come back to the table. Yet, in May 2015, the rules governing the Comisión Nacional de Trabajo de la EITI were reauthorized for 6 years, without any public discussion.<sup>221</sup>

EITI-Guatemala's next report is not due until 2017. In the meantime, the International Secretariat hopes that national stakeholders consider reforming the rules governing EITI participation and expanding the scope of national EITI reporting. However, as long as Article 24 of the Guatemalan Constitution remains in effect, companies would still be able to opt out of EITI disclosure. A constitutional amendment would be required to legalize the disclosure of tax payments, and a new law would be required to compel disclosure. "There is no salvation for EITI in Guatemala," said former Vice Minister for Transparency Ricardo Barrientos.<sup>222</sup>

### 5.3 EITI in the Philippines

The Philippines is estimated to be one of the world's richest countries in mineral resources, yet the country has continued to struggle with widespread government corruption since emerging from the Marcos dictatorship in 1986. As the 13<sup>th</sup> most populous country in the world, with a 2014 industrial production growth rate of 7.9%, the Philippines is poised to

become a significant middle economic power in the 21<sup>st</sup> century. Indeed, economic growth has accelerated in recent years, averaging 6.0% per year from 2011-2014, and foreign direct investment hit a historic high in 2014. However, this steady economic growth has not reached all Filipinos equally. Twenty-five percent of the country still lives below the poverty line and GDP per capita is actually lower in the Philippines (153<sup>rd</sup>) than in Guatemala (151<sup>th</sup>) (Central Intelligence Agency, 2015).

The Philippines joined EITI in 2013. The national multi-stakeholder group set an ambitious agenda for disclosure, including payments to environmental funds, detailed explanations of contracts, and expenditures. While some of these national priorities for disclosure went beyond the minimal EITI requirements, and were achieved by the time the first reconciliation report was released in December 2014, PH-EITI was unable to produce other data necessary to meet all criteria under the expanded EITI Standard. Significant progress was made in the second report, released December 2015, and the Philippines is likely to be validated as EITI compliant in January 2017. Nevertheless, while the Philippines has a high-functioning multi-stakeholder group and strong support from all three sectors, some stakeholders express concern over the future sustainability of EITI without a national law that mandates disclosure. A proposed bill stalled in the Congress of the Philippines and did not pass before President Aquino left office in 2016.

### 5.3.1 Extractive Industries in the Philippines

The Philippines possesses significant mineral wealth, as well as some petroleum and coal deposits. Zinc, nickel, and chromite are mostly found in Luzon, the northernmost cluster of islands, where the capital city of Manila is located. Deposits of gold and copper are predominately found in Mindanao, the southernmost cluster of islands, where religious and



ethnic separatist groups have created political instability since the late 1960s. At present, 38 metallic mines operate in the Philippines, the majority of which can be found in the Mindanao region. Additionally, 36 permits for exploration have also been issued. Most of the country's mineral reserves remain untapped. As a result, the average contribution of the mining industry to the economy has been low—averaging 0.6% of GDP from 2010 to 2013—relative to its potential. In 2012, mining revenue contributed 1% of total government revenues.

The Philippines has identified possible onshore petroleum deposits in Luzon and Visayas (the middle cluster of islands), and potential offshore deposits in the Sulu Sea, the West Luzon Basin, the Northwest Palawan Basin, and elsewhere. Twenty-two exploratory petroleum licenses are currently active, while 7 licenses for (mostly downstream) production are also active. In 2012, the oil and gas industry contributed 3% of total government revenue, mostly in the form of sales and the corporate income tax.

Most of the country's coal reserves are located on Semirara Island in the Visayas region. In 2012, nearly 39% of coal produced, valued around USD \$148 million, was exported. The Semirara Mining Corporation, with its exclusive right to operate in the island, is the dominant player in local coal production. In 2012, mining revenues represented 1.12% of total government revenues (PH-EITI, 2014a, pp. 41-69).

The 1987 Constitution gives the State ownership of all mineral, oil and gas, and coal resources. In general, the State may enter into co-production, joint venture, or production-sharing agreements with corporations that are at least 60% Filipino-owned. However, there is an exception to this rule that allows ownership by foreign-owned corporations for large-scale exploration and development of minerals and petroleum.

While the laws governing the mining sector have been recently updated, the laws governing the petroleum and coal sector date back to the 1970s and 80s. The Oil Exploration and Development Act of 1972 is the governing law for the oil and gas sector. It was amended in 1983 to provide additional incentives to petroleum companies that invest in the Philippines. The Coal Development Act of 1976 licenses the right to explore, develop, and market coal. The Philippine Mining Act of 1995 governs the exploration, development, use, and processing of mineral resources in the country. In 2012, President Aquino issued Executive Order (EO) 79, which improved environmental standards in the mining industry, added “No Go Zones,” where mining is prohibited, and imposed a moratorium on new mining agreements until a revised revenue-sharing law can be legislated by Congress. Executive Order 79 also commits to “improving transparency in the industry,” by joining EITI (see President of the Philippines, 2012, July 6, Section 14). While the Constitution guarantees Filipino citizens the right to information and participation in government decision-making, the laws on mining, oil and gas, and coal, as well as those governing revenue and investments, guarantee that certain operational information provided by companies will be kept confidential. Generally speaking, however, these confidentiality clauses do not prevent the government from disclosing information on payments, royalties, or contracts (PH-EITI, 2014a, pp. 71-91).

Government revenue from Mineral Production and Sharing Agreements (MPSAs) takes the form of excise and income taxes. For Financial and Technical Assistance Agreements (FTAAs), individual shares are also fixed. Government income from the petroleum and coal industries comes from revenue sharing agreements that include taxes. The government share is allocated between the national government and local government units (LGUs) (i.e., provinces, cities, municipalities, and barangays), according to the provisions of the Local Government

Code. Royalty payments are also made to indigenous cultural communities (ICCs) or indigenous peoples (IPs). In the case of the mining sector, companies also pay into funds for environmental protection or rehabilitation, and for social development. Similar funds have not been set up for the petroleum or coal sectors.<sup>223</sup>

The Department of Environment and Natural Resources (DENR) oversees the mining sector and the Department of Energy (DOE) oversees the petroleum and coal industries. The Department of Finance (DOF) maintains oversight for the collection of all revenue and the National Commission on Indigenous Peoples (NCIP) is mandated to protect the rights of indigenous peoples affected by all extractive operations. In 2013, NRGi ranked the Philippines 23<sup>rd</sup> in natural resource governance, out of 58 countries reviewed. Although the mining sector was given partial credit for its institutions, legal framework, reporting practices, safeguards, and quality controls, NRGi determined that the enabling environment—Philippine’s tradition of, and tolerance for, corruption—was too weak to achieve good governance of the mining sector (Revenue Watch Institute, 2013, p. 8).

### 5.3.2. EITI under the Aquino Administration, 2013-2015

Benigno Aquino III was elected to a six-year term as President of the Philippines on May 10, 2010. Aquino, the son of former president Corazon Aquino, ran on platform of government reform. His predecessors, Joseph Estrada and Gloria Macapagal-Arroyo, had both been implicated in a number of corruption scandals.<sup>224</sup> A year after taking office, as part of his “Social Contract with the Filipino People,” the president reorganized his cabinet into several thematic working groups (see President of the Philippines, 2011, May 13). Aquino personally chairs the working group on Good Governance and Anti-Corruption, comprised of the Department of Budget and Management Secretary, Department of Finance Secretary, Department of the Interior

and Local Government Secretary, Department of Justice Secretary, Department of Trade and Industry Secretary, Chief Presidential Legal Counsel, and the Head of the Presidential Legislative Liaison Office. According to Filipino observers, he has appointed known reformers to head the Department of Budget and Management (Florencio Abad) and the Department of Finance (Cesar Purisima), pushed for the abolition of the Priority Development Assistance Fund (PDAF), a discretionary Congressional fund commonly called “the pork barrel,” and signed on to the fledgling Open Government Partnership (OGP) as a founding member (see Chapter 6).

According to Dr. Cielo Magno—national coordinator for the Filipino civil society organization Bantay Kita (Revenue Watch) and member of both the national EITI multi-stakeholder group and the EITI international board—the private sector had been supportive of the Philippines joining EITI (as had the World Bank and other international aid organizations) prior to the Aquino Administration. However, Bantay Kita (the national Publish What You Pay affiliate) had been skeptical, fearing that the Arroyo Administration would use the initiative as cover for various misdeeds. With the election of the reform-minded Aquino, however, Bantay Kita was willing to give EITI a try.<sup>225</sup>

In July 2012, President Aquino signed Executive Order 79 (i.e., President of the Philippines, 2012, July 6), which committed the government to improving transparency in the mining sector by joining the EITI. The order also created the Mining Industry Coordinating Council (MICC), a government committee comprised of the Economic Development and Climate Change clusters created by the Social Contract bill, tasked with formulating a new revenue sharing scheme for the industry. In January 2013, a national multi-stakeholder group was formed to develop a work plan to implement EITI. In May 2013, during the EITI’s 6<sup>th</sup> Global Conference, the Board accepted the Philippines as a candidate country. In November

2013, Executive Order 147 (i.e., President of the Philippines, 2013, November 26) officially created a secretariat, PH-EITI, and multi-stakeholder group, PH-EITI-MSG, consisting of 5 members each from government, the private sector, and civil society (see Appendix O).

Over the next year, PH-EITI-MSG members from government (Department of Finance, Department of Interior and Local Government, Department of Energy, Department of Environment and Natural Resources, and the Union of Local Authorities of the Philippines), the private sector (the Chamber of Mines of the Philippines, the Petroleum Association of the Philippines, Shell Oil, Nickel Asia Corporation, Atlas Consolidated Mining, Cambayas Mining Corporation), and civil society (Bantay Kita, University of the Philippines College of Law, Visayas State University, the Philippine Rural Reconstruction Movement, and GITIB, Inc.) worked together to set an ambitious agenda for disclosure, based on what they believed were key information gaps preventing governance of the extractive sectors. This agenda included disclosing information on contracts, payments to indigenous groups, environmental impacts, and government expenditures.

When the first PH-EITI report was released in December 2014, it was split into two volumes. The first volume (i.e., PH-EITI, 2014a) contained detailed contextual information (now required under the EITI Standard) about the extractive industries, legal and regulatory framework, maps of extractive operations, examples of mining operating agreements (MOAs), and an assessment of existing MOAs with indigenous communities. The second volume (i.e., PH-EITI, 2014b) contained the reconciliation of payments made by 30 large-scale mining and six oil and gas companies (representing 85% of the extractive sector) to seven different government agencies and 32 local government units for 2012. The data showed that participating companies paid roughly US\$1 billion in taxes, fees, royalties, and social expenditures (p. 32),

including US\$7.8 million in direct payments to local government units (p. 94). Industry and civil society stakeholders produced separate analyses of the EITI report, using the report to highlight different aspects of the extractive sector and draw different conclusions about its management.<sup>226</sup>

While PH-EITI was able to achieve many of its goals for disclosure, the first report did not include everything civil society stakeholders had hoped for. First, information on expenditures proved difficult to collect. Since revenue from the extractive industry is put directly into the general fund (rather than into an account specifically used for natural resource revenue), it is virtually impossible to track spending.<sup>227</sup> Second, small-scale (AKA “artisanal”) mining (SSM) payments also proved difficult to track. Since SSM is authorized at the sub-national level, local government offices were not obligated to provide data on these mines to the national government. Finally, some agencies did not provide sufficiently disaggregated data to meet EITI standards.

Through the reconciliation process, PH-EITI identified some areas where data gaps, and data quality, could be improved through technical reforms. For example, former national EITI coordinator Gay Ordenes explained, the report identified a large discrepancy between company payments to the National Council on Indigenous Persons (NCIP) (an agency of the national government) and NCIP’s own records, pointing towards the need for better record keeping.<sup>228</sup>

PH-EITI also identified some legal impediments to full disclosure (e.g., confidentiality provisions in incentive agreements) that it recommended addressing. One significant barrier is the lack of a mandatory disclosure law. Currently, extractive companies participate in EITI on a voluntary basis, signing a new confidentiality waiver for each year of data they provide. While the majority of PH-EITI stakeholders support such a bill, concerns remain among some legislators that for large companies that essentially comprise the totality of the national extractive

sector for a given commodity (for example, the coal company Semirara), disclosure of contextual information (e.g., outlays, explorations, social expenditures, etc.) and tax payments would be tantamount to revealing trade secrets.<sup>229</sup> An EITI bill that would have compelled disclosure was introduced during the 2015 legislative session, but remains stuck in committee.

As PH-EITI worked to address the shortcomings of the first report, national EITI coordinator Gay Ordenes acknowledged that they had prioritized improvement in areas of greater national concern, including local payments, and worried that they had not adequately resolved other problems that may cost them points during EITI Validation, which was then scheduled for July 2016. For example, while the EITI Standard requires countries to disclose payment information related to state-owned enterprises, these entities are minor players in the Philippines. In June of 2015, PH-EITI stakeholders expressed concern to representatives of the international stakeholders that the one-size-fits all validation process seems to stand in contrast other goals of the post-2013 EITI Standard, namely to encourage countries to customize national implementation of EITI to address the most pressing issues of national concern. “We are not trying to water down the Standard,” said former national PH-EITI coordinator Gay Ordenes, “but we need to recognize that for some countries meeting the requirements takes time.” “At the same time,” she continued, “countries are going beyond the Standard to address the issues that are important in their context.” (see Granado, 2015, October 21). While PH-EITI has made a number of recommendations for improving the efficiency and quality of disclosure, members of the Bantay Kita civil society network have thus far struggled to use EITI reports to advocate for broader (i.e., non-transparency-related) changes to the governance of the extractive sector.<sup>230</sup>

PH-EITI’s second EITI report (covering 2013) was released in December 2015. According to former national EITI coordinator Gay Ordenes, the national multi-stakeholder

group was able to successfully address many of the reporting and data quality issues identified during the process of producing the first report.<sup>231</sup> PH-EITI received good news at the Global EITI Conference in February 2016, when the international board agreed to a more individualized country validation process (see Rogan, 2016, March 8), and also awarded PH-EITI with an “EITI International Chair Award” for its work disaggregating payments to local governments (see PH-EITI, 2016, March 7). Both pronouncements bode well for the Philippines’ chances to be validated at EITI compliant in January 2017.

### 5.3.3 Multi-stakeholder Governance of PH-EITI

Executive Order 147 clearly committed PH-EITI to multi-stakeholder governance. Each stakeholder group would have 5 members on the MSG, along with 5 alternates. While the order specifies that the Mining Industry Coordinating Council (MICC) will select the appropriate government participants, non-government stakeholders are empowered to select their own members. Unlike in Tanzania, where MSG meetings sometimes take place without stakeholders from all sectors present, the Philippines MSG requires a quorum of at least 3 representatives from each sector for meetings to take place. Unlike in Guatemala, the order also states that all MSG decisions will be made by consensus (see Appendix P). EO 147 also specifies that all MSG representatives shall serve for 3-year terms. However, the term for the first MSG has been extended in order to complete the second report on time.

With over 7,000 islands and 182 living languages, the Philippines is an extraordinarily diverse country. Consequently, ensuring that seats on the MSG are held by participants who represent meaningful constituencies remains particularly challenging. For its part, the Aquino government requires that one government seat is held by the Union of Local Authorities of the Philippines (ULAP). Bantay Kita—a broad network of national civil society groups, including



anti-mining groups and pro-transparency groups, and affiliated with the international Publish What You Pay coalition—organizes the CSO selection process. “Mining’s already happening,” said one Bantay Kita coalition member who agreed to be interviewed under the condition of anonymity, let’s make sure [local communities] are benefitting.”<sup>232</sup> Civil society participants were selected to represent geographic diversity (i.e., one representative from each of the three island clusters, Luzon, Visaya, and Mindanao), and to complement government agency expertise (i.e., civil society representatives are lawyers, economists, environmentalists, human rights activists, etc.). Perhaps the most challenging constituencies to fully represent are the geographically and culturally diverse indigenous communities. These communities are not currently represented on the MSG, except tangentially by GITIB, Inc., a human rights organization.<sup>233</sup> Indeed, Congressional representatives attending the regional EITI meeting in June 2015 expressed skepticism that groups claiming to represent the interests of indigenous communities in PH-EITI are “legitimate.”<sup>234</sup>

MSG stakeholders report that it took some time for members from various sectors to trust one another. Civil society members, in particular, were concerned about their participation being used to openwash the activities of industry.<sup>235</sup> Yet, former national EITI coordinator Gay Ordenes reported that industry has been fully engaged and supportive of the disclosure process, especially following the completion of a legal study showing that PH-EITI’s planned agenda for disclosure posed no risk to trade secrets. Indeed, representatives from all three sectors have organized informational learning sessions to educate the other two about their activities and interests.<sup>236</sup> Of course, some divisions remain. One CSO stakeholder interviewed under the condition of anonymity reported that while industry participates fully in the official PH-EITI activities, they rarely attend the social events that accompany them. This is “a big deal” in

Filipino culture, suggesting that there may still be room for improvements in multi-stakeholder relations.<sup>237</sup> Additionally, after the disappointing effort to disclose mining contracts and environmental impact assessments, Bantay Kita national coordinator Cielo Magno threatened to withdraw from EITI if important documents related to mining were not disclosed in future reports.<sup>238</sup> Their willingness to walk away may have been an important driver to move disclosure forward. Overall, however, Bantay Kita's initial concerns about "being compromised" have been alleviated as they have come to trust PH-EITI's multi-stakeholder process for jointly identifying problems and solutions.<sup>239</sup>

In addition to improving relationships between sectors, former national EITI coordinator Gay Ordenes reported that PH-EITI-MSG meetings have helped to improve inter-agency coordination.<sup>240</sup> PH-EITI has also helped to broaden interest in the initiative within the government as well. In 2014, while the secretariat worked to prepare the first reconciliation report, the Congressional Policy and Budget Research Office (CPBR) worked with PH-EITI to arrange a joint congressional EITI forum. While the primary purpose of the forum was to raise awareness and educate legislators, it also facilitated substantive discussions about how to handle small-scale mines (which are not registered at the national level), how to best reform the fiscal regime governing the extractive industry, and whether EITI would need to be legislated. A Legislative Officer with CPBR who spoke on the condition of anonymity explained that the office got involved because "we see ourselves as users [of EITI data]."<sup>241</sup> In June 2015, several Members of Congress spoke at the EITI's regional forum to voice their support for the initiative.

While government stakeholders are inclined to see the movement away from what they feel are "intractable" problems, to more constructive areas on which to build dialogue and trust, as a positive development, civil society stakeholders are more divided.<sup>242</sup> Indeed, many Bantay

Kita affiliates come from anti-mining organizations. While some believe EITI reports eventually have the potential to give them damning new evidence about the huge costs and lack of benefits from extractive projects, others worry that PH-EITI's focus on payment disclosure has shifted the conversation away from the environmental and social costs of extractive projects. Limited time, energy, and resources are being allocated to improving EITI at the expense of other, more direct, forms of anti-mining advocacy.<sup>243</sup>

#### 5.3.4 National Outcomes in the Philippines: A Promising Start

PH-EITI's first report allowed Filipinos to examine data on the mining industry for the very first time. Nevertheless, the report also revealed a laundry list of weaknesses in the existing capacity of government to collect data of sufficient quality to actually inform public debate where it matters most: at the local level. Indeed, due to the poor quality of data on licenses, subnational transfers, corporate social development expenditures, royalty payments to indigenous persons, environmental impacts, and expenditures, stakeholders have not yet been able to explore some of the most relevant questions about the extractive sector: Are companies paying their fair share to local communities, given the social and environmental costs of extraction? How is the government allocating and spending the revenue it receives from the extractive industry? Bantay Kita vice president Alan Barnacha estimates that only 2-3% of communities near the OceanaGold mine in Didipio, Kasibu, and the FCF Minerals mine in Runruno, Quezon, have participated in EITI multi-stakeholder conferences organized by Bantay Kita. Local communities don't fully believe in EITI yet, he says, because the information that has been released thus far is "not what they're looking for."<sup>244</sup>

One CSO stakeholder interviewed under the condition of anonymity noted that these results support earlier civil society claims that the government has not provided sufficient

oversight in the extractive sector. “It’s what we were saying all along.”<sup>245</sup> As a result, most reforms advocated by both the PH-EITI-MSG and the MICC thus far involve improved government record keeping and increased reporting requirements (i.e., transparency reforms).<sup>246</sup> Yet, stakeholders also recognize that EITI will need to go beyond disclosure to achieve tangible results. “Transparency is a tool,” said former national EITI coordinator Gay Ordenes, “but not an end in and of itself.”<sup>247</sup>

While data quality issues remain the most immediate concerns of PH-EITI, those issues have not stopped government and CSO stakeholders from considering whether and how future EITI reports might be used to drive “an evidence-based approach to policy-making.”<sup>248</sup> Currently, these stakeholders express concerns about the interest and capacity of local-level actors to utilize EITI to improve their monitoring and governance of local extractive projects. For example, national EITI coordinator Gay Ordenes noted that an ongoing challenge for PH-EITI is how to build local capacity in using EITI data, so that local development plans can be better aligned with the social expenditures of mining companies.<sup>249</sup> In response to these concerns, the national government is working to help local governments, local development councils, provincial mining regulation boards, and especially indigenous communities, to understand what EITI data can tell them about the role of the extractive sector in their communities.<sup>250</sup> Similarly, both PH-EITI and Bantay Kita have developed EITI “road shows,” where they educate local civil society groups on EITI data. Bantay Kita also works to translate and disseminate EITI data into local languages. As is the case in Tanzania, there are limited resources available for the types of local outreach and education activities that stakeholders believe are key for EITI to have a broader impact. Indeed, Bantay Kita has relied on extra funds provided by international donors like the British government, Christian Aid, and 11.11.11, both

to transport local community representatives to EITI planning meetings, and to translate EITI documents into local languages.<sup>251</sup>

In sum, while it is too soon to expect PH-EITI to have generated tangible improvements in accountability, there are two significant roadblocks that will have to be addressed: First, the data included in EITI reports will have to be sufficiently disaggregated to provide information meaningful to stakeholders at the local level, where most of the costs and benefits actually accrue. Progress towards addressing this issue is supported by core EITI activities and is well underway. Indeed, at the June 2015 pre-validation workshop, Dyveke Rogan, Policy and Regional Director for the International Secretariat, suggested to members of the national MSG that the findings and recommendations in the second PH-EITI report should be geared towards “maximizing impact.”<sup>252</sup> Second, local stakeholders must have the interest and capacity to use the information provided by PH-EITI to inform their negotiations with extractive companies, as well as their local development plans. While improving the quality and relevance of EITI data should help to address this issue as well, national stakeholders recognize that they will likely have to go above and beyond what is currently supported by core EITI funding in order to improve accountability at the local level.

### 5.3.5 Evaluating Causal Mechanisms Shaping EITI Implementation in the Philippines

Given its relatively recent vintage, PH-EITI has helped to facilitate encouraging improvements in the transparency of the Philippines extractive sector. While a number of data quality and reporting challenges remain, and disclosure is not mandatory, PH-EITI has released two high-quality EITI reports that have significantly increased the amount of data about extractive industry payments available to the public, particularly at the local level. Given that many of the causal factors hypothesized to be favorable to MSI implementation were largely in

place in this case, only a straw-in-the-wind test is available for making most causal inferences about how transparency outcomes were achieved (see Table 5.3).

Table 5.3. Results of causal inference tests for EITI in the Philippines

	<b><u>Robust Outcome</u></b>	<b><u>Weak Outcome</u></b>
<b><u>Causal Mechanism Activated</u></b>	<ul style="list-style-type: none"> <li>• Straw in the wind test suggests that visible political support from the Aquino Administration, EITI's guidelines for producing regular, independent performance evaluations, genuine multi-stakeholder governance of the PH-EITI steering committee, empowerment of the technical secretariat to compel and improve disclosure across government agencies, and support from both the private and civil society sectors may have all contributed to transparency outcomes.</li> </ul>	<ul style="list-style-type: none"> <li>• Smoking gun test demonstrates that regular performance evaluation, multi-stakeholder power sharing, visible political support, bureaucratic expertise and authority, and civil society interest and capacity have thus far been insufficient to produce improvements in government accountability.</li> </ul>
<b><u>Causal Mechanism Not Activated</u></b>	<ul style="list-style-type: none"> <li>• Hoop test demonstrates that prior political crisis is unnecessary for the production of transparency gains.</li> </ul>	<ul style="list-style-type: none"> <li>• Straw in the wind test leaves open the possibility that greater political crisis might have pushed the Aquino Administration towards more significant extractive sector governance reforms, but this seems unlikely.</li> </ul>

Since its launch, PH-EITI has received visible political support from the Aquino Administration via Executive Order 79 and additional commitment through the Open Government Partnership (OGP). Procedures to ensure genuine multi-stakeholder governance of the steering committee were enshrined in national law, and the technical secretariat was adequately empowered to compel and improve disclosure across government agencies. Both the private and civil society sectors have been active participants in the EITI process. Civil society participants, led by Bantay Kita, have developed internal expertise in order to understand how the extractive sector functions, and have been able to constructively guide the national agenda

for disclosure (i.e., towards disaggregated payments, royalty payments to indigenous communities, and environmental impacts). Both EITI reports produced thus far have been of high quality, and both been released on time. Finally, a hoop test demonstrates that prior political crisis is unnecessary for the production of transparency gains through EITI.

In essence, EITI implementation in the Philippines represents a “most likely” case for facilitating improvements in government transparency. While it may be the case that not all of these factors were necessary for achieving transparency outcomes, or that a smaller subset was sufficient, comparisons with additional cases would be necessary to more definitively disentangle necessary and sufficient causation. Using the Guatemala case as a counterfactual, however, one can intuit the fundamental role that both visible political support and multi-stakeholder power sharing appear to play in the EITI results chain. Without these two factors, there are few incentives for civil society organizations to invest time and resources in the EITI process. And without CSOs helping to guide the national agenda, EITI disclosure quickly becomes a box-checking exercise.

PH-EITI has yet to produce tangible gains in government accountability beyond improvements to internal tracking and reporting systems necessary for producing EITI report data. A smoking gun test demonstrates that regular performance evaluation, multi-stakeholder power sharing, visible political support, bureaucratic expertise and authority, and civil society interest and capacity have, thus far, been insufficient to produce improvements in government accountability. (A straw in the wind test leaves open the possibility that greater crisis could have pushed the Aquino Administration towards more significant extractive sector governance reforms, but this seems unlikely).

Similar to the Tanzania case, these findings call into question whether EITI is fit-for-purpose, with respect to driving accountability gains. Yet, while the two alternative explanations for a lack of accountability outcomes (i.e., a lack of identified EI sector governance deficiencies, and only limited time for implementation) are unpersuasive in the case of Tanzania, both are more plausible in the case of the Philippines. Tanzania released its first EITI report in January 2011 and was certified as compliant in December 2012, while the Philippines released its first EITI report in December 2015 and has not yet undergone validation. Given that PH-EITI has been operating for considerably fewer years than TEITI, and has been largely preoccupied with improving the quality of EI sector data in its first two reports, it may simply be too early to expect the EITI reporting process to have uncovered any actionable deficiencies in EI sector governance, let alone to have produced subsequent gains in accountability.

### 5.3.6 The Future of PH-EITI

While the EITI international board's decision to implement a more flexible, individualized country validation process indicates that the Philippines is likely to be validated as EITI compliant in January 2017, some national MSG representatives expressed concern over the future sustainability of EITI without a national law that mandates disclosure.<sup>253</sup> Under the current voluntary arrangement, each participating company completes an annual confidentiality waiver, which allows their tax data to be shared with PH-EITI. In the absence of high-level political support for disclosure, companies could simply decide not to complete the annual waiver (or delay until the EITI reporting deadline had passed). A law requiring all extractive sector companies to disclose payment data to PH-EITI was proposed in 2015, but remains stuck in committee.



President Aquino, who has been a strong supporter of EITI, left office in June 2016. Currently, it is unknown whether his emphasis on transparency and good governance will carry over into the administration of his successor, Rodrigo Duterte. Duterte is suspected of complicity in the use of extra-judicial “death squads” as a crime reduction strategy, during his time as mayor of Davao in Mindanao (see Whaley, 2016, May 17). While national law protects the PH-EITI multi-stakeholder group, the extent to which they will be able to make additional gains—broadening and deepening the transparency of the Filipino extractive sector—may depend on whether they continue to have an ally in Malacañang Palace.

#### 5.4 Assessing the Evidence for Openwashing in EITI

Openwashing—presenting a public image of transparency and accountability, while maintaining questionable practices in these areas—implies that government sponsors of MSI membership are not sincere in their desire for reform. Incontrovertible evidence of the practice would require intimate knowledge about the intentions of key actors. Nevertheless, as a proxy, I examined notable discrepancies between national government actions (or non-actions) since joining EITI, and the EITI principles that members ostensibly endorse upon joining (<https://eiti.org/standard/principles>), combined with each government’s record on transparency and accountability gains.

The governments of all three countries had compelling motivations to use EITI to enhance their reputation. In Tanzania, President Kikwete faced questions about the lack of tangible benefits to citizens from over a decade of corporate-friendly extractive contracts. In Guatemala, parts of a deeply unpopular mining law were declared unconstitutional amid concerns about environmental impacts, allegations of corruption in licensing process, concerns that the 1% royalty rate would limit economic benefits, and a legal challenge that the law did not

adequately project indigenous communities, forcing President Colom to issue a moratorium on new mining licenses. His successor, Otto Pérez Molina, faced escalating violence at mining sites around the country. In the Philippines, President Aquino sought to turn the page on two decades of rampant government corruption. However, while the Aquino Administration's embrace of inclusive, participatory multi-stakeholder governance fits within a much broader agenda of anti-corruption and good governance reform, the Kikwete Administration's attempts to limit public debate prior to the passage of the EI(TA) Act, and the Pérez Administration's failure to amend the existing mining law as promised, coupled with the 2015 corruption scandals implicating two successive Ministers of Energy and Mines, suggest significant discrepancies between national government actions and the core principles of EITI.

Nonetheless, both Guatemala and Tanzania also used EITI to achieve at least some gains in proactive transparency. In the case of Tanzania, the CCM government released six EITI reports that were mostly well-received by civil society, and passed a new national extractive industries transparency law making the disclosure of all new payments, contracts, and licenses mandatory. These gains suggest that while there may have been intra-governmental contestations over the appropriateness, pace, and scope of reform, EITI was implemented in good faith. In the case of Guatemala, disclosure has been far less robust, with four EITI reports receiving little praise or attention from civil society, and Article 24 of the Guatemalan Constitution impeding greater extractive sector disclosure. Nevertheless, these marginal gains in proactive transparency still require me to conclude that while openwashing may have occurred, evidence for the practice is not decisive.

## 5.5 Conclusion

As part of a broader research agenda to determine whether and how global public sector governance MSIs contribute to transparency and accountability by national governments, this chapter assesses EITI implementation in three participating countries—Tanzania, Guatemala, and the Philippines—and uses within-case process tracing techniques to identify key structures, processes, and sociopolitical conditions driving outcomes in each case. Overall, the evidence from these cases supports the conclusions drawn from the existing transnational evidence (see Chapter 4) that EITI is often effective at increasing proactive government transparency (i.e., the discretionary release of government data), but rarely effective at improving broader government accountability (i.e., the extent to which government officials are compelled to publicly explain their actions and/or face penalties or sanction for them) (see Table 5.4). EITI-facilitated disclosure in Tanzania and the Philippines has significantly increased the amount of information about the extractive sector that is made available to the public. In contrast, Guatemala’s reports have been dismissed as “not information we didn’t have before.”<sup>254</sup>

Table 5.4. EITI outcomes in Tanzania, Guatemala, and the Philippines

	Year Joined	Current Status	Proactive Transparency	Demand-Driven Transparency	Government Accountability	Likelihood of Government Openwashing
Tanzania	2009	Compliant	6 EITI reports, 2015 legislation makes disclosure mandatory; Suspended in 2015 for failure to report on time	N/A	None; CSOs have produced analysis highlighting weaknesses in EI governance, but the government has not responded.	Low: Notable discrepancies between national government actions and EITI principles (i.e., limited public debate around EI(TA) Act, passage of the Statistics and Cybercrime Acts), but strong proactive transparency gains.
Guatemala	2011	Compliant	4 EITI reports; Suspended in 2015 for failure to report on time	N/A	None	Medium: Notable discrepancies between national government actions and EITI principles (i.e., failure to amend the existing mining law, 2015 energy sector corruption scandals), but marginal proactive transparency gains.
Philippines	2013	Candidate	2 EITI reports	N/A	None; Internal improvements to data reporting systems only	None: No notable discrepancies between national government actions and EITI principles

While none of three countries examined have been able to use EITI to improve broader government accountability to citizens, the reasons for this outcome in each country vary. In Guatemala, the failure of EITI to significantly improve either proactive transparency—due to an unfavorable legal environment—or multi-stakeholder collaboration—due to the top-to-bottom corruption of the Pérez Administration—offers a sufficient explanation for the lack of accountability results. In Tanzania, by-the-book compliance with EITI’s requirements for disclosure and multi-stakeholder power-sharing were not enough to change underlying government attitudes about civil society, as evidenced by the passage of the Statistics Bill, and the lack of public debate over the Mining and Petroleum Acts. The Philippines seems poised to harness EITI data and multi-stakeholder collaboration to drive reforms in the management of the extractive sector, but much depends on the sustainability of the initiative under the Duterte Administration and the election of a new national multi-stakeholder group in 2016.

Looking across country implementation provides some insights into some factors that may be driving EITI proactive transparency outcomes more broadly. Visible political support (stronger in Tanzania and the Philippines, notably weaker in Guatemala) appears to help facilitate effective national implementation of EITI (i.e., multi-stakeholder power-sharing and regular, independent performance evaluation). Additionally, civil society interest and capacity (stronger in Tanzania and the Philippines than in Guatemala) also help to steer the national EITI multi-stakeholder group toward meaningful, sustainable gains in proactive government transparency. While private sector interest in EITI was strong in Guatemala, without greater investment by either government or civil society, the initiative has foundered. Yet, despite better transparency outcomes in Tanzania and the Philippines, these countries fared no better than Guatemala with regard to facilitating broader improvements in government accountability.

Indeed, it seems likely that while government and civil society interest in EITI—limited to a few specialized offices and civic groups in both Tanzania and the Philippines—was sufficient to ensure that the initiative produced meaningful gains in transparency, interest by both sectors remained too narrow to spark broader improvements in government accountability.

These three cases also provide mixed evidence as to whether political conflict helps or hinders EITI implementation (i.e., Rich & Moberg, 2015). In Tanzania, the Kikwete Administration used EITI to respond to public dissatisfaction with extractive sector benefits and heightened perceptions of government corruption, producing notable gains in transparency in the process. However, in the Philippines, EITI has produced comparable gains without heightened levels of political conflict. Moreover, in Guatemala, where political contestations surrounding the extractive sector may be the most serious, transparency gains have been anemic.

Finally, while EITI has yet to produce any substantive improvements in government accountability in these three cases, there is notable evidence of discrepancies between national government actions and core EITI principles in both Tanzania and Guatemala. While these discrepancies cannot be definitively classified as openwashing in either case, they do suggest that EITI provides participating governments with an opportunity to project a public image of transparency and accountability, while maintaining at least some questionable practices in these areas. EITI has shown itself to be willing to withhold certification from implementing countries, and suspend compliant countries that do not follow the rules for membership (e.g., Azerbaijan; see Human Rights Watch, 2014, August 14; and Muradova, 2015, April 29). Yet, the differences between principles and actions cataloged in these cases suggest that compliance with the minimum EITI standard may not represent a “foot in the door” that eventually broadens into substantive reform. Instead, small areas of increased proactive transparency may be tolerated

alongside a broader government status quo that is neither wholly transparent nor especially accountable.

## CHAPTER 6

### THE CONSTRUCTION SECTOR TRANSPARENCY INITIATIVE: THREE CASES OF NATIONAL IMPLEMENTATION

The Construction Sector Transparency Initiative (CoST) is both the smallest and least publicized of the MSIs included in this study. CoST began as a seven-country pilot project in 2008 and was reorganized into a global initiative in 2012. As of July 2016, 15 national governments are participating in CoST. Participants are expected to organize a multi-stakeholder steering committee that will oversee production of a report detailing the structure of the national construction industry, priority infrastructure needs, and political challenges and opportunities (i.e., the CoST scoping study), work towards the proactive disclosure of 40 data points on all public infrastructure projects (i.e., the CoST Infrastructure Data Standard), and arrange for the regular, independent review of a sample of disclosed infrastructure projects for compliance with the Infrastructure Data Standard (IDS), as well as for accuracy (i.e., the CoST assurance process). As of July 2016, 15 national governments are participating in CoST. While the current incarnation of the initiative (2012-present) has started to yield some promising proactive transparency outputs, including formal disclosure requirements in Ethiopia, Guatemala, Honduras, and Vietnam, the existing evidence for the effectiveness and impact of CoST reviewed in Chapter 4 suggests that not all participating countries appear to be fully engaged with the initiative.

In this chapter, three cases of national CoST implementation will be examined in depth in order to determine whether and how CoST helps to facilitate improvements in proactive transparency (i.e., the discretionary release of government data) and accountability (i.e., the extent to which government officials are compelled to publicly explain their actions to citizens, and/or face penalties or sanction for them), or merely provide participating governments with an



opportunity to project a public image of transparency and accountability, while maintaining questionable practices in these areas (i.e., openwashing). A review of the existing evidence (see Chapter 4) suggests that CoST is not been used as a platform for improving demand-driven transparency (i.e., reforms that increase public access to government information upon request), so demand-driven transparency outcomes were not anticipated in these three cases.

For each case, the process of CoST implementation is traced from government commitment, through the formation of the national multi-stakeholder group, assurance and other activities, and closing with the status of the initiative at the end of 2015. Each case history will be followed by assessments of multi-stakeholder governance, and transparency and accountability outcomes. Next, within-case causal inference tests are used to identify key factors that appear to be driving transparency and accountability outcomes in each case. Finally, each case closes with brief reflections on future prospects for national CoST implementation.

Section 6.1 examines how ongoing disputes over ownership have marginalized CoST in Tanzania. A smoking gun causal inference test demonstrates that strong multi-stakeholder governance following a series of public infrastructure scandals was insufficient to drive either transparency or accountability outcomes, while a straw-in-the-wind test suggests that a lack of visible political support, and a lack of bureaucratic authority and expertise, may have prevented regular, independent performance evaluation from taking place. Additionally, civil society may not have exerted sufficient pressure on the government to follow through on its commitment to CoST.

Section 6.2 reviews the vigorous implementation of CoST in Guatemala, and explores how the initiative weathered significant attempts to compromise its integrity. A straw-in-the-wind test suggests that government and private sector support for the initiative—intended, at

least in part, to counter allegations of corruption—coupled with bureaucratic expertise from within the government, may have helped CoST to produce regular, independent performance evaluations, as well as broader improvements in proactive government transparency, via Guatecompras. However, a smoking gun test demonstrates that these same virtues—multi-stakeholder power sharing, regular performance evaluation, visible political support, bureaucratic expertise and authority, civil society interest and capacity—were insufficient to produce significant improvements in government accountability.

Section 6.3 examines how CoST as a stand-alone initiative became largely irrelevant in the Philippines, despite ongoing efforts to improve transparency in public infrastructure. A straw in the wind test suggests that the Arroyo Administration joined the CoST pilot in response to several high-profile corruption scandals. Once the initiative was in place, multi-stakeholder collaboration between the Chamber of Construction, the Department for Public Works and Highways, and Bantay Lansangan, followed by technical implementation by GPPB, may have been sufficient to allow CoST to inform government procurement disclosure practices through PhilGEPS. However, a smoking gun test demonstrates that prior political crisis, multi-stakeholder power sharing, GPPB’s technical expertise, and Bantay Lansangan’s subject matter expertise were insufficient to produce improvements in government accountability.

Section 6.4 considers the likelihood of openwashing as a motivation for government participation in CoST, and finds compelling evidence for the practice in Tanzania. CoST assurance findings were withheld until after the 2010 national election, and no additional reports were produced after President Kikwete secured a second term. Additionally, the CCM government passed new laws limiting the use of statistics and curtailing free speech. In the Philippines, the Aquino Administration did not fully embrace CoST, but neither did it use its

membership in the initiative as an opportunity to openwash. Finally, in Guatemala, there can be little doubt that President Pérez and Vice President Baldetti attempted to use CoST and other international transparency initiatives as a shield against public scrutiny after coming to power in 2012. Yet, CoST also helped Guatemala to secure significant gains in proactive transparency via mandatory disclosure to Guatecompras.

Section 6.5 concludes with a brief synthesis: CoST is thriving in Guatemala and virtually non-existent in Tanzania and the Philippines, where no new assurance reports have been produced since the end of the 2008-2010 pilot. In both countries, any momentum to improve the transparency of the public infrastructure sector has been redirected into internal government offices. In contrast, CoST Guatemala continues to produce independent assurance reports and encourage improvements in the scope and quality of public disclosure through technical support and formal incorporation of the CIDS into Guatecompras, despite considerable government corruption and political upheaval. These three country case studies further support findings from the small body of existing research that suggests that while CoST is at least occasionally effective at facilitating greater proactive government transparency, it is rarely effective at improving broader government accountability to citizens.

### 6.1 CoST in Tanzania

In 2008, CoST joined a host of other government, civil society, and private sector initiatives designed to address corruption and waste in the Tanzanian construction sector. Tanzania fully participated in the CoST pilot, setting up a multi-stakeholder group and tasking the Public Procurement Regulatory Authority (PPRA) to assist with the disclosure and analysis of data on a handful of projects. Following the pilot, the CoST International Secretariat claims that recommendations from the national multi-stakeholder group were incorporated into 2011

amendments to the Public Procurement Act, but this could not be independently verified.<sup>255</sup> In more recent years, however, CoST-Tanzania appears to have accomplished very little. MSG meetings have grown infrequent, no additional assurance reports have been produced, and the secretariat spends much of its time working to secure support from various government offices and agencies. As long as most in government refuse to recognize CoST's authority to receive and review project data, a CoST revival seems unlikely.

#### 6.1.1 Construction and Corruption in Tanzania

The public construction sector is an important driver of the Tanzanian economy, with the government spending an average of 23% of GDP on gross fixed capital formation in the seven years prior to CoST (2001-2007) (see World Bank, World Development Indicators, 2015). Yet, the Tanzanian Civil Engineering Contractors Association (TACECA, 2008, p. 10) reports that 90% of construction contracts are believed to have been secured through corrupt practices, accounting for 10-15% of total project costs. These figures suggest that direct losses from corruption alone could total well over US \$46.7 million per year.

Not only does construction corruption waste existing public and donor dollars (up to 80% of the sector is funded by the international donor community, via grants and loans) (TACECA, 2008, p. 9), but it also produces poor-quality infrastructure. The Tanzanian Civil Engineering Contractors Association (TACECA, 2008, p. 10) released a report revealing corrupt practices at almost every phase of the contracting process. During the tendering process, contractors are often asked for bribes in exchange for clues about the pretender assessment. Awards favor a predetermined contractor, usually one who is willing to provide kickbacks. During project implementation, contractors are often asked for bribes to facilitate the completion of safety reports or certification. Contractors who pay such bribes are normally not supervised properly,

resulting in substandard work. Indeed, Tanzania's infrastructure quality ranks near the bottom (i.e., 130 out of 144 countries) on the World Economic Forum's 2014-2015 Global Competitiveness Index.

Prior to the Administration of President Jakaya Kikwete, successive CCM governments had taken several notable steps to rein in corruption since formal multiparty democracy was established in the early 1990s. A Leadership code of Ethics was established in 1995 and updated in 2001. A Presidential Commission of Inquiry Against Corruption was appointed in 1996. The resulting "Warioba report" led to the 2000 National Anti-Corruption Strategy and Action Plan (NACSAP), which strengthened the Prevention of Corruption Bureau (PCB) and established a Commission of Ethics. The Good Governance Coordination Unit (GGCU) was established in 2001. Finally, the Public Procurement Regulatory Act of 2004 mandates disclosure of project information from the tender and contract awarding process, and established the Public Procurement Regulatory Authority (PPRA) (Concern for Development in Africa, 2008, p. 19).

Anti-corruption efforts continued under the Administration of President Kikwete (2005-2015)—a new National Anti-Corruption Strategy and Action Plan (NACSAP II) was announced in 2006—but several highly publicized scandals highlighted the continuing problem of corruption, particularly with regard to public infrastructure. In 2006, special auditors found that the Bank of Tanzania had improperly paid around US \$62 million to local companies during FY2005/06. Later that same year, it was revealed that the construction costs of the Bank of Tanzania's new "twin towers" headquarter building were inflated by US \$103.6 million. In 2007, NACSAP II was revised in order to strengthen its implementation, and the Prevention and Combatting Corruption Act of 2007 replaced the previous Prevention of Corruption Bureau (PCB) with a new Prevention and Combating Corruption Bureau (PCCB). Nevertheless, the

problem of high-level corruption remained. In 2008, Prime Minister Edward Lowassa resigned after being implicated in an energy procurement scandal that cost the country around US \$80 million (see Mtulya, 2015, June 24).

In 2008, the year Tanzania officially launched CoST, Tanzania still ranked 102 out of 180 countries surveyed as part of Transparency International's Corruption Perception Index. Seventy percent of Tanzanians surveyed by the national NGO Concern for Development in Africa (ForDIA) reported that they believed employees of the national Ministry of Lands, Housing, and Human Development to be corrupt (2008, p. 16), and 29 percent reported that they believed local government authority (LGA) road construction departments to be corrupt (p. 95). According to a construction contractor with experience working with CoST, interviewed under the condition of anonymity, corruption and inefficiency in the public construction sector are worse now than they were in previous decades. "New roads are already falling apart before they're even handed off to the government," he says. "Even a little rain causes huge potholes."<sup>256</sup>

#### 6.1.2 CoST under the Kikwete Administration, 2008-2015

Tanzania was one of the first countries to sign up to participate in CoST. In 2007, an Interim Working Group was established under the leadership of the National Construction Council (NCC), the official regulatory body for the construction sector. It is unclear whether the CCM government was especially convinced that greater transparency would serve to reduce corruption in public infrastructure, or whether participation in CoST was intended to placate international donors. In either case, CoST joined a crowded field of good governance initiatives from a variety of sectors, including the government's National Anti-Corruption Strategy and Action Plan, the African Peer Review Mechanism (APRM), the Tackling Corruption Project, Deeping Democracy in Tanzania, the Millennium Challenge Account Project, The National

Governance and Corruption Survey, the Ethics Accountability and Transparency Project, and the Accountability, Transparency, and Integrity Project (ATIP) (ForDIA, 2008, p. 37). Within the construction sector specifically, the Public Procurement Regulatory Authority's (PPRA) own anti-corruption strategy (also launched in 2008) included a joint initiative with Transparency International called the Project Anticorruption System.

The CoST Tanzania pilot was officially launched in late 2008. A multi-stakeholder forum was held to elect 12 non-permanent members to the 15-seat multi-stakeholder group. The MSG is made up of three permanent government seats, held by the National Construction Council (NCC), the Public Procurement Regulatory Authority (PPRA), and the Prevention and Combating Corruption Bureau (PCCB), two additional non-permanent government seats, five seats for the private sector, and five seats for civil society. A small technical secretariat was established within the National Construction Council and the Minister of Good Governance serves as the government champion. The assurance teams were comprised of engineers recruited from the private sector. According to a construction contractor with experience working with CoST and interviewed under the condition of anonymity, AT members risked being “blacklisted” by procuring entities or construction firms, although he reports this has not actually occurred.

CoST and the Public Procurement Regulatory Authority (PPRA) signed a memorandum of understanding in order to facilitate the assurance process. Initially, the CoST-Tanzania MSG attempted to collect project information from procuring agencies themselves. However, according to current CoST-Tanzania manager Clement Mworira, it quickly became clear that many procuring entities would simply refuse to cooperate.<sup>257</sup> The PPRA is the only agency with a legal mandate to collect and disclose information from procuring entities. Under the revised

process, the MSG worked with the PPRA, who would request the data from the procuring entities. In one case, CoST’s partnership with PPRA helped to facilitate greater project scrutiny beyond the assurance process. When the Public Services Pension Fund’s new “Investment House” office building construction project was abruptly withdrawn from the assurance process without explanation, the PPRA subjected the project to a full technical audit (CoST International Secretariat, 2011, July, p. 1).

Ultimately, the assurance team collected and analyzed information from six projects from the roads, health, water, and education sectors. They identified several causes for concern across these projects, including inadequate designs prior to tender, and a lack of competition for both construction and supervisory contracts. However, publication of the assurance team’s findings was delayed, due to the 2010 national elections (CoST Tanzania, n.d., p. 1).

President Kikwete and the ruling CCM party won the national election handily, with 63% of the presidential vote and 186 out of 239 parliamentary seats (see African Elections Database, 2011, March 20). According to the CoST International Secretariat, information on the six projects, including the causes for concern raised by the assurance team, was published in a national newspaper following the election, but this could not be independently verified.<sup>258</sup> Additionally, the full assurance team report and country baseline study were published to the (now defunct) CoST-Tanzania website (<http://costtanzania.ncc.or.tz>).<sup>259</sup> According to current CoST-Tanzania manager Clement Mworira, the original intent was to follow-up on the final outcomes of the projects included in the assurance report, but this never occurred.<sup>260</sup> While Bubelwa Kaiza—a member of the national multi-stakeholder group, representing the civil society organization Concern for Development Initiatives in Africa (ForDIA)—claims that the government did indeed revise some projects, there is no public evidence of any such actions



taking place.<sup>261</sup> Similarly, while the International Secretariat claims that recommendations from the MSG were incorporated into the new Public Procurement Act of 2011 (see CoST International Secretariat, 2014, April 27), these claims have not been independently verified.<sup>262</sup>

One clear lesson gleaned from the CoST pilot was that procuring entities in Tanzania would not disclose project information without a legal requirement for them to do so. Following CoST's re-launch as a global initiative, the International Secretariat commissioned a study examining the capacity of two procuring agencies in Tanzania—Tanroads and the Ministry of Health and Social Welfare—to disclose project information. As part of this work, information was disclosed for four additional projects, the Magol to Turiani Road Project, the Chalinze to Kitumbi Road Project, a Rehabilitation Health Facility in Mtwara, and the construction of a related Training Institute, also in Mtwara. The report found that: “no concrete policies, systems and procedures on disclosure and access to information can be said to exist.” “The CoST Agenda and mission is still relevant and needed,” the report concluded, but PPRA would need to remain a key partner, due to its legal mandate to compel agency disclosure (Salewi & Mauro, 2013, p. 6).

An opportunity presented itself in 2013, when new Public Procurement Act regulations requiring all procuring entities to submit project information in a fixed format (i.e., a template) went into effect (i.e., United Republic of Tanzania, 2013, November 29, Regulation No. 10(3)). CoST-Tanzania held discussions with the Public Procurement Regulatory Authority to incorporate the CoST Infrastructure Data Standard (CIDS) into this new template (much as mandatory disclosure incorporates CIDS in Guatemala and the Philippines, via Guatecompras and PhilGEPs, respectively), however, these discussions fizzled out. PPRA was hesitant to

collaborate with CoST, Clement Mworira explained, because it was unclear how much support the initiative still had within the government.<sup>263</sup>

It seems clear that CoST must find a more influential government champion than the Minister of Good Governance in order to drive public disclosure of project data. Indeed, the national CoST manager has been trying to establish new relationships for the initiative within the government, submitting a paper to the Cabinet, planning conferences with the prime minister, and continuing to reach out to PPRA. While Cabinet officials have expressed the belief that CoST is redundant to PPRA, ForDIA executive director Bubelwa Kaiza argues that is not the case for two reasons: First, PPRA has the legal right to collect data, but it does not have the legal obligation to make data public. Second, as a government office, the PPRA cannot provide an independent assessment.<sup>264</sup>

Without being able to compel the disclosure of project information, except via PPRA intervention, CoST-Tanzania finds its Assurance Process limited to friendly procuring entities willing to disclose voluntarily. The resulting disclosure has been anemic at best. The CoST secretariat sought to obtain project data from 14 rural transportation projects being overseen by local government authorities as part of DFID's "Improving Rural Access in Tanzania" (IRAT) project. The hope was that DFID, as a funder of both CoST and IRAT, would be able to encourage these localities to disclose project data to CoST. As of July 2015, only 3 of the 14 projects had provided data.<sup>265</sup> Indeed, ForDIA executive director Bubelwa Kaiza was under the impression that collaboration between CoST and IRAT had stopped as early as February 2015.<sup>266</sup>

Due to the lack of progress following the global re-launch, the previous CoST manager in Tanzania was fired at the end of 2014. When the national MSG tried to recruit a replacement, they were unable to find someone with enough seniority to be effective who also had the

requisite ICT skills. For 6 months, a member of the MSG served as interim manager until a suitable candidate was recruited from the Tanzanian Civil Engineering Contractors Association. As of July 2015, the new manager was still splitting his time between CoST and TACECA.

When President Kikwete left office in November 2015, CoST-Tanzania appeared to be at a permanent stoppage. The initiative does not have the political support necessary to access project information or drive greater public disclosure. With no data to evaluate, there has been no need for assurance teams. With no assurance reports, there has been nothing to discuss with the public.

### 6.1.3 Multi-stakeholder Governance of CoST-Tanzania

CoST-Tanzania is set up as a member association. Any entity or person who shares the objectives and principles of CoST can apply to become a member. Members meet annually to elect representatives to 12 of the 15 seats on the Multi-Stakeholder Group, which functions as the Executive Committee (see Appendix Q). CoST country manager Clement Mworira reports that around 100 members attended the most recent annual meeting, however that figure is disputed by Bubwela Kaiza, executive director of ForDIA, who believes that CoST-Tanzania has “less than 30 credible members.”<sup>267</sup>

There are three permanent government seats on the MSG, held by the National Construction Council (NCC), the Public Procurement Regulatory Authority (PPRA), and the Prevention and Combating Corruption Bureau (PCCB). A collegiate voting system is used to ensure that each of the three stakeholder groups have equitable representation in the remaining 12 seats (see CoST Tanzania, n.d., p. 1). While there are not publicly available records of current MSG membership, as of 2014, the two additional government seats were held by the Office of the President and the National Housing Corporation. The remaining ten seats were held by the

Architects Association of Tanzania (AAT), the Tanzanian Civil Engineering Contractors Association (TACECA), Concern for Development Initiatives in Africa (ForDIA), the Front Against Corrupt Elements in Tanzania (FACEIT), Ardhi University, the Tanzania Mines, Energy, Construction & Allied Workers Union (TAMICO), and four unidentified private sector firms (see CoST International Secretariat, 2014, April 27).

An anonymous Tanzanian contractor with experience working with CoST reports that the national MSG meets “irregularly,” though, roughly quarterly. Nor are CoST-Tanzania’s internal processes externally transparent. No membership roles, meeting schedules, agendas, or minutes are available online. While contact information for the MSG was previously available on the website (<http://costtanzania.ncc.or.tz>), the site is offline as of July 2016.<sup>268</sup>

With disclosure and assurance stalled, MSG members strategize about how to shore up CoST politically. One popular idea is to reorganize the initiative into a separate legal entity, like CoST Philippines, and lobby for an act of parliament to recognize their authority to access government data.<sup>269</sup>

Stakeholders report that multi-stakeholder collaboration has been a positive experience, however some tension is still evident among the sectors. For example, ForDIA executive director Bubelwa Kaiza, who represents civil society on the MSG, criticized private sector stakeholders for a lack of representativeness. While private sector seats were previously held by professional organizations and chambers that could be counted on to disseminate information to their constituencies, he says, now, private sector attendees are individual contractors with no institutional affiliation, who do little to share information more broadly across the sector.<sup>270</sup> Conversely, CoST manager Clement Mworira, who previously led the Civil Engineering Contractor’s Association, believes that the private sector has provided stability on the MSG,

while government and CSO turnover has been high.<sup>271</sup> Kaiza admits that civil society stakeholders do not have the technical proficiency to make sense of technical project data, and many are not really engaged with CoST. He adds that while important government ministries are technically involved, they send only junior staff to the meetings, suggesting they are not truly invested in the work.<sup>272</sup>

#### 6.1.4 National Outcomes in Tanzania: Sitting on the Sidelines

Since the end of the original pilot, CoST-Tanzania has struggled to carve out a role for itself in national efforts to improve the transparency of public sector construction projects. To the extent that such efforts are underway, they are being driven by government agencies, notably the PPRA and the Auditor General. While the initiative has clear rules to ensure inclusive and representative multi-stakeholder governance, it has no public profile through which to attract additional interest. Nor do any of the three sectors appear particularly committed to the initiative. Finally, there has been little effort made to widely disseminate what little project information has been disclosed, or to improve the capacity of potential users. Given the current threats to civic space in Tanzania, such efforts may not have borne fruit in any case.

From the beginning, CoST-Tanzania has faced an uphill battle with regard to the public disclosure of project information. While the Public Procurement Acts of 2004 and 2011 legally empower the PPRA to collect project data from procuring entities, they do not specify how often data should be collected or reviewed, or whether and how the PPRA is to proactively make data available to the general public.<sup>273</sup> While civil society stakeholders applaud ongoing efforts by both the PPRA and the Auditor General to disclose more information, the fact remains that project disclosure is still at the discretion of the government, unless a complaint about a specific project is filed (see United Republic of Tanzania, 2011, December 30, Section 100(1)). CoST's

attempts to encourage greater disclosure or improve the quality of project data being provided, via the CIDS, have thus far been unsuccessful.

With regard to assurance, data for only six projects has been disclosed (ten projects, if one counts disclosure via the 2013 report by the International Secretariat). However, ForDIA executive director Bubelwa Kaiza believes the small number of projects is misleading. What matters, he says, is that the total monetary value of the project represented is large, and that the projects are highly visible.<sup>274</sup> Without a public copy of the assurance report, however, there is no way to determine either the visibility or the value of the six projects.

CoST-Tanzania has established formal rules that ensure equal representation by government, private, and civil society sectors on the MSG executive committee. Yet, these rules accomplish little if interest in the initiative itself is anemic. Stakeholders report that there is little interest in CoST among high level government officials or civil society.<sup>275</sup> Indeed, CoST-Tanzania has no public profile, even among international NGOs that might be expected to pay more attention to international initiatives than their national counterparts. For example, a staff member at an international development organization, interviewed under the condition of anonymity, explained that her organization was conducting research on the procurement and construction of a 532 km natural gas pipeline from Mtwara to Dar es Salaam, yet national staff at the organization had never heard of CoST.<sup>276</sup>

Given the lack of support for CoST among stakeholders, it is perhaps unsurprising that little effort has been made to disseminate the findings from the original assurance team report. According to a construction contractor with experience working with CoST interviewed under the condition of anonymity, when the assurance report was finished, there were indeed discussions about how to best publicize the findings, but the MSG felt that it would need to

obtain additional government consent in order for the information to be broadly distributed. No one wanted to give the impression that CoST was “prosecuting” the government.<sup>277</sup> Civil society MSG member Bubelwa Kaiza confirmed that when CSOs pushed to get the media more involved with CoST, others on the MSG worried about becoming a government “watchdog.”<sup>278</sup>

The assurance team itself avoided drawing conclusions from their analysis of project data.<sup>279</sup> Yet, while the goal of the assurance report was to provide impartial analysis to civil society organizations for them to draw their own conclusions, stakeholders readily admit that CSOs had no such capacity to make sense of the data, nor was there any funding or strategy for training them how to do so.<sup>280</sup> CoST country manager Clement Mworira has proposed additional tactics for increasing public discussion of project data, including a joint infrastructure review process, and regular presentations at local government meetings. However, he admits that while CoST originally intended to hold public meetings once or twice a year, only one such meeting has ever taken place, during the pilot.<sup>281</sup>

Even if CoST had been able to facilitate more proactive disclosure or provide additional project analysis, there is little reason to believe that Tanzanian civil society would be free to use this information to advocate for change. Indeed, the emerging trend has been for the Tanzanian government to close off space for open debate. The Statistics Act of 2013 (i.e., United Republic of Tanzania, 2015, April 25a) criminalizes the “distortion of facts” by the publication of statistics not authorized by the National Bureau of Statistics. The Cybercrimes Act of 2015 (i.e., United Republic of Tanzania, 2015, April 25b) criminalizes the publication of information that the government deems to be “misleading, deceptive or false” (see also Washington Post Editorial Board, 2015, May 16). CoST Manager Clement Mworira explained that the new bills “make

things for difficult for CoST,” because their theory of change explicitly relies on CSOs to interpret the data.<sup>282</sup>

### 6.1.5 Evaluating Causal Mechanisms Shaping CoST Implementation in Tanzania

In Tanzania, CoST did not produce substantial gains in either transparency or accountability, limiting the types of within-case causal tests that can be conducted to smoking gun tests (when potential causal mechanism were activated) and straw-in-the-wind tests (when potential causal mechanisms were not activated) (see Table 6.1).

Table 6.1. Results of causal inference tests for CoST in Tanzania

	<b><u>Robust Outcome</u></b>	<b><u>Weak Outcome</u></b>
<b><u>Causal Mechanism Activated</u></b>	N/A	<ul style="list-style-type: none"> <li>Smoking gun test demonstrates that prior political crisis and strong multi-stake holder governance were not sufficient to drive transparency or accountability outcomes.</li> </ul>
<b><u>Causal Mechanism Not Activated</u></b>	N/A	<ul style="list-style-type: none"> <li>Straw in the wind test suggests that a lack of visible political support and a lack of bureaucratic authority and expertise may have prevented regular, independent performance evaluation from taking place. Civil society may not have exerted sufficient pressure on the government to follow through on its commitment to CoST.</li> </ul>

Tanzania joined CoST in 2007, following several notable public procurement scandals. CoST-Tanzania maintained relatively strong multi-stakeholder governance practices, but still failed to achieve improvements in transparency or accountability. As such, both prior political crisis and multi-stakeholder governance fail a Smoking Gun test. The former suggests that political difficulties may motivate a government to join CoST, but do not guarantee they will achieve any results of note. The latter suggests that multi-stakeholder power sharing—a key feature of all public sector governance MSIs—is insufficient to drive transparency or



accountability outcomes; at least, without other key causal conditions also being in place. Cases with more robust outcomes are needed to determine whether either prior political crisis or multi-stakeholder power sharing may be necessary or sufficient in combination with other factors.

CoST-Tanzania did not receive visible political support from the Kikwete Administration (especially following the pilot phase), nor were those charged with implementing the initiative able to overcome bureaucratic and administrative hurdles. Only a single assurance report was ever produced, suggesting the initiative fell short of one of the basic functions of a transparency MSI: to provide regular, independent performance evaluation. Finally, Tanzanian civil society showed little interest in the initiative. Those civil society representatives that did participate did not possess the training or resources to make use of the information they received. Given the poor transparency and accountability outcomes, only a Straw in the Wind test is available for drawing causal inferences. In this particular case of MSI implementation, poor outcomes would seem to be fundamentally driven by government inaction. The Kikwete Administration did not provide sufficient authorization or support for CoST to conduct either disclosure or assurance. As a result, regular, independent evaluation of public infrastructure projects did not take place. Without any data to consider, civil society has not been able to fulfill its role as interpreter of results and advocate for change. Nevertheless, civil society cannot be completely exonerated for the failure of CoST in Tanzania. Greater civil society involvement or capacity might have produced greater pressure on the government to follow through on its commitment to CoST (this has been the case for EITI in Tanzania and the Philippines—see Chapter 4). Additional cases are necessary to determine whether any of these conditions are truly necessary, sufficient, neither, or both.

### 6.1.6 The Uncertain Future of CoST in Tanzania

It remains to be seen whether the new Magufuli Administration will choose to revitalize CoST or continue to let it wither. President Magufuli previously served as Minister of Works from 2010-2015, and has quickly developed a reputation for aggressively targeting government corruption (see Washington Post Editorial Board, 2015, May 16). Taken together, these facts suggest that construction sector reform could perhaps become a serious priority in the years ahead. Yet, the two biggest impediments to a revitalized CoST in Tanzania are likely to be the absence of a legal basis for proactive disclosure, which keeps the initiative from having access to the information it needs to perform its core validation function (i.e., assurance), and the presence of laws limiting free speech and the public use of information. Without data, CoST cannot increase public knowledge. Without public debate, CoST cannot increase government accountability.

### 6.2 CoST in Guatemala

CoST got off to solid start in Guatemala, building on high-level political support from the Colom Administration and a clear legal framework for disclosure. Indeed, Guatemala was one of only two pilot countries where tangible, project-level reform can clearly be linked to the CoST assurance processes. Following the end of the pilot, the initiative continued to make progress, passing a mandatory disclosure law in 2013 and incorporating the CoST Data Standard into the government procurement transparency web portal, Guatecompras (<http://www.guatecompras.gt>) in 2014. Yet, relations between the Pérez government and other stakeholders became strained later that year, when COPRET director Verónica Taracena attempted to exert more influence over the initiative. Civil society groups withdrew from CoST to avoid legitimizing the government. When the “La Línea” scandal broke in mid-2015, and the government’s CoST

representatives were replaced, the International Secretariat and private sector participants were able to coax civil society organizations back to the table. Indeed, while online data disclosure has been a notable success for CoST Guatemala, the MSG now turns to the more challenging task of converting transparency gains into improved government accountability.

### 6.2.1 Public Infrastructure and Corruption in Guatemala

According to the World Economic Forum (2015), Guatemala ranks 60<sup>th</sup> in the overall quality of infrastructure and 78<sup>th</sup> in the quality of the roads network. Yet, while many other developing countries are increasing their investment in public infrastructure, Guatemala's public investment as a share of GDP fell by almost 7 percentage points from 2004 to 2014 (see World Bank, World Development Indicators, 2015). The World Bank Group (2014, p. xv) has argued that unless Guatemala can address its infrastructure deficit, its economic competitiveness and growth will remain anemic. Yet, according to analysis by the Guatemalan Association of Construction Contractors (AGCC), public investment in 2016 will be lower than in 2015. "Los puentes en el país son alrededor de 3 mil 500 y solo alcanza para dar mantenimiento al 15 por ciento (there are about 3500 bridges in the country and there is only enough [money] to maintain 15% of them)" (see Silva, 2015, December 9). In October 2015, the Guatemalan Social Development Fund (FODES) announced they would have to suspend 43 projects—including the construction of bridges, schools, water systems, and roads across the country— due to lack of funds. In recent years, Guatemala has tried to supplement public infrastructure spending with public-private partnerships, but the private sector has been wary to increase its investment.

Over the past 20 years, the public procurement process in Guatemala has undergone a significant transformation. Until the end of Guatemala's civil war in 1996, the country's public sector decision-making was centralized under the authoritarian state. As a result, fewer than a

hundred companies bid on public contracts. When a new round of decentralization reforms were introduced following the 1996 Peace Accords, they were intended to increase civic participation in government decision-making (see International City/County Management Association, 2004; Halloran, 2009; and Dudley, 2014, September 15). However, these reforms also created new opportunities for what one anonymous former high-level government official has called “democratized corruption” (Dudley, 2014, September 15, p. 8). Indeed, the modern procurement process involves national-level procuring agencies, congressmen serving as brokers, political parties, state and local governments, a host of regional contracting agencies, and thousands of companies, many of which are not affiliated with the national Chambers of Industry or Construction. There are also illicit interests, including organized crime and drug trafficking that also exert influence (see Dudley, 2014, September 15).<sup>283</sup>

Indeed, a key reason for the lack of both public and private investment in Guatemala’s infrastructure is corruption. Transparency International’s 2014 Corruption Perception Index (CPI) ranked Guatemala 115<sup>th</sup> out of 175 countries (26<sup>th</sup> out of the 31 countries in the Americas). According to TI (2007, pp. 16-17), there is compelling evidence that government officials at all levels—members of Congress, regional governors, and mayors—have ties to construction companies, and hide these affiliations using front companies or third party owners. Not only do government officials show favoritism when awarding contracts, but public funds are also diverted using parallel systems of procurement (e.g., such as spending through international organizations or NGOs), to avoid auditing and public bidding. As a result, Álvaro Zepeda of the Chamber of Construction explains, many reputable firms simply opt not to bid on public infrastructure projects.<sup>284</sup> This lack of fair competition results in lower-quality firms winning the bids for most public infrastructure projects. As a result, these projects are likely to have

significant cost and time overruns, and are rarely built to last. Additionally, according to the US Department of State (i.e., US Department of State, Bureau of Economic and Business Affairs, 2012, June), large public procurement projects are often subject to appeals and injunctions due to perceived irregularities in the bidding process.

Guatemala's existing legal and regulatory framework for public procurement is the Ley de Contrataciones del Estado (State Contracting Law). However, the law is inconsistently enforced. For example, while companies found guilty of major violations of public procurement regulations are supposed to be blacklisted, Global Integrity and Acción Ciudadana (2011) found the implementation of the law to be weak. Additionally, there is no official review process for losing bidders on government contracts other than litigation, which is rarely pursued, given the reputation of the judicial system as both inefficient and corrupt.

CoST has not been Guatemala's only response to rising public sector corruption. In 2004, the Guatemalan government launched the Guatecompras web portal (<http://www.guatecompras.gt>), where data on public contract bids and awards is published, ostensibly providing greater oversight on the agreements made between public officials and companies. In 2006, the United Nations and Guatemala signed a treaty creating the Comisión Internacional contra la Impunidad en Guatemala (CICIG) ("International Commission Against Impunity in Guatemala"), empowered to investigate and prosecute (in partnership with the Attorney General) serious crimes. While CICIG is primarily charged with investigating criminal organizations that threaten human rights, it also has the legal standing to prosecute and discipline public officials (see United Nations, 2006, December 12). Finally, in November 2012, the Guatemalan Congress passed the Law Against Illicit Enrichment, which provides for the maximum punishment of public officials who are convicted of corruption and abuse of office.

### 6.2.2 CoST under the Colom Administration, 2009-2011

In 2008, Álvaro Colom became the first center-left president of Guatemala since democracy was restored in 1985, promising to tackle poverty, crime, and corruption (see Rosenberg & Daniel, 2007, November 5). In May 2009, Rodrigo Rosenberg Marzano, a Guatemalan attorney, was shot dead while cycling through Guatemala City. In a video message recorded before his death, he accused President Colom, Colom's wife Sandra Torres, and two Colom campaign funders, Gustavo Alejos Cámbara and Gregorio Valdez, of his murder. Rosenberg claimed that the president would have him silenced in order to protect a money laundering and embezzlement scheme run through Banrural, the Guatemalan rural development bank. The video caused a national political crisis and protesters demanded that Colom step down. Colom publicly refuted the claims made in the video and in September 2009, the UN Comisión Internacional contra la Impunidad en Guatemala (CICIG) investigated the allegations, ultimately ruling Rosenberg's death an elaborate suicide.<sup>285</sup> Nevertheless, the damage to Colom's credibility was done. Nor was the Rosenberg video the only sign of corruption in the Colom Administration; two Ministers of the Interior were indicted for corruption (a third died in a mysterious helicopter crash), and four consecutive heads of the national police were dismissed, indicted, or jailed (Grann, 2011, April 4). The ongoing crisis put pressure on the Colom administration to embrace transparency reforms.<sup>286</sup>

According to former Vice Minister of Transparency Ricardo Barrientos, representatives from the World Bank recommended that Juan Alberto Fuentes-Knight, Colom's Minister of Public Finance, explore whether Guatemala might join the small group of countries participating in the CoST pilot. When Ministry officials contacted the CoST Board, however, they were informed that the pilot was already well underway. The CoST Board recommended that they begin organizing a national multi-stakeholder group in preparation for membership in the global

CoST initiative that would be launched once the pilot project was complete.<sup>287</sup> In November 2009, Guatemala was admitted as an “associate country.”

Building on the early experiences of the other pilot countries and additional support from the Spanish Fund for Latin America and the Caribbean, the Ministry of Public Finance was able to implement CoST much more rapidly than anticipated. On December 2009, the national multi-stakeholder group, comprised of two stakeholders from government (the Ministry of Finance and the Ministry of Communications, Infrastructure, and Housing), two from civil society (Guatemala’s TI affiliate, Acción Ciudadana, and the Architecture faculty at the University of San Carlos), and two from the private sector (the Chamber of Construction, and the Engineers Association of Guatemala, later replaced by the Chamber of Industry) met for the first time. In February 2010, a work plan was approved. In July 2010, procurement entities had been selected and the technical secretariat, housed by the Chamber of Construction, began its work. In October 2010, a baseline study was completed and work on the assurance process of ongoing projects began. During the CoST annual meeting in December 2010, the MSG delivered the baseline study to President Colom and signed a formal, multi-sectoral convention for the further implementation of the initiative.

The first assurance report, examining six projects ranging from roads to sporting facilities to river dredging, was released in July 2011. A second assurance report, examining 13 projects, followed in November 2011. The second report revealed that, on average, procuring entities initially disclose 23% of the project information required by CoST (27% of the information required under Guatemalan law). At the end of the assurance process, 65% of the project information required by CoST (75% of what is required by law) had been disclosed. In these two reports, the assurance team also made a number of recommendations to improve the disclosure

of project data by Procuring Entities so that they meet both their legal obligation and the CoST requirements.

Despite surprisingly rapid and substantive progress, high-level government interest in CoST started to wane even before President Colom publically launched the initiative in November 2010. In June 2010, frustrated by three failed attempts at tax reform, Minister Fuentes-Knight, CoST's high-level political champion, resigned (see [CentralAmericaData.com](http://CentralAmericaData.com), 2010, June 24). According to former Vice Minister of Transparency Ricardo Barrientos, Fuentes Knight's successor, Edgar Balsells, was skeptical of CoST, and consequently, government participation in CoST dwindled.<sup>288</sup> Thus, it fell to private and civil society stakeholders on the national MSG, with the support of international donors, to keep the initiative alive through the end of the Colom Administration. Despite their efforts, however, a third assurance report would not follow until 2013.

### 6.2.3 CoST under the Pérez Administration, 2012-2015

The administration of Otto Pérez Molina and Roxana Baldetti, which began in January 2012, resulted in a notable reshuffling of government offices that affected the CoST initiative in much the same way they had the EITI (see Chapter 4). Pérez and Baldetti dissolved the Vice Ministry of Transparency, which had overseen the Ministry of Finance's participation in CoST under Colom, and created a new department—the Secretariat of Control and Transparency (SECYT)—under which the responsibility for overseeing several international transparency initiatives, including CoST, would fall. According to former Vice Minister of Transparency Barrientos, the Pérez government initially bristled at the expectation that they would continue to participate in the initiative, which was viewed as externally imposed by the World Bank. “The initiative was almost lost.”<sup>289</sup> Indeed, while the Pérez Administration considered whether or not



to support the initiative, government funding for CoST stopped and the national CoST coordinator lost his job.<sup>290</sup> Bernadine Fernz, a policy advisor for the CoST International Secretariat, estimates that there was about a six to eight month gap in CoST implementation.<sup>291</sup> As they had once before during the Colom Administration, the private sector stepped in to voice their support and convince the government to keep the initiative alive. “CoST remains in Guatemala because of the private sector,” concludes Barrientos.<sup>292</sup>

In November 2012, following allegations that Vice President Baldetti was using the office to attack her political opponents, SECYT was declared unconstitutional on the grounds that the office had been improperly created by Presidential Decree, rather than Congressional modification of the Executive Branch Law.<sup>293</sup> Undaunted, Baldetti replaced SECYT with the Commission on Transparency and Electronic Government (COPRET), directly under the auspices of the vice presidency. While Perez and Baldetti’s indictment for corruption two years later suggests to many stakeholders that their motivations for keeping CoST alive may have been primarily to shield themselves from scrutiny, it is also the case that under COPRET, government interest in the CoST initiative once again increased. In April 2013, a third assurance report examining 18 projects was finally released. Later that same year, Guatemala would take the unprecedented step of encoding CoST into national law.

In October 2013, under pressure from a group of civil society organizations collectively known as the Alliance for Transparency, the Guatemalan Congress approved Decreto 13-2013 (i.e., Congreso de la República de Guatemala, 2013, November 12), which modified the Ley Orgánica del Presupuesto (organic budget law) to require mandatory disclosure of public works projects using the CoST data standard. According to Ricardo Barrientos, by then a senior economist with the Instituto Centroamericano de Estudios Fiscales (ICEFI), this change was

perceived as a civil society victory against the Pérez administration because Congress essentially imposed the CoST standard on the executive branch.<sup>294</sup> In December 2013, with the enactment of Acuerdo Gubernativo 540-2013 providing the necessary regulations for the organic budget law (i.e., Presidente de la República de Guatemala, 2013, December 30), Guatemala became the first CoST country to make it mandatory for public works projects to report all information required under the CoST data standard. To facilitate this new volume of disclosure, the Ministry of Public Finance also passed Resolución 01-2014 (i.e., Ministerio de Finanzas Públicas de la República de Guatemala, 2014, August 8), which requires that Guatecompras, the country's online transparency portal, be updated to include 31 of the 40 indicators required under the CoST data standard.

In 2014, CoST-Guatemala continued to focus on the monitoring, reporting, and technical challenges that would be essential to resolve in order for Guatecompras to fulfill its new mandate. A fourth assurance report, covering 24 projects, was also released in December 2014. Yet, according to stakeholders from both the private and civil society sectors, 2014 was also the year that COPRET, led by Verónica Taracena, began to overstep its authority within the multi-stakeholder group to set the agenda for the initiative (for details, see next section). As a result, both Acción Ciudadana, which was involved in similar, concurrent disputes in both EITI and OGP, and the University of San Carlos, stopped attending multi-stakeholder meetings. Private sector stakeholders contacted the CoST International Secretariat to alert them that CoST-Guatemala had become “a dictatorship.”<sup>295</sup>

Members of CoST multi-stakeholder group were not the only ones with grave concerns about the Pérez Administration. In April 2015, the UN Comisión Internacional contra la Impunidad en Guatemala (CICIG) accused Pérez Administration officials of running a criminal

network, known as “La Línea,” within the Tax and Customs Administration. In May 2015, CICIG announced two additional corruption cases—one involving the Guatemalan Social Security Administration (IGSS), and another involving energy contracts. In total, more than 35 government officials were arrested, including the head of the Central Bank, the current and former heads of the National Tax Office, and the head of the IGSS. On May 8<sup>th</sup>, following a series of peaceful mass protests throughout the country, Vice President Baldetti resigned from office, after her central role in “La Línea” came to light. On May 20<sup>th</sup>, President Pérez fired Verónica Taracena, the director of COPRET (see República.gt, 2015, May 20). The following day, he fired several high-ranking officials, including the Minister of the Interior (see Cuffe, 2015, May 22).

In June 2015, members of the CoST-Guatemala secretariat and multi-stakeholder group met with representatives of the International Secretariat in Antigua to “clear the air” and discuss how to get the initiative back on track.<sup>296</sup> High-level leadership at COPRET remained in flux following Taracena’s dismissal, as two new directors came and went in short order. Lower level government representatives sent to attend CoST meetings would abstain from any decision-making procedures. With the ongoing uncertainty in the government, national MSG stakeholders worried about securing an operating budget for CoST in 2016, despite reassurances from the International Secretariat that the international community (i.e., DFID and the World Bank) would continue to support the initiative.<sup>297</sup>

On September 2, President Pérez resigned from office, after being stripped of his immunity from prosecution for his role in the “La Línea” criminal network. He was arrested the following day. On October 25, Jimmy Morales—a former comedian with ties to the military and business elites—was elected president, following a campaign where he declared himself “ni

corrupto, ni ladrón (neither corrupt nor a thief") (see Malkin, & Wirtz, 2015, October 25). In November 2015, the Guatemalan Congress cut all funding for COPRET from the 2016 annual budget. However, unlike EITI, the immediate future of CoST-Guatemala is not in doubt; Decreto 13-2013 del Congreso de la República de Guatemala makes continued disclosure mandatory. While it is unclear which government office will be tasked with overseeing CoST for the incoming Morales Administration, stakeholders suspect the Ministry of Finance is the most likely candidate. In the meantime, CoST-Guatemala continues to prioritize technical fixes to Guatecompras and the work of the technical secretariat continues. The 5<sup>th</sup> assurance report (i.e., CoST Guatemala, 2015), evaluating 20 new projects, was published in December 2015.

#### 6.2.4 Multi-stakeholder Governance of CoST-Guatemala

Multi-stakeholder governance of CoST-Guatemala was extraordinarily productive under the Colom Administration. According to several stakeholders from the private and civil society sectors, the Ministry of Public Finance under Fuentes-Knight had good working relationships with both the Chamber of Construction and the Guatemalan Engineers Association, as well as with Acción Ciudadana, the national affiliate of Transparency International. These relationships provided a solid starting point for building the CoST multi-stakeholder group (see Appendix R). Not only did the MSG oversee rapid implementation of the CoST assurance process, but stakeholders report that participation in the MSG helped them to forge good working relationships, in some cases even friendships, with their counterparts in other sectors. These relationships proved especially valuable for maintaining continuity after Minister Fuentes-Knight resigned, and government turnover increased.

The MSG itself consists of two members from each sector and its decisions are reached by consensus. Although there are only six members of the MSG, each represents a significant

constituency for CoST's work: The Ministry of Communications, Infrastructure, and Housing, and the Ministry of Finance are the two biggest procurement agencies in the national government. The Chamber of Construction and the Chamber of Industry (which replaced the Guatemalan Engineers Association after the pilot phase) represent a host of small, medium, and large contracting firms. Finally, both Acción Ciudadana and Guate Cívica (which replaced the Architecture faculty at the University of San Carlos, following COPRET's overreach in late 2014) have networks of NGO affiliates across the country.

Both government and private sector stakeholders participate in CoST for reputational reasons. Prior to CoST, private sector construction contractors were being accused of corruption, bribery and other questionable business practices. In particular, established contracting firms found that their reputations were being tarnished by the emergence of smaller, less-scrupulous rivals who have benefitted from decentralization reforms over the past 20 years (see Section 6.2.1). CoST provides an opportunity for establishment contractors with the capacity to comply with more stringent transparency regulations to strengthen their reputation and weaken that of their rivals. For their part, the government relies on the continued support of the international donor community, which looks favorably on transparency initiatives like CoST, EITI, and OGP. The government may not listen to private sector or civil society, explains Álvaro Mayorga of the Guatemala Chamber of Construction, but they will listen to the international development banks.<sup>298</sup>

Nevertheless, multi-stakeholder governance proved much more difficult to maintain under the Pérez Administration. According to stakeholders from both the technical secretariat and the international donor community, the Pérez government was largely ambivalent towards multi-stakeholder governance in general.<sup>299</sup> As a result, CoST-Guatemala has essentially been

run as a government initiative for the past 4 years. COPRET director Taracena (who replaced the Minister of Finance on the CoST national multi-stakeholder group when Pérez took office) reasoned that since the government pays the salaries for the CoST coordinator and the assurance team, she could take control of the process. Indeed, current CoST national coordinator Hazel Padilla explained that she did not realize that CoST was a multi-stakeholder initiative until after being hired. She described the job of CoST coordinator as “maintaining the equality of stakeholders...the government will take over if you don’t watch them.”<sup>300</sup> Álvaro Mayorga of the Chamber of Construction concurs, noting that the tradition of decision-making by consensus was replaced by a “dictatorship,” where Taracena would invoke COPRET’s status as the permanent chair of the multi-stakeholder group to end group debate (private sector stakeholders would prefer a rotating chair to address this problem). In some instances, he reported, Taracena would simply send her subordinates to the MSG meetings to inform the other stakeholders of her decisions regarding the initiative. “It was terrible.”<sup>301</sup> As a result, says Mayorga, in 2014, civil society stakeholders withdrew their support from the initiative, and private sector stakeholders complained to the International Secretariat.

CoST’s lack of external transparency also reflects the Pérez administration’s ambivalence towards multi-sectoral participation. Contact information for the multi-stakeholder group is not available online. The COPRET website does not identify a staff member in charge of overseeing CoST. Finally, while MSG meeting notes and agendas are posted to the website (<http://cost-guatemala.org/>) they are only archived from the previous year (2015).

While COPRET’s heavy-handed involvement provided cover and legitimacy for the vice president, frustrating stakeholders in the private and civil society sectors, much of the actual work improving Guatecompras and facilitating disclosure continued to be done elsewhere in

government. Indeed, despite being replaced on the MSG, the Ministry of Public Finance continued to play a central role in implementing CoST's agenda, especially with regard to increased disclosure through Guatecompras. The support of the Ministry's ICT office has been particularly instrumental to CoST's achievements. The ICT team decided to prioritize CoST-Guatecompras integration over other projects, said CoST coordinator Hazel Padilla, because "they really believe in this."<sup>302</sup> The support of the Ministry of Communications, Infrastructure, and Housing, the largest procuring agency in government, also carried significant weight.

By contrast, COPRET had no regular budget, and its employees were hired as temporary government contractors, rather than full employees. While some COPRET staff wanted to be more helpful, stakeholders explained, they were heavily constrained by their limited clout within government. Indeed, while COPRET's director insisted on decision-making power within the CoST multi-stakeholder initiative, the front line staff actually had very little power within the government to influence the speed or quality of CoST implementation. What COPRET did accomplish, however, was to keep the initiative squarely focused on technocratic fixes, and away from efforts to draw broader conclusions from the findings from the assurance team reports.

Private sector stakeholders and international observers report that the CoST-Guatemala multi-stakeholder group continues to function due in large part to the personal affinity and trust between private and civil society stakeholders developed over the past six years.<sup>303</sup> Yet, this productive working relationship would have been compromised, were it not for the solidarity of civil society organizations following Acción Ciudadana's withdrawal from the national MSG. According to Ricardo Barrientos, a senior economist with the Instituto Centroamericano de Estudios Fiscales (ICEFI), private sector CoST stakeholders contacted ICEFI as a potential replacement. ICEFI declined to join the MSG, in order to stand in solidarity with Acción

Ciudadana’s stance against COPRET’s overreach.<sup>304</sup> Only then did private sector stakeholders reach out to their colleagues in Acción Ciudadana and Guate Cívica, and successfully coax them back to the table. Nevertheless, while the private and civil society sectors appear to be back on the same page following the June 2015 meeting with the International Secretariat in Antigua, CoST-Guatemala currently still lacks a clear government champion in the new Morales Administration—something other stakeholders believe will be critical for ongoing success.

#### 6.2.5 National Outcomes in Guatemala: Improved Transparency, Weak accountability

Despite the political turmoil of the past four years, Guatemala has remained a high performer within the CoST initiative with regard to steady increases transparency, backed up with the force of law. Yet, while CoST-Guatemala’s formal multi-stakeholder governance appears to be set for a revival, there are remaining questions about broad civil society interest in the initiative. Finally, disclosure of project information via Guatecompras has not yet stimulated notable public debate or government actions that would be indicative of increased accountability. Indeed, the most tangible CoST outcome—the cancellation of the Belize Bridge project—occurred during the pilot phase, prior to the mandatory disclosure law (see Section 6.2.2). “[CoST has] achieved some goals but has not had the impact we expected,” said Raúl Rodríguez of the Guatemala Chamber of Industry.<sup>305</sup>

With the passage of Decreto 13-2013 (i.e., Congreso de la República de Guatemala, 2013, November 12), Guatemala made the reporting of public works project information mandatory. And with the passage of Resolución 01-2014 (i.e., Ministerio de Finanzas Públicas de la República de Guatemala, 2014, August 8), the Ministry of Public Finance gave this new mandate a concrete practice, in the form of an enhanced Guatecompras. Indeed, stakeholders believe that mandatory disclosure and a “more robust” Guatecompras are the crowing



achievements of CoST-Guatemala thus far.<sup>306</sup> Nevertheless, there are still important challenges that need to be addressed in order to fulfill the true promise of these developments.

With regard to Guatecompras, there are still remaining technical challenges to resolve. For example, the Ministry of Finance hosts a separate internal procurement reporting database that does not, as yet, interface directly with Guatecompras. Additionally, many government employees do not have the technical skills necessary to correctly upload procurement information into Guatecompras. Finally, the data quality, particularly at the municipal level, is currently of poor quality. Municipal government staff may not be familiar with the new mandatory disclosure policies. Even if they are, they may not know what information they are obligated to collect and report. To address these issues, the CoST technical secretariat provides trainings to government employees, as well as continuous monitoring and evaluation of Guatecompras.<sup>307</sup> As of May 2016, CoST-Guatemala have checked the accuracy and completeness of information being released to Guatecompras for over 600 projects.<sup>308</sup>

More importantly, however, there are also significant non-technical challenges to comprehensive public procurement disclosure. First, stakeholders report that there are still sizeable loopholes in the mandatory disclosure law. For example, prior to 2016, projects that were authorized using emergency procedures were exempt from reporting requirements.<sup>309</sup> The problem is that “everything is urgent in a country like Guatemala” says Álvaro Zepeda of the Chamber of Construction.<sup>310</sup> Once mandatory disclosure went into effect, stakeholders noted a marked increase in the number of projects being routed through this emergency process. Additionally, since the rule only covers projects directly funded by government procurement agencies, projects that are indirectly funded with public dollars, through NGOs, international organizations, or out of municipal funds are also exempt. To address both of these challenges,

the Guatemalan Congress passed Decreto 9-2015 (i.e., Congreso de la República de Guatemala, 2014, March 3), which eliminates the emergency procedures loophole and requires that all contracts financed with resources from the international community must comply with national transparency laws.

Second, even for those projects without access to loopholes, compliance with the law remains middling at best. It is one thing to pass a transparency law, noted Dr. Lothar Rast from the German Organization for International Development (GIZ), but it is quite another for it to actually be implemented.<sup>311</sup> Indeed, the latest CoST assurance team report (released after the transparency law went into effect) found that in a sample of 20 projects, only 56% of the data required by CoST was disclosed, on average (CoST Guatemala, 2015, p. 37). To address these issues, Raúl Rodríguez of the Chamber of Industry suggests that the World Bank and IDB should make all loans conditional on CoST disclosure.<sup>312</sup>

Third, much of the bribery and corruption in public infrastructure happens “off the books.” Guatecompras might help to uncover incorrect payments, but without additional follow-up there is no way to know whether additional funds are exchanging hands. The CoST assurance team simply does not have the time or resources to closely examine the more than 5,000 contracts processed per year. Nor are they expected to; CoST only requires participating governments to conduct assurance on a select group of high-impact projects. Indeed, Hans-Heiner Fuchs, a CoST observer from the German Organization for International Development (GIZ) estimates that the CoST assurance process covers 1-2% of infrastructure, whereas EITI covers 80-90% of production in the extractive sector. While the government “like[s] the signal CoST sends,” they do not provide adequate funding to examine a greater or more representative share of projects.<sup>313</sup>

While the CoST-Guatemala multi-stakeholder group seems poised to overcome the difficulties they experienced working with the government in late 2014/early 2015, Dr. Lothar Rast, country director for the Deutsche Gesellschaft für Internationale Zusammenarbeit (German Organization for International Development) (GIZ), expressed concern that there is little broad interest in the initiative among either the private or civil society sector, beyond those national-level actors who sit on the MSG. Guatemala civil society is “not really interested” in construction transparency, he said, apart from “specialized NGOs with international funding.” This is especially true at the local level, he adds, where fear of organized crime and “narcotraficantes,” may play a role in dissuading citizens to pay too much attention to corruption. Similarly, the “cartel-like structure” for construction bidding limits interest among construction firms.<sup>314</sup> On the contrary, private sector stakeholders and secretariat staff express confidence in the depth and breadth of civil society networks represented by Acción Ciudadana and Guate Cívica.<sup>315</sup> With regard to the disinterest by some construction firms, Álvaro Zepeda of the Chamber of Construction argues that the cartel structure is precisely the problem CoST must address. Since so few companies bid on public sector contracts, they can get away with poor quality work. A meaningful sign of CoST’s impact would be an increase in the number of high-quality construction firms that bid on public sector contracts.<sup>316</sup>

The International Secretariat reports that CoST has produced three tangible accountability outcomes in Guatemala. First, the second assurance report (released December 2011) revealed that the contracting process for the Belize bridge project was improperly conducted under “emergency procedures.” The work being proposed was not necessary and would have actually made the bridge *less* safe. After these facts came to light, the contract was cancelled (CoST Guatemala, 2011, p. 9-18). Second, the assurance team noted that project contracts were being

awarded prior to the approval of budgets needed to cover their costs. Based on the recommendations of the assurance team, MSG members successfully lobbied for legislation to require a sufficient budget to be in place before the award of the contract (Calland & Hawkins, 2012, p. 169).<sup>317</sup> However, effective implementation of these new regulations could not be independently verified.<sup>318</sup> Third, the second (released December 2011) and third (released April 2013) assurance reports highlighted that shell organizations without any actual capacity to complete construction projects were nevertheless being allowed to bid and win public works contracts. These fake “NGOS” were subsequently prohibited from participating in the bidding process.<sup>319</sup> However, Calland & Hawkins (2012, p. 173) report that national MSG members believe the decision to amend the law preceded their involvement.

While CoST-Guatemala stakeholders are justifiably proud of their work improving transparency through Guatecompras and the assurance process, and facilitating public participation through the multi-stakeholder group, they readily acknowledge that CoST has not had the broader impacts on government accountability that they had hoped. Stakeholders have identified several factors that help to explain why: First, neither civil society nor government officials have the technical capacity to make sense of the raw data being released through Guatecompras. Second, there are powerful incentives against government officials acting as whistleblowers. Civil servants can be fined 50,000 quetzals (about US\$6,500) if they make a false accusation, explained Dr. Lothar Rast of GIZ, but if they withdraw the accusation, the fine drops to only 5,000 quetzals (about \$650 dollars).<sup>320</sup>

Third, even the outside technical expertise of the CoST assurance team may fail to produce clear conclusions about suitability of project costs, due to missing or unreliable contextual information. For example, one secretariat staff member explained that the assurance

team has to use disaggregated statistics on project material costs (e.g., hammers and nails) provided by the government statistics office and the private sector in order to estimate what each project should cost. Additionally, it is often difficult to compare initial estimates to final costs and to explain why similar projects might accrue dissimilar costs in different parts of the country. In the absence of more government regulation, companies have quite a bit of leeway in how they declare value, explained one stakeholder from the international donor community.

Fourth, CoST-Guatemala has been hesitant to overstep its boundaries as a transparency initiative. Indeed, CoST has no legal authority to accuse procuring agencies or contractors of bad behavior, and the current national coordinator believes it to be her responsibility to “moderate” the language of the assurance team to be more politically palatable.<sup>321 322</sup> In addition to the assurance reports, the national CoST secretariat has tried to provide broader recommendations to the government via an Executive Report.<sup>323</sup> For example, they suggested that the government prioritize maintenance of existing infrastructure—particularly schools and hospitals—rather than solely authorizing new construction.<sup>324</sup>

Finally, existing domestic accountability institutions like the attorney general and the Comptroller General have failed to show much interest in the findings and recommendations from the CoST assurance reports.<sup>325</sup> Indeed, Oscar Avalle, World Bank Representative for Guatemala, expressed concern that assurance team reports may not be admissible in court. “CoST needs teeth,” he says, “data needs to make its way to the courts.”<sup>326</sup> Currently, the technical secretariat presents its latest findings to the government every 3-4 months, but “nothing happens,” agrees Raúl Rodríguez of the Guatemala Chamber of Industry.<sup>327</sup>

## 6.2.6 Evaluating Causal Mechanisms Shaping CoST Implementation in Guatemala

In Guatemala, CoST helped to produce tangible gains in proactive government transparency, but only weak gains in government accountability. Prior to CoST membership, both the Colom Administration and large private sector contractors had good reason to support a global transparency initiative: public infrastructure in Guatemala was widely believed to function under a cartel system, with ties to organized crime. In 2009, President Colom was accused of a money laundering and embezzlement scheme. Although the scandal was likely a hoax, two of Colom's Ministers of the Interior were indicted for corruption. This political crisis helps to explain why CoST received visible political support from both the government and private sectors.

Indeed, despite a period of significant tension between the Pérez government and other CoST stakeholders for much of 2015, CoST implementation in Guatemala has generally received strong support from all three sectors. The Ministry of Communications, Infrastructure, and Housing, and the Ministry of Finance have both provided the bureaucratic expertise and authority necessary to integrate the CoST Infrastructure Data Standard (CIDS) into Guatecompras. The Chambers of Industry and Commerce have played an active role on the national multi-stakeholder group and helped to keep CoST alive when the government balked on two different occasions. Civil society organizations representing broad networks of interest groups regularly participated in CoST meetings and had sufficient expertise to influence CoST decision-making. As a result, CoST-Guatemala was able to produce regular, independent performance evaluations in the form of five assurance reports, and was able to recover from the overreach of the Pérez Administration and return to multi-stakeholder power sharing; something that neither EITI nor OGP have been able to do in Guatemala (see Chapters 4 and 6, respectively).

With respect to transparency outcomes, the only causal inference test available is a Straw in the Wind test, which cannot provide definitive evidence of necessity or sufficiency. As such, the most that can be inferred from this case study is that some combination of government, private sector, and civil society support—facilitated at least in part by a prior political crisis—appears to have driven transparency outcomes. When multi-stakeholder governance faltered during the Pérez Administration, and civil society temporarily withdrew from participation, the private sectors’ commitment to the initiative seems to have been the most critical component in keeping the work alive. Additionally, while assurance reports have been regularly produced to fulfill the governments’ commitment to CoST, the greatest gains in transparency have occurred outside of this process, through enhancements to Guatecompras. Taken together, these observations suggest that in this particular case, transparency gains seem to have been primarily facilitated by cooperation between private sector actors and bureaucratic actors within the government. However, additional cases are necessary to determine whether any of these conditions are truly necessary, sufficient, neither, or both.

A Smoking Gun test demonstrates that strong support for CoST from all three sectors (i.e., government, private industry, and civil society), as well as a durable record of multi-stakeholder governance and independent performance evaluation, were not sufficient to produce significant improvements in government accountability (see Table 6.2). While it may be the case that there was simply not *enough* government support or civil society involvement, etc., to generate accountability outcomes, these findings still poses a problem for CoST’s theory of change: Not only were strong multi-stakeholder practices in place for most of the implementation period, but significant improvements in transparency—thought to be an important stepping stone towards accountability—were also achieved. Neither of the two

possible alternative explanations for the lack of accountability outcomes (i.e., no actionable deficiencies have been identified; simply not enough time has passed) are particularly convincing in this case. Since 2011, CoST has produced five assurance reports, some of which have pointed to clear deficiencies in the bidding process, as well as flaws in individual project design. Yet, these deficiencies have been largely dealt with internally by the multi-stakeholder group, rather than through a broader process of public discussion and explanation. Indeed, while some procedural reforms have been made, CoST has not served to increase public awareness, or facilitate public debate on these issues. This case suggests that while CoST may very well increase the efficiency of public infrastructure, it is not through a social accountability pathway.

Table 6.2. Results of causal inference tests for CoST in Guatemala

	<b><u>Robust Outcome</u></b>	<b><u>Weak Outcome</u></b>
<b><u>Causal Mechanism Activated</u></b>	<ul style="list-style-type: none"> <li>• Straw in the wind test suggests that both the Colom Administration and large private sector contractors decided to support CoST following a series of political corruption scandals. Visible government and private sector support, coupled with bureaucratic expertise from within the government, may have helped to produce regular, independent performance evaluations, as well as broader improvements in government procurement transparency, via Guatecompras and several assurance reports.</li> </ul>	<ul style="list-style-type: none"> <li>• Smoking gun test demonstrates that prior political crisis, multi-stakeholder power sharing, regular performance evaluation, visible political support, bureaucratic expertise and authority, civil society interest and capacity were insufficient to produce significant improvements in government accountability (although small project-level and regulatory improvements were noted).</li> </ul>
<b><u>Causal Mechanism Not Activated</u></b>	N/A	N/A



### 6.2.7 The Future of CoST in Guatemala

The incoming Morales government is a significant unknown for the future of CoST in Guatemala. Although Morales was elected on a pledge of “ni corrupto, ni ladrón,” he also has political ties to entrenched business interests, as well as right-wing military organizations (Malkin, & Wirtz, 2015, October 25). Until the priorities of the new government are clear, CoST-Guatemala will be limited in what it can do to build on its work over the past six years. Nevertheless, in June 2015, CoST-Guatemala met with representatives of the International Secretariat, as well as other regional CoST countries, to discuss how to broaden the impacts of their work. Proposals included forming a technical commission to provide recommendations on procurement reform, and exploring ways to encourage the Comptroller General to act on the findings from CoST assurance reports. While finding funding for technical improvements to Guatecompras has rarely been problematic, national stakeholders are more pessimistic about finding adequate funding to support these types of activities, despite encouragement from the International Secretariat. CoST-Guatemala only has 3 staff members. They spend their time performing site visits and working on Guatecompras, leaving little bandwidth for outreach and education activities.

Nevertheless, stakeholders believe that there is appetite for procurement reform and have even identified a legislative champion, Congresswoman and human rights activist Nineth Montenegro.<sup>328</sup> Decreto 9-2015 (i.e., Congreso de la República de Guatemala, 2014, March 3), which reformed the *Ley de Contrataciones del Estado* (State Procurement Law) to eliminate reporting loopholes, was spearheaded by Congresswomen Montenegro, and supported by a group of Guatemalan civil society organizations. Among other reforms being considered are changes to the acceptable methods of payments, changes in the vetting process of contractors, and additional expansions to Guatecompras. While CoST-Guatemala itself cannot take a political

position due to its dependence on government support, individual member organizations in the private and civil society sectors (i.e., the Chamber of Construction, the Chamber of Industry, Acción Ciudadana, and Guate Cívica) have been vocal advocates for procurement reform.

Stakeholders believe that CICIG's recent partnership with the Guatemalan Attorney General shows that autonomous government offices can make a difference, even if a corrupt government appointed them. Álvaro Mayorga of the Chamber of Construction believes that there are two ways to encourage the Comptroller General to act on CoST findings. The most direct route would be for the Guatemalan congress to pass a law requires the Comptroller General to issue a public response to the assurance report. Failing that, stakeholders would need to create external political pressure on the Comptroller General, via public education and strategic advocacy.<sup>329</sup> While CoST-Guatemala has, on occasion, arranged for assurance report findings to be published in newspapers or construction magazines, Mayorga believes this strategy would be both more time-consuming and more difficult. Although civil society stakeholders have expressed the desire to activate their networks in order to increase public awareness and education on procurement issues, CoST currently has low visibility in Guatemala.<sup>330</sup> As a result, CoST national coordinator Heizel Padilla is exploring options for getting the public involved in assurance team project selection. By focusing on highly visible public works projects that are of immediate concern to citizens, stakeholders hope to increase public interest and generate greater political leverage for reform.<sup>331</sup>

### 6.3 CoST in the Philippines

The Philippines spent about 20% of GDP on gross fixed capital formation per year from 2001 to 2007 (see World Bank, World Development Indicators, 2015). Yet, in 2010, during the final year of the presidency of Gloria Macapagal-Arroyo, as much as half of the national budget

for public works was reportedly being lost to “leakage” (CoST International Secretariat, 2011, May, p. 1). After several public works scandals implicated President Arroyo, her husband, the Department of Public Works and Highways (DPWH), and the Department of Transportation and Communications (DOTC), a variety of new national transparency initiatives—both government-led and multi-stakeholder—emerged in the late 2000s. As a result of efforts to find synergy with these existing transparency initiatives, CoST looks fundamentally different in the Philippines than it does in other countries, with a smaller multi-stakeholder group established as an independent foundation, and technical work performed by existing government offices: the Commission on Audit (COA) and the Government Procurement Policy Board (GPPB). While President Aquino has been a strong advocate for good governance and transparency since coming to office in 2012, CoST has dwindled since the end of the original pilot. CoST’s technical work has been virtually indistinguishable from GPPB’s efforts to improve and strengthen the Philippine Government Electronic Procurement System (PhilGEPS) (<https://philgeps.gov.ph>) and the CoST assurance team process has essentially been abandoned. Indeed, it is difficult to determine whether CoST is still operating independently in the Philippines at all.

### 6.3.1 Public Infrastructure and Corruption in the Philippines

Corruption in public works projects is a significant problem for the Philippines. While the country spends almost a quarter of GDP on infrastructure, estimates put the amount of the public works budget lost to “leakages” (i.e., bribery, kickbacks, etc.) at 30-50 percent (CoST International Secretariat, 2011, May, p. 1). These losses have taken a heavy toll on the country’s infrastructure. According to the World Economic Forum (2015), the Philippines ranks 91<sup>st</sup> (out of 144 countries) in overall infrastructure quality.

The Government Procurement Reform Act of 2003—passed during the tumultuous period when Gloria Macapagal-Arroyo succeeded Joseph Estrada as President of the Philippines, after the latter resigned in the face of impeachment and corruption charges— attempted to address the leakage problem by requiring that all government procurement pass through the Philippines Electronic Procurement System (PhilGEPS), a public web portal that discloses information on the procurement of goods and services, civil works or infrastructure projects, and consulting services. However, compliance with the new PhilGEPs reporting requirements remained quite low, especially for public works projects that are beyond the contract-award stage (CoST International Secretariat, 2011, May, p. 3).

Indeed, during the Arroyo Administration, public corruption actually appeared to be getting worse. Philippines' rating on Transparency International's Corruption Perception Index declined from 69th (of 90 countries) in 2000 to 134th (of 178 countries) in 2010. In a 2009 public survey on government corruption, two of the largest public agencies involved in construction were ranked at the bottom of the list: the Department of Public Works and Highways (DPWH) and the Department of Transportation and Communications (DOTC) (see Social Weather Stations, 2010).

The public perception of rampant government corruption during the Arroyo Administration was reinforced by several high-profile scandals. In 2007, President Arroyo was forced to cancel a US \$329 million contract with the Chinese company ZTE to build a national broadband network, after a bribery scandal implicated the DOTC, the Chairmen of the Commission on Elections, the Socioeconomic Planning Secretary, and the president's own husband, Mike Arroyo (CoST International Secretariat, 2011, May, p. 1). During the fallout from what became known as the "NBN-ZTE" deal, protestors and prominent Filipino politicians alike

called for Arroyo to resign (GMA News.TV, 2008, February 29). In 2009, following an infrastructure loan scandal, the World Bank debarred several construction firms from doing business with it, because of suspected collusion. Again, both the DPWH and Mike Arroyo were implicated during the Senate investigation that followed (CoST International Secretariat, 2011, May, p. 1).

Although the Philippine Constitution of 1987 recognizes citizens' right to information on matters of public concern, it became clear during the Arroyo Administration that more proactive transparency initiatives would be required to provide sufficient oversight to curb corruption in public infrastructure. In 2008, several civil society groups, industry and professional organizations, and academic institutions formed Bantay Lansangan (Road Watch) to reduce corruption in DPWH via greater transparency (see Affiliated Network for Social Accountability in East Asia and the Pacific, 2010). The Arroyo Administration itself formed two additional transparency initiatives: the Procurement Transparency Group and the Pro-Performance System. However, many civil society organizations questioned whether these reflected a genuine commitment to improve transparency, given the Administration's many scandals. According to Vincent Lazatin, the Executive Director of the Transparency and Accountability Network (TAN) who sits on both the CoST-Philippines multi-stakeholder group and the international CoST Board, the Arroyo administration committed to joining the CoST pilot in 2008 to further placate international donors and "deodorize" itself.<sup>332</sup>

### 6.3.2 CoST under the Arroyo Administration 2008-2010

From the beginning, national stakeholders were skeptical of CoST's value added. CoST "seemed duplicative" to Bantay Lansangan said Vincent Lazatin, Executive Director of the Transparency and Accountability Network (TAN) who worked on both projects. Additionally,

USAID was already funding Procurement Watch, a project that addressed part of the same value chain.<sup>333 334</sup> Nevertheless, a small multi-stakeholder group was formed with one representative each from government (the Department of Public Works and Highways (DPWH)), civil society (Bantay Lansangan), and the private sector (Philippine Constructors' Association). The MSG was expanded to five people, adding one representative from academia (the University of Manila) and one from the international development community (World Bank Philippines Country Office). In order to receive funds from DFID without requiring a government agency to manage them, CoST Philippines (CoST Phils) was legally incorporated as a private foundation.

Rather than building new mechanisms and structures that risked being unsustainable without continued donor funding, CoST Phils (with the permission of the international CoST Advisory Group) decided to break with the CoST pilot model by working entirely within existing government institutions and mechanisms. "I felt that the CoST concept and ideas [were] good," said Lito Madrasto, former executive director of the Philippines Contractors Association and founding CoST Phils member, "[but] instead of an independent ... initiative, without any assurance of continuity, it was best to try to push for such concepts and ideals [to be] embedded in the Philippine Government System."<sup>335</sup> Instead of forming a technical secretariat, the Commission on Audit (COA) was tasked with carrying out the assurance process, and the Government Procurement Policy Board (GPPB) worked to improve the disclosure of material project information to the Philippine Government Electronic Procurement System (PhilGEPS). CoST Phils was launched publicly in January 2010, less than year before President Arroyo would leave office.

### 6.3.3 CoST under the Aquino Administration, 2010-2015

The reform-minded Aquino Administration would seem an ideal partner for CoST. President Aquino personally chairs the working group on Good Governance and Anti-Corruption as part of his “Social Contract with the Filipino People” (see President of the Philippines, 2011, May 13). The president appointed known reformers to head the Department of Budget and Management (Florencio Abad) and the Department of Finance (Cesar Purisima), pushed for the abolition of the Priority Development Assistance Fund (PDAF), a discretionary Congressional fund commonly called “the pork barrel,” signed on to the fledgling Open Government Partnership (OGP) as a founding member in 2011 (see Chapter 6), and began implementation of EITI in 2012 (see Chapter 4).

During the final years of the CoST pilot phase, the COA completed the CoST assurance process for ten projects from the Department of Public Works and Highways, (DPWH), the Department of Transportation and Communications (DOTC), and the Light Rail Transit Administration (LRTA). Since all of the data required to complete these project assessments was not initially available in PhilGEPs, the CoST Phils MSG worked with the Department of Budget and Management to improve agency compliance with PhilGEPs reporting requirements. For these ten projects, data was obtained on all phases of the project cycle (CoST International Secretariat, 2011, May, p. 3).

Once the assessment was complete, however, CoST Phils once again deviated from the CoST pilot by choosing not to release the report publicly. “Because the COA-ATs discovered sensitive information, the MSG decided to share their findings confidentially with the procuring entities to give the agencies the opportunity to respond,” wrote the International Secretariat (2011, p. 4) in their summary of the Philippines pilot. In essence, the MSG sought to avoid making enemies within the Aquino Administration so early into its six-year term. The assurance

team found “causes for concern” in two projects, explained Vincent Lazatin, Executive Director of the Transparency and Accountability Network (TAN), but the MSG decided to give the government “a mulligan” and allow them to address these concerns without embarrassing them.<sup>336</sup> Indeed, Filipino CSOs regularly practice a “constructive engagement” approach to working with government (i.e., no “naming and shaming”). “The MSG needed the continued support of the heads of the PEs [procuring entities] for CoST, not only for the pilot, but also for its eventual full rollout,” wrote the International Secretariat. “It is anticipated that future AT reports will be made publicly available” (CoST International Secretariat, 2011, May, p. 4). However, no future assurance team reports were ever completed.

When CoST was re-launched as a global initiative in 2012, the CoST Phils MSG decided to focus solely on strengthening and expanding PhilGEPS, rather than the assurance process. “Broad and shallow” [transparency] is better than deep and narrow,” explained Lito Madrasto, former executive director of the Philippines Construction Association (PCA) and founder member of the CoST Phils multi-stakeholder group.<sup>337</sup> Indeed, according to Madrasto, CoST Phils was able to convince the Government Procurement Policy Board (GPPB) to expand PhilGEPs disclosure to cover all national government procurement (i.e., goods, services, and public works), rather than solely infrastructure procurement. “The international CoST template cannot possibly do this,” says Madrasto, “as it does not require total [procurement] coverage.”<sup>338</sup>

Additionally, CoST Phils worked to shift PhilGEPS funding from annual government appropriations (“which necessitated horse-trading with legislators,” says Madrasto), to user subscriptions, giving the portal greater independence. “Since then,” says Madrasto, “no one has complained of being edged out of the competition ring simply because they did not know that there was a procurement activity to occur...the law mandates competitive bidding as a



default...Any attempt to use an alternative procurement mode is immediately seen by the public, the PhilGEPS subscribers. Some planned infrastructure projects were put on hold or totally withdrawn when questions arose from the public on the necessity of such projects.”<sup>339</sup>

Finally, CoST Phils worked to expand the PhilGEPS reporting requirements to include most of the indicators required under the new CoST Infrastructure Data Standard (similar to Guatecompras in Guatemala). According to Vincent Lazatin, executive director of the Transparency and Accountability Network (TAN), PhilGEPS should disclose data on around 30 of the 40 CoST indicators by the first quarter of 2016.<sup>340 341</sup> However, Lito Madrasto, representing the private sector in CoST Phils, felt that the full CoST Infrastructure Data Standard went “too far,” and borders on revealing trade secrets.<sup>342</sup>

CoST Phils has not produced an assurance report since the end of the pilot. There appear to be several reasons for this development. First, due to government personnel changes, the CoST champion in the Commission on Audit (COA) left office. Engineers employed by the COA had staffed the assurance teams during the pilot. Without their support, Vincent Lazatin, executive director of the Transparency and Accountability Network (TAN), explained, the assurance process simply derailed.<sup>343</sup> Second, CoST Phils stakeholders strongly believe that an independent assurance process is not sustainable over the long term, since it would rely on external funding.<sup>344</sup> “With the small amount of funding available from the CoST International [secretariat] for [such] large coverage,” explained Lito Madrasto, former executive director of the Philippines Construction Association (PCA), “it was simply impossible to execute.” “Instead,” he says, “we opted to prod the Philippine Government...for the establishment of an internal audit system within each government entity.”<sup>345</sup> Third, the private sector does not support the assurance process, because they believe it risks damaging relationships between

procuring entities and the private sector: “it’s a sign there’s no trust,” says Madrasto.<sup>346</sup> Finally, there is a belief that CoST Phils may function more effectively as a covert, largely technocratic initiative. “If you want to stop anything, put it up for public debate,” says Madrasto, “We have achieved our goals, whereas other CoST countries are still prodding through.”<sup>347</sup>

As an alternative, CoST Phils decided to prioritize disclosure to PhilGEPS, so that “local CSOs become assurance teams,” said Vincent Lazatin, executive director of the Transparency and Accountability Network (TAN). Admittedly, however, the mechanism by which CSOs with little expertise on public infrastructure or government procurement would perform such a function is “still being fleshed out.”<sup>348</sup> Construction project data is dense and technical, and there are currently no efforts underway to provide education to local civil society organizations on how to make sense of it.<sup>349</sup> Indeed, Lito Madrasto, former executive director of the Philippines Construction Association (PCA), estimates that private contractors and other providers will be the most frequent users of the expanded PhilGEPS, because they have the existing capacity to use the data being provided, and the incentive to improve their own efficiency and competitiveness within the public infrastructure market.<sup>350</sup>

Finally, members of the CoST Phils multi-stakeholder group simply bristle at being told how to best achieve results by the International Secretariat. “Philippines is the rebel,” Lito Madrasto acknowledged. Rather than following the prescribed CoST assurance process, he explained, private sector experts are training COA staff and other independent observers to conduct more customized construction audits.<sup>351</sup> While the International Secretariat has chastised CoST Phils for their failure to produce and publish assurance team reports, Madrasto’s response was “fine, we don’t need your name.”<sup>352</sup> Indeed, since the CoST International Secretariat does

not provide participating countries with funds to cover web hosting or domain rights, the CoST Phils website has been shut down.<sup>353</sup>

#### 6.3.4 Multi-stakeholder Governance of CoST Phils

CoST Philippines was registered as a not for profit foundation, so that it could accept and manage funding from donors without a government intermediary. While such an arrangement seems ideal for preserving the independence of the initiative, in practice, CoST Phils has rarely exercised this independence. The MSG chose not to form independent assurance teams or even a technical secretariat. While Vincent Lazatin, executive director of the Transparency and Accountability Network (TAN), did describe a “push and pull” between the MSG and procuring entities over assurance team project selection during the pilot phase, the MSG opted not to publicize findings that could have embarrassed the government, and it has worked to align its post-pilot goals with those of the Government Procurement Policy Board (GPPB).<sup>354</sup>

Initially, the MSG consisted of only three members, Bantay Lansangan (Road Watch), the Department for Public Works and Highways, and the Philippine Constructors’ Association. Following criticism that too few voices were represented, two more seats were added, one for academia (the University of Manila) and one for an international development partner (the World Bank Philippines Country Office) (see Appendix S). Poor government performance, specifically in the form of inefficient and low quality public infrastructure, is hurting the ability of the Filipino construction sector to grow and thrive, claims Lito Madrasto, former executive director for the Philippines Construction Association (PCA). The private sector participates in CoST in order to monitor whether public funds are being spent appropriately. Nevertheless, he adds, private sector interest in CoST is not as great as their interest in EITI, because the latter is more

directly focused on whether private sector payments are being misused, rather than public dollars.<sup>355</sup>

While both Bantay Lansangan and the Philippine Constructors' Association represented broader networks of civil society and private sector actors, the small size of the MSG, the lack of formal procedures to select representatives, and the one sector-one seat governance structure are all causes for concern. While the current goals for CoST Phils outlined by Vincent Lazatin and Lito Madrasto are singularly technocratic, one can easily imagine that the participation of additional government procurement agencies and private sector stakeholders could help increase compliance with PhilGEPS reporting requirements. Additionally, if CoST really seeks to encourage local CSOs to utilize PhilGEPS data in their work, it seems reasonable to expect greater participation by civil society organizations as well.

Relations between members of the small MSG are described as “quite cordial” by Vincent Lazatin, executive director of the Transparency and Accountability Network (TAN), especially compared to the larger EITI MSG meetings, which are “always a struggle.”<sup>356</sup> Mr. Lazatin applauded the representatives from government and the private sector for being very reform-minded and development-focused. His private sector counterpart, Lito Madrasto, former executive director of the Philippines Construction Association, applauded CoST for getting people from both ends of the political spectrum to buy in.<sup>357</sup>

During the heyday of the original CoST pilot, stakeholders report that the MSG met monthly, although by June 2015, the frequency of the meetings had diminished greatly. In June 2015, stakeholders expressed concern that CoST had not yet been sufficiently institutionalized to weather the 2016 election, “We’ve seen these things come and go.” Indeed, as of December 2015, CoST Phils as an independent initiative appears to have vanished all together. Not only are

there no meeting notes, agendas, contact information, or reports published online, but the website itself ([www.costphilippines.com](http://www.costphilippines.com)) no longer exists.

### 6.3.5 National Outcomes in the Philippines: Selective Reform

Since the re-launch of CoST in 2012, members of the Philippines national multi-stakeholder group have focused almost exclusively on integrating the CoST Infrastructure Data Standard (CIDS) into the PhilGEPS reporting system, leaving efforts to broaden participation, validate data, and improve accountability to other national actors. Governance of CoST never expanded beyond a few technical experts from each sector. While the national multi-stakeholder group rejected both the assurance process and its own role in disseminating information to encourage public debate, it has not articulated an alternative vision for how increased transparency of public infrastructure project data might lead to improved government procurement practices, or improvements in the quality and efficiency of public works projects.

National CoST stakeholders successfully partnered with the Government Procurement Policy Board (GPPB) to improve the *quality* of project information disclosed through PhilGEPS, using the CoST Infrastructure Data Standard (CIDS) as a template. According to Vincent Lazatin, executive director of the Transparency and Accountability Network, PhilGEPS will begin to capture 37 of the 40 project indicators specified under the CoST standard in 2016.<sup>358</sup> Yet, it remains to be seen whether procuring agencies will comply with these new requirements. If so, CoST stakeholders will have helped to improve the *quantity* of infrastructure data. However, given how embedded these activities are within existing government offices, it is challenging to specify the extent to which CoST itself has played a critical role in orchestrating these reforms (i.e., the “but for” question), because no references to the initiative are found. “Yes, one does not see the name of CoST Phils,” acknowledges Lito Madrasto, “but those

involved know the truth...the CoST ideals are already embedded and institutionalized in the Philippine Government system.”<sup>359</sup> By contrast, CoST is referenced by name in the Guatemalan laws and regulations specifying procuring entity reporting requirements (i.e., Congreso de la República de Guatemala, 2013, November 12; Presidente de la República de Guatemala, 2013, December 30; and Ministerio de Finanzas Públicas de la República de Guatemala, 2014, August 8).

While CoST Phils itself has done little to expand public participation in the government procurement process, its partners within the Aquino Administration have been working to do exactly that. As part of the ongoing efforts to reform and augment the rules and regulations governing procurement, the GPPB is attempting to institutionalize community participation in public procurement at the municipal level, and build partnerships between the local government units (LGUs) and civil society organizations (CSOs) (Republic of the Philippines Government Procurement Policy Board, n.d.). While CoST Phils is minimally inclusive for a multi-stakeholder initiative, it may also be the case that broad multi-sectoral support for reform allowed CoST Phils to carve out a smaller, more technocratic agenda where they can be most effective, rather than trying to improve transparency and participation simultaneously.

Finally, since CoST Phils prioritized transparency reforms, any broader improvements in accountability to which the initiative might have contributed must have occurred via these reforms. The CoST International Secretariat has specified two activities that are thought to bridge the gap between transparency and accountability (i.e., the theory of change). First, the CoST assurance process provides an opportunity to verify the accuracy of project information that has been reported, and release these assessments to the public. Second, implementing

countries disseminate assurance team findings to encourage public debate. In the Philippines, neither of these activities occurred.

CoST Phils decided not to publicly release the first assurance report, and then opted out of the assurance process altogether. Indeed, even if additional assurance reports had been completed, it is unlikely that CoST Phils would have been willing to draw conclusions from the report publicly. “Because the Philippine MSG contains members from ‘interested parties’—government and private contractors—it may not be able to objectively interpret the information being disclosed or to report...on areas of concern,” wrote the International Secretariat. “Hopefully, with an informed public, third parties can use the information to determine whether in fact the public is getting value for money in construction” (CoST International Secretariat, 2011, May, p. 4). Yet, CoST Phils did not attempt to build the necessary civil society interest and capacity so that third parties could indeed make these types of determinations. (Stakeholders report that COA staff are currently being trained to conduct construction audits as a replacement for assurance, but it is similarly unclear how these audits would empower outside groups in and of themselves.)

While it seems clear that CoST Phils has rejected the international CoST secretariat’s theory of change, it is less clear what they have offered as a replacement. As a result, there is no way to determine whether or how a successful CoST Phils campaign might ultimately contribute to improved government procurement practices (beyond increased proactive transparency) or improvements in the quality and efficiency of public works projects. Nevertheless, the lack of evidence for medium or long-term outcomes is unlikely to trouble national stakeholders, who prefer a much more bounded scope for evaluating the initiative: the successful institutionalization of transparency within government procurement practices. Indeed, while

CoST is largely viewed as redundant to existing reform efforts, stakeholders do believe that linking their efforts to an international initiative helped them to secure much-needed funds from the World Bank to expand PhilGEPS.

#### 6.3.6 Evaluating Causal Mechanisms Shaping CoST Implementation in the Philippines

In the Philippines, the ongoing incorporation of the CoST Infrastructure Data Standard into PhilGEPS has helped to produce some improvement in government transparency, but no subsequent gains in government accountability. CoST Phils has been able to facilitate multi-stakeholder power sharing between the Chamber of Construction, the Department for Public Works and Highways, and Bantay Lansangan, PhilGEPS integration has been overseen by GPPB staff with the necessary bureaucratic expertise and authority, and Bantay Lansangan had the expertise and resources to influence the CoST decision-making process. Nevertheless, the initiative received little visible political support from the Aquino Administration, the assurance process was abandoned, and few civil society organizations beyond Bantay Lansangan were involved. A combination of Smoking Gun, Straw in the Wind, and Hoop tests can be used to make causal inferences based on these findings (see Table 6.3).



Table 6.3. Results of causal inference tests for CoST in the Philippines

	<b><u>Robust Outcome</u></b>	<b><u>Weak Outcome</u></b>
<b><u>Causal Mechanism Activated</u></b>	<ul style="list-style-type: none"> <li>• Straw in the wind test suggests that the Arroyo Administration likely joined CoST due to several high-profile corruption scandals. Multi-stakeholder collaboration between the Chamber of Construction, the Department for Public Works and Highways, and Bantay Lansangan, followed by technical implementation by GPPB, may have been sufficient to allow CoST to inform government procurement disclosure practices through PhilGEPS.</li> </ul>	<ul style="list-style-type: none"> <li>• Smoking gun test demonstrates that prior political crisis, multi-stakeholder power sharing, GPPB’s technical expertise, and Bantay Lansangan’s subject matter expertise were insufficient to produce improvements in government accountability.</li> </ul>
<b><u>Causal Mechanism Not Activated</u></b>	<ul style="list-style-type: none"> <li>• Hoop test demonstrates that CoST assurance reports, visible political support from the Aquino Administration, and broad civil society involvement were not necessary for improving the quality of procurement reporting through PhilGEPS.</li> </ul>	<ul style="list-style-type: none"> <li>• Straw in the wind test suggests that the absence of CoST assurance reports, visible political support from the Aquino Administration, and broad civil society involvement may have prevented CoST from facilitating greater government answerability or improvements to procurement practices.</li> </ul>

With regard to transparency outcomes, a Straw in the Wind test suggests that the Arroyo Administration likely joined CoST due to several high-profile corruption scandals. Once in place, multi-stakeholder collaboration between the Chamber of Construction, the Department for Public Works and Highways, and Bantay Lansangan, followed by technical implementation by GPPB, was sufficient to allow CoST to inform government procurement disclosure practices through PhilGEPS. A Hoop test suggests that the CoST assurance process, visible political

support from the Aquino Administration, and broad participation by civil society were not necessary for these (largely technical) improvements to occur.

However, with regard to accountability outcomes, a Smoking Gun test suggests that whatever combination of prior political crisis, multi-stakeholder collaboration, bureaucratic support, and civil society expertise that successfully facilitated improvements in transparency was insufficient to drive improvements in accountability. A Straw in the Wind test suggests that in the absence of visible political support by the Aquino Administration, and in the absence of broad civil society involvement, the project data available via PhilGEPS has not been used to increase government answerability or make improvements to government procurement practices. Indeed, perhaps a series of well-publicized assurance reports that identified weaknesses in existing public infrastructure projects could have started such a conversation (although the case of Guatemala—where five assurance reports were in fact produced, but public awareness of their findings nevertheless remains low—suggests otherwise). Additional case studies of MSI implementation would help to clarify whether any of these conditions might be sufficient as part of a combination of causal mechanisms (i.e., an INUS condition) to drive accountability outcomes.

### 6.3.7 The Uncertain Future of CoST in the Philippines

CoST Phils stakeholders believe that the initiative should have three ultimate goals: First, to embed its work within existing government mechanisms. Second, to empower outside groups to further scrutinize the data. Third, to shut down as soon as possible.<sup>360</sup> As of December 2015, it appears that initiative's work on transparency has been completely absorbed into PhilGEPS. The Commission on Audit may conduct future project audits, but there is little evidence to suggest that CoST Phils has empowered outside groups to interpret audit findings. Nevertheless, it would

appear that the initiative may have already moved on to its third goal: Ceasing to exist. While the Philippines is still listed as a CoST country, the page has not been updated since 2014, the national CoST Philippines website has been taken offline, and the domain name has been relisted for sale. Nevertheless, Lito Madrasto argues that the improvements made to PhilGEPS are proof that the ideals of the initiative have been institutionalized in the Philippines, and that “the spirit of CoST lives on.”<sup>361</sup>

#### 6.4 Assessing the Evidence for Openwashing in CoST

Openwashing—presenting a public image of transparency and accountability, while maintaining questionable practices in these areas—implies that government sponsors of MSI membership are not sincere in their desire for reform. Incontrovertible evidence of the practice would require intimate knowledge about the intentions of key actors. Nevertheless, as a proxy, I examined notable discrepancies between national government actions (or non-actions) since joining CoST, and the CoST principles that members ostensibly endorse upon joining (<http://www.constructiontransparency.org/the-initiative/principles>), combined with each government’s record on transparency and accountability gains.

The governments of all three countries had compelling motivations to use CoST to enhance their reputation. In Tanzania, President Kikwete’s Administration faced several high-profile corruption scandals, including the revelation of massively inflated costs for the construction of a new headquarters for the Bank of Tanzania. In Guatemala, President Colom faced widely publicized allegations of corruption that threatened to derail his administration after less than two years in office. Allegations of corruption only grew louder under his successor, Otto Pérez Molina. In the Philippines, President Arroyo’s own husband was implicated in two

different public procurement scandals, including one where several construction firms were disbarred from doing business with the World Bank due to collusion.

In the Philippines, President Arroyo publicly committed to CoST in 2010, likely knowing that the results of the assurance process would not be released until after she left office. After the election of President Aquino, the assurance findings were privately conveyed to the new government, which showed little interest in continuing to fully implement the initiative. The CoST Infrastructure Data Standard (CIDS) was used to guide expansion of mandatory PhilGEPS reporting requirements, but no further CoST assurance reports were produced. Yet, the ongoing disclosure of government procurement data to PhilGEPS, alongside the numerous other anti-corruption and good governance reforms implemented by the Good Governance and Anti-Corruption Cluster, suggests that while the Aquino Administration did not fully embrace CoST, neither did it attempt to use its membership as an opportunity to openwash.

In both Tanzania and Guatemala, clear discrepancies between government actions and CoST principles were catalogued. Evidence for openwashing is clearest in Tanzania, where no substantive gains in transparency or accountability could be attributed to CoST. Assurance findings were withheld until after the 2010 national election, and no additional assurance reports were produced after Kikwete secured a second term. Meanwhile, the CCM government passed new laws limiting the use of statistics and curtailing free speech. In this case, participation in CoST can be interpreted as a deliberate attempt to mislead observers about the national government's commitment to increased transparency and accountability.

Guatemala is a more complicated case to assess. Early implementation under the Colom Administration (2008-2012) appears to have been both genuine and productive, but there can be little doubt that President Pérez and Vice President Baldetti attempted to use CoST, and other

international transparency initiatives, as a shield against public scrutiny after coming to power in 2012. Nevertheless, CoST continued to make significant gains. In 2013, a mandatory disclosure law that explicitly committed the government to incorporate the CoST Infrastructure Data Standard into Guatecompras was passed. The Ministry of Public Finance prioritized and completed these improvements to Guatecompras, in large part under CoST guidance. Yet, simultaneously, COPRET attempted to coopt the CoST forum for multi-stakeholder dialogue, and dozens of high-ranking government officials were implicated in several different corruption cases. Indeed, the indictment of Pérez and Baldetti by CICIG may have ultimately protected CoST from a long, slow decline. This mix of significant discrepancies between CoST principles and national government actions, and substantive gains in proactive transparency, suggests that what occurred in Guatemala can perhaps be best categorized as intra-governmental contestations over the appropriateness, pace, and scope of reform, as opposed to full-fledged openwashing.

### 6.5 Conclusion

As part of a broader research agenda to determine whether and how global public sector governance MSIs contribute to transparency and accountability by national governments, this chapter assesses CoST implementation in three participating countries—Tanzania, Guatemala, and the Philippines—and uses within-case process tracing techniques to identify key structures, processes, and sociopolitical conditions driving outcomes in each case. Overall, the evidence from these cases supports the conclusion drawn from the small body of existing research on CoST (see Chapter 4) that while the current incarnation of the initiative (2012-present) has started to yield some promising results in terms of proactive transparency, not all participating countries appear to be fully engaged with the initiative following the end of the initial pilot phase (2008-2010).

Unlike EITI, CoST does not certify participating countries as compliant. CoST Guatemala continues to produce regular assurance reports and encourage improvements in the scope and quality of public disclosure through technical support and formal incorporation of the CIDS into Guatecompras, despite considerable government corruption and political upheaval. Indeed, CoST-Guatemala remains a lively arena where reformers from the private and civil society sectors contend with the government for the power to set the agenda for proactive government transparency. However, interest in CoST seems to have dwindled in Tanzania and the Philippines, where no new assurance reports have been produced since the end of the 2008-2010 pilot. In both countries, any momentum to improve the transparency of the public infrastructure sector has been redirected into internal government offices, PPRA in Tanzania, and GPPB/PhilGEPs in the Philippines. In both cases, stakeholders expressed the belief that CoST is redundant to government-led efforts.

These three country case studies also support the finding that CoST has rarely been effective at improving government accountability (i.e., the extent to which government officials are compelled to publicly explain their actions and/or face penalties or sanction for them). In Guatemala, CoST assurance reports appear to have produced one project cancellation (i.e., the Belize Bridge), as well as new legislation requiring that a sufficient departmental budget be in place before public infrastructure contracts can be awarded. However, effective implementation of the new law could not be independently verified. Similarly, in Tanzania, a claim that feedback from the CoST MSG was incorporated into procurement reform in 2011 could not be substantiated. Indeed, there is little evidence that CoST has helped to compel government officials to publicly explain their actions to citizens, or improve the efficiency of public infrastructure projects (see Table 6.4).

Table 6.4. CoST outcomes in Tanzania, Guatemala, the Philippines

	Year Joined	Current Status	Proactive Transparency	Demand-Driven Transparency	Government Accountability	Likelihood of Government Openwashing
Tanzania	2008	Presumed Inactive	1 assurance team report; disclosure of 4 additional construction projects	N/A	2011 procurement reform supposedly incorporates MSG feedback	High: Notable discrepancies between national government actions and CoST principles (i.e., passage of the Statistics and Cybercrime Acts), and no substantive gains in transparency or accountability.
Guatemala	2009	Active	2013 legislation and 2014 regulation mandate expanded public disclosure of most CIDS indicators via Guatecompras; 5 assurance team reports	N/A	Belize Bridge project canceled following pilot; legislation requiring budgets to be in place prior to awarding contracts	Medium: Notable discrepancies between national government actions and CoST principles (i.e., 2015 corruption scandals), but also significant gains in proactive transparency.
Philippines	2010	Presumed Inactive	Voluntary integration of CIDS indicators into PhilGEPS; assurance report never released to the public	N/A	None	Low: CoST produced only marginal proactive transparency gains, but the government also implemented several other nationally-set good governance and anti-corruption priorities.

In both Tanzania and the Philippines, the failure of CoST to increase the transparency of the public construction sector offers a sufficient explanation for the lack of accountability results. In Tanzania, CoST produced validated information on only six projects over the course of eight years. In the Philippines, not a single piece of validated project information has been released to the public in five years. In Guatemala, however, validated data for over 70 projects was released over the course of five assurance reports, and a wealth of non-validated project data has been made available through Guatecompras.

What is driving these differences in transparency outputs? It would appear that high-level political support plays a significant role. In Guatemala, both the Colom and Pérez Administrations empowered CoST as an independent office with the authority to collect, review, and public government data. Indeed, when the Pérez government attempted to coopt the initiative, it was precisely because CoST was considered worth coopting. Additionally, mid-level technical staff in the Ministry of Public Finance decided to prioritize CoST integration into Guatecompras, over other work orders. By contrast, the Kikwete Administration paid lip service to CoST as one of many ongoing anti-corruption initiatives, but never actually entrusted the initiative with direct access to government data. Junior officials were sent to CoST meetings, but it seems clear the government preferred to maintain internal discretion over the release of project data to the public. In the Philippines, the single government seat on the MSG suggests that the Arroyo Administration was willing to invest very little in the initiative. When the more reform-minded Aquino Administration came to office, rather than reconfiguring CoST into something more meaningful, it was more or less absorbed into internal good government reforms.

Additionally, civil society and private sector interest also appears to play some role in achieving transparency outputs, perhaps by exerting pressure on the government to honor their



commitment to disclosure. In Guatemala, both civil society and private sector stakeholders are clearly committed to CoST. When COPRET attempted to coopt the MSG, civil society stakeholders withdrew their support, and private sector stakeholders complained to the International Secretariat. More importantly however, civil society came back to the table once the director of COPRET had been fired, and it was the private sector that asked them to return. By contrast, civil society and private sector stakeholders in the Philippines and Tanzania expressed the belief that CoST is duplicative of other efforts. In both countries, stakeholders expressed a willingness to let the initiative be absorbed back into regular government functions.

Yet, despite notable differences in proactive transparency outcomes, accountability outcomes were only marginally better in Guatemala than in the other two countries. This suggests that proactive transparency is, at best, a necessary, but not sufficient, factor in CoST's hypothesized results framework. So what factor might explain Guatemala's lack of accountability gains that was also missing in Tanzania and the Philippines? The evidence points to limited efforts by all three countries to expand civil society interest as the most likely explanation. While formal multi-stakeholder governance of the initiative was established in all three countries, each one has failed to actively promote the initiative, or recruit participants beyond a small, largely technocratic, group of actors within each sector. The logic behind this decision can be explained by CoST's origins as a limited three-year pilot project. During the pilot it was not clear whether procuring entities would be willing to disclose data (indeed, in some cases they were not), whether assurance teams would complete their work in a timely fashion, and whether the results could be adequately simplified for publication. Building a broad base of CoST users during a three-year pilot would have been a low priority. Nevertheless, in the four years since the re-launch, little has changed. Multi-stakeholder meetings remain small,

secretive, and infrequent (see Appendix T). Little has been done to raise awareness about the initiative or recruit new participants. Stakeholders in all three countries acknowledged these shortcomings and lamented the lack of funds available for this type of outreach and education. Yet, without building bridges to broader national constituencies, CoST is doomed to remain a transparency initiative in isolation; disconnected from the civic muscle necessary to push for accountability.

Finally, while only Tanzania provides clear-cut evidence of openwashing, both the Philippines and Tanzania have stopped producing CoST assurance reports, suggesting that the possibility of future openwashing remains quite high. This risk is heightened by the fact that pilot countries were automatically enrolled in the global initiative, without having to submit a new statement of intent. Guatemala, the Philippines, and Tanzania all participated in the CoST pilot, yet, in two of the three cases (i.e., Guatemala and the Philippines) new governments had come to power between the start of the pilot and the re-launch. Since CoST does not certify members as compliant, these governments were essentially CoST participants in good standing by default; they were able to reap the reputational rewards of membership without committing to anything. Even in the case of Tanzania, where the government did not change, participation in the pilot did not appear to persuade the Kikwete Administration to invest significant political capital in the global initiative. CoST policymakers appear to be aware of this heightened risk for openwashing. On December 9, 2015, CoST-Zambia was declared “inactive” by the CoST Board for failing to make ‘meaningful progress’ for an extended period of time. This was the first time CoST had declared a country inactive. If Tanzania and the Philippines continue to ignore CoST’s rules for membership, it will likely not be the last.

## CHAPTER 7

### THE OPEN GOVERNMENT PARTNERSHIP: THREE CASES OF NATIONAL IMPLEMENTATION

The Open Government Partnership (OGP) is both the newest and largest of the three public sector governance MSIs included in this study. In late 2011, OGP began with eight founding countries. As of July 2016, 70 countries are in the process of designing or implementing an OGP National Action Plan. OGP is also the most flexible of the three MSIs with regard to the commitments of participating governments. Unlike EITI or CoST, which provide a sector-specific information disclosure standard to participating countries, OGP does not specify a standard, but provides a platform for many different types of action in five key areas: 1) Improving Public Services, 2) Increasing Public Integrity, 3) More Effectively Managing Public Resources, 4) Creating Safer Communities, and 5) Increasing Corporate Accountability.<sup>362</sup> Participating governments are expected to work with national representatives of civil society to “co-create” a two-year National Action Plan that addresses several of these areas and submit to regular, independent performance evaluation. Yet, as the evidence reviewed in Chapter 4 suggests, there is tremendous cross-country variation in the extent to which National Action Plans reflect genuine multi-stakeholder collaboration, or produce meaningful gains in transparency and accountability.

In this chapter, three cases of national OGP implementation will be examined in depth to determine whether and how OGP helps to facilitate improvements in proactive transparency (i.e., discretionary release of government data), demand-driven transparency (i.e., reforms that increase public access to government information upon request), and accountability (i.e., the extent to which government officials are compelled to publicly explain their actions and/or face penalties or sanction for them), or merely provide participating governments with an opportunity

to project a public image of transparency and accountability, while maintaining questionable practices in these areas (i.e., openwashing). For each case, the process of OGP implementation is traced from government commitment, through the formation of the national multi-stakeholder group, National Action Plan design, implementation, and independent review, and closing with the status of the initiative at the end of 2015. Each case history will be followed by assessments of multi-stakeholder governance, and transparency and accountability outcomes. Next, within-case causal inference tests are used to identify key factors that appear to be driving transparency and accountability outcomes in each case. Finally, each case closes with brief reflections on future prospects for national OGP implementation.

Section 7.1 reviews the implementation of OGP in Philippines, one of the founding members of the initiative, and finds evidence for some proactive transparency and accountability gains, but no gains in demand-driven transparency, exemplified by the government's failure to pass a Freedom of Information law. A straw-in-the-wind causal inference test suggests that visible political support from the Aquino administration and participation by a few specialized civil society organizations helped to produce these modest gains in transparency and accountability.

Section 7.2 explores how OGP was coopted by corrupt government officials in Guatemala, and how a few civil society organizations attempted to salvage the initiative. A smoking gun causal inference test demonstrates that regular, independent performance evaluation via the OGP's Independent Reporting Mechanism, and strong civil society capacity on the part of ICEFI, Guate Cívica, and other organizations, was insufficient to produce improvements in either transparency or accountability. A straw in the wind test suggests that a lack of political support by the Pérez Administration resulted in poor multi-stakeholder power

sharing and a lack of interest in OGP on the part of government agencies. Without adequate bureaucratic authority to compel participation by government agencies, COPRET was unable to fulfill any commitments that would have improved transparency or accountability.

Section 7.3 examines Tanzania's problematic attempts to implement OGP, while simultaneously closing civic space. A smoking gun test demonstrates that visible political support by the Kikwete Administration following a series of high-profile corruption scandals, regular, independent performance evaluation provided by the IRM, and collaboration with a well-funded and highly skilled civil society organization (i.e., Twaweza) were insufficient to facilitate sustainable improvements in government transparency and accountability. A straw in the wind test suggests that had there been genuine multi-stakeholder power sharing on the OGP steering committee, more civil society organizations might have shown interest in using OGP as a platform for achieving their goals.

Section 7.4 considers the likelihood that OGP is being used for openwashing, and finds strong evidence of the practice in both Guatemala and Tanzania. In Guatemala, high-ranking Pérez Administration officials paid lip service to OGP values, while concurrently running a criminal network that arranged for lower customs duties in exchange for bribes, eventually resulting in the indictment of over 30 officials. OGP produced essentially no improvements in either transparency or accountability in this case. In Tanzania, the Kikwete Administration supported the passage of two new laws—the Cybercrime and Statistics Acts—that place greater limits on freedom of speech, while simultaneously hosting the OGP's Regional Africa summit, and extolling the virtues of open government. Attempts to improve in transparency and accountability through OGP were judged to be largely superficial and unsustainable.

Finally, Section 7.5 concludes with a brief synthesis: OGP provides a platform for governments to commit to a variety of different activities, but is being used most often to facilitate improvements in proactive government transparency. The Philippines, Guatemala, and Tanzania demonstrate significant variation in National Action Plan ambition. OGP commitments the Philippines contributed to some notable improvements in proactive transparency and accountability. In Tanzania, narrow and temporary improvements in transparency and accountability were offset by new laws limiting freedom of speech and press. While commitments intended to improve demand-driven transparency were included in both countries' National Action Plans, these gains were not realized. In Guatemala, OGP appears to have accomplished very little.

### 7.1 OGP in the Philippines

The Philippines is one of eight founding members of the Open Government Partnership. The Philippines began implementing its first National Action Plan (NAP1) in September 2011, the same month OGP launched as an international initiative. OGP's focus on transparency, participation, accountability, technology, and innovation has been a good fit for the reform-minded Aquino Administration; however, it has often been difficult to gauge OGP's contribution unique to government-led reforms. Indeed, consultation with civil society remains fairly weak, despite some improvement over the course of three NAP design cycles.

Over the course of two full NAP cycles, the Philippines has committed to implement a number of reforms, including participatory budgeting, social audits, implementing the Extractive Industries Transparency Initiative, improvements to the government electronic procurement system (PhilGEPS), performance-based incentives for local governments, increased disclosure on government web pages, and the passage of a freedom of information law. While several of

these programs, including Citizen Participatory Audits, Bottom-Up Budgeting, and the Local Government Seal of Good Housekeeping, have been implemented in a handful of localities and recognized internationally for their potential to improve government accountability, others, like the passage of a Freedom of Information Act and protections for whistleblowers have failed to gain traction. Some stakeholders raise concerns that even the most transformative and fully implemented OGP commitments fail to address the most pressing concerns for many Filipinos: security and poverty. As the Aquino Administration came to a close, OGP faced the dual challenges of ensuring sufficient institutionalization to survive the upcoming political transition, and broadening its scope beyond what one stakeholder calls “middle class concerns.”

#### 7.1.1 Open Government in the Philippines

The Philippines met almost all of the basic requirements for fiscal transparency, access to information, public officials asset disclosure, and citizen engagement before joining OGP. It received the highest eligibility score (4) on the International Budget Partnership’s Open Budget Index, used to measure budget transparency, the World Bank’s Public Officials Financial Disclosure database, used to measure asset disclosure by public officials, and the 2012 Economist Intelligence Unit Democracy Index, used to measure citizen engagement. The 1987 Constitution—a product of the Philippines’ transition back to democracy following the Marcos dictatorship—promises transparency in state affairs and recognizes the importance of civil society’s participation in governance and development. Indeed, mass-mobilizations played a key role in bringing an end to martial law and the Constitution emphasizes the right of the people to organize, and to effectively participate in all levels of social, political, and economic decision-making. The Constitution also charges the government with providing adequate consultation

mechanisms and encouraging non-governmental, sector-specific, and community-based organizations, in order to promote the welfare of the nation (Magno, 2013, p. 1).

The only area where the Philippines did not obtain the highest eligibility score (3/4) prior to joining OGP was on the Open Society Institute's measure of Access to information. While the 1987 Constitution promises Filipino citizens the right to information, there is currently no law specifying the rules or procedures necessary to actually ensure access to information (Mangahas, 2013, p. 8).

Yet, these largely positive international ratings for government openness stand in sharp contrast with the ongoing prevalence of public corruption in the Philippines. Following the end of the Marcos dictatorship, traditional electoral politics based on patron-client networks reasserted themselves. The combination of a weak political party system, poor election administration, and inadequate voter education resulted in low-quality democracy and a state vulnerable to elite capture (see Croissant, 2004; Aceron, 2009; and Hedman, 2010). At the beginning of the 21<sup>st</sup> century, the Philippines had some of the most corrupt government officials in the world. Joseph Estrada, who served as president from 1998 until his resignation in 2001, is thought to have embezzled between US\$78-80 million during his term in office (Transparency International, 2004, p. 13). Following his resignation, he was convicted of corruption and plunder (see Xinhua New Agency, 2007, September 26). He was pardoned by his successor, Gloria Macapagal-Arroyo, who was also arrested for electoral fraud and misuse of state funds after leaving office (see Whaley, 2012, October 4; and Santos, 2011, November 18). In 2011, Transparency International's Corruption Perception Index rated the Philippines 139<sup>th</sup> out of 180 countries examined, behind both Tanzania (126<sup>th</sup>) and Guatemala (84<sup>th</sup>).



President Benigno Aquino III, who served from 2010 until 2016, was “destined to be an OGP partner,” says Malou Mangahas, Executive Director of the Philippines Center for Investigative Journalism.<sup>363</sup> Aquino campaigned on a platform of reform—“tuwid na daan” (“straight path”)—that explicitly linked corruption to poverty. His campaign motto was “Kung walang corrupt, walang mahirap” (“Where there are no crooks, there are no poor people”) (International Budget Partnership, 2014, p. 2). A year after taking office, as part of his “Social Contract with the Filipino People” (see President of the Philippines, 2011, May 13), the president reorganized his cabinet into several thematic clusters. President Aquino personally chaired the Good Governance and Anti-Corruption Cluster (GGACC), comprised of the Department of Budget and Management Secretary, Department of Finance Secretary, Department of the Interior and Local Government Secretary, Department of Justice Secretary, Department of Trade and Industry Secretary, Chief Presidential Legal Counsel, and the Head of the Presidential Legislative Liaison Office. GGACC worked to implement a broad set of government projects aimed at curbing corruption, improving the delivery of public services, and enhancing the economic and business environment. The Philippines’ OGP commitments represent a subset of all GGACC projects.

#### 7.1.2 OGP under the Aquino Administration, 2011-2015

Following initial meetings between the founding eight OGP governments, the Aquino Administration began developing its first National Action Plan (NAP1) in the summer of 2011, with implementation officially scheduled to begin in 2012. A technical working group comprised of undersecretaries of GGACC member agencies created NAP1 with little input from civil society (see next section). The first National Action Plan (i.e., Republic of the Philippines, 2012) contained 19 commitments, three intended to improve government transparency, four intended to

deepen citizen participation, four intended to increase government accountability, and eight intended to improve open government technology and innovation. Among other things, the government committed to publishing 100% of executive branch agency budgets, expenditures, and procurement plans (#1), to work towards the passage of a Freedom of Information Act (#2), to set up an OGP multi-stakeholder steering committee (#3), to expand participatory budgeting (#4), to develop local poverty reduction plans in at least 300 municipalities (#5), to design a process for social audits (#7) to increase local government compliance with the Seal of Good Housekeeping—which requires they post budgetary documents online and have no serious negative findings in its annual audit report—from 50% to 70% (#8), to expand the data displayed via the Philippine Government Electronic Procurement System (<http://www.philgeps.gov.ph>) (#14), and launch a “Budget ng Bayan” (“People’s Budget”) website (#19) (see Appendix U). Budget Secretary Florencio Abad oversaw the NAP planning process. A draft of the NAP was vetted by other Cabinet members and ultimately approved by President Aquino.

The GGACC secretariat, staffed by the Department of Budget and Management, also served at the OGP secretariat and oversaw implementation of the first National Action Plan. Responsibility for implementing the bulk of NAP commitments fell to the Department of Budget and Management, with the Department of Interior and Local Government, the Department of Social Welfare and Development, the Committee on Audit, and the Presidential Communications Development and Strategic Planning Office also tasked with implementing some commitments.

In July 2013, the OGP’s Independent Reporting Mechanism (IRM) published its first progress report for the Philippines (i.e. Mangahas, 2013). The report concluded that only three of the 19 commitments had been fully implemented: Participatory budgeting efforts led to the creation of local poverty reduction plans in more than 300 municipalities (out of 1,490 total

municipalities) (#5), local government compliance with the Seal of Good Housekeeping increased to 77% (#8), and a new Results-Based Performance Management System (RBPMS) for government agencies was developed (#9). Seven commitments were evaluated as having made substantial progress towards completion. Among these were the expansion of PhilGEPs (#14), the launch of the “Budget ng Bayan” website (<http://budgetngbayan.com>) (#19), and the government’s commitment to Access to Information (#2).<sup>364</sup> Indeed, although a variety of technical improvements in government transparency were achieved, the Filipino Congress ultimately failed to pass a Freedom of Information bill.

Nine commitments were evaluated as having made only limited progress towards completion. The government failed to publish 100% of executive agency budgets (#1), as the departments of Agriculture, Agrarian Reform, Education, and Justice, as well as the Presidential Communications Operations Office, did not comply with this commitment. The IRM researcher pointed out that a passage of an Access to Information bill could have helped compel disclosure by these agencies (Mangahas, 2013, p. 19). Although a multi-stakeholder OGP steering committee was formed, it failed to meet during 2012, and met only once in 2013 (#3). Similarly, concerns were raised about the quality of CSO-government collaboration in participatory budgeting (#4) and social audits (#7). More broadly, the IRM noted that many commitments failed to identify benchmarks or provide a clear definition for “success.”

By the time the IRM report was published in July 2013, the GGACC was already working on the second National Action Plan (NAP2), to be implemented during 2014-2015. Responsibility for implementation would fall to the Department of Budget and Management, the Department of Interior and Local Government, the Department of Social Welfare and Development, the Committee on Audit, the Department of Finance, and the National

Competitiveness Council. In an attempt to incentivize implementation of OGP commitments, the secretariat reports that GGACC agency performance bonuses were tied to OGP commitments being met. While this achieved the desired effect of increasing staff investment in OGP, Patrick Lim—OGP liaison for the Philippines Department of Management and Budget—admitted that this practice might have also resulted in less-ambitious, more achievable commitments.<sup>365</sup>

The second plan (i.e., Republic of the Philippines, 2013)—developed beginning in April 2013—streamlined the focus of OGP to only nine commitments. Six commitments were retained from NAP1, including the publication 100% of executive agency budgets (#1), passage of an Access to Information law (#2), the Citizens Participatory Audit (CPA) social auditing pilot (#3), local government seal of good housekeeping (#4), enhancing PhilGEPs (#5), and the local poverty reducing plans, commonly referred to as “Bottom-Up Budgeting” (BuB) (#6). To these, the government added commitments to create a single open data portal (#7), implementation of the Extractive Industries Transparency Initiative (#8), and improving the Philippines score on the Ease of Doing Business index (see Appendix U).

Despite the efforts of GGACC, the Aquino Administration faced two major corruption scandals after joining OGP. In May 2013, the national media reported on millions of pesos in kickbacks to senators and congressmen routed from the Development Assistance Fund (PDAF), a discretionary Congressional fund commonly called “the pork barrel,” through phony NGOs. In August, the Commission on Audit confirmed that 200 members of Congress, including allies of the Aquino administration, had received kickbacks. In September, tens of thousands of citizens marched against “the pork barrel.” While several opposition lawmakers were jailed on plunder and corruption charges in September 2014, the Aquino Administration has been criticized for

delaying investigations into friendly lawmakers, even as it has pushed for the abolition of “the pork barrel.”

Also in May 2013, lawmakers voted for the impeachment of the Chief Justice of the Supreme Court, who was believed to be protecting members of the previous Arroyo administration from prosecution. Following the vote, an opposition senator exposed the existence of a US \$4.4 billion fund not included in the General Appropriations Act, called the Disbursement Acceleration Program (DAP). Among other recipients, money from the fund went to executive agencies that prosecuted, and lawmakers who voted for, the impeachment (Mangahas, 2015, p. 62). The government attempted to defend the DAP fund as a fast and flexible economic stimulus program financed by impounded funds, withdrawn agency allocations, and dividends from state-owned corporations. However, in July 2014, the Supreme Court declared DAP to be unconstitutional. Most of the projects were revealed to have no work plans or feasibility studies, and many were duplicative to projects already funded through “the pork barrel” (Mangahas, 2015, p. 62; see also International Budget Partnership, 2014, p. 3).

The Philippines’ ongoing public corruption scandals, coupled with the limited progress made towards passage of a Freedom of Information law were especially problematic for OGP, due to the country’s position as a founding member of the initiative’s international steering committee. On February 8, 2013, the Centre for Law and Democracy and the Philippines-based Institute for Freedom of Information wrote to the OGP Steering Committee to complain about the lack of action on the FOI law, stating:

While the Executive did transmit an FOI Bill to Congress, as promised in its OGP Action Plan for 2012, it failed to take the necessary measures to promote the FOI Bill’s passage. Such inaction was a key factor in the failure of the current Congress to pass this long overdue legislation, despite a determined and broad national campaign... the Philippines is a member of the Steering Committee, and a founding Steering Committee member at that. According to the OGP Articles of Governance, Steering Committee members are expected to show “leadership by example for OGP in terms of domestic commitments” ... The OGP Articles of Governance indicate that where a Participating State acts contrary to the OGP process or its Action Plan for three consecutive years, the Steering Committee may review the continued participation of

that State in the OGP ... We therefore call on the OGP Steering Committee to take action to signal to the Government of the Philippines that its actions are not in accordance with the norms and expectations of the OGP. Failure to act in this case will, we believe, pose a risk to the credibility and status of the OGP process.

In response, Richard Moya, Undersecretary of the Department of Management and Budget, wrote to the Steering Committee (i.e., Moya, 2013, February 13) to explain that “the Aquino Administration has given central importance to improving transparency, accountability and citizen’s participation in government...However, we must clarify that the government did not explicitly commit to enact the FoI within the Action Plan’s period.” Moya further points out the difficulty of enacting legislation without greater participation by the legislature, stating: “In our system of checks and balances, Congress is a separate and independent branch of government from the Executive; and thus we in latter cannot, within reason, make commitments on behalf of a co-equal branch.” Ultimately, despite both the scandals and the lack of progress on the FOI law, the Philippines not only remained on the OGP Steering Committee, but also assumed a one-year position as government co-chair in September 2014.

In May 2015, the second IRM report assessing OGP progress in the Philippines was released (i.e., Mangahas, 2015). Two commitments were evaluated as meeting the OGP’s revised definition of “Starred” commitments (i.e., measurable, clearly relevant to OGP values, potentially transformative impact, and substantially or completely implemented). The Philippines released its first EITI report at the end of 2014 (#8). The country also made significant gains in its Ease of Doing Business Ranking (#9), going from 138<sup>th</sup> in 2013 to 95<sup>th</sup> 2015. The government also fully completed its commitment to launch a single open data portal (<http://data.gov.ph>) (#7) and made substantial progress towards the completion of the CPA social auditing pilot (#3) and BuB local poverty reduction planning (#6). Three of four Citizens Participatory Audit (CPA) pilot projects were completed at the time of the review and 100% of participating local

governments had completed their local poverty reduction plans. These three projects were evaluated by IRM as having “moderate,” but not transformative, potential impacts; meaning they were assessed to have significant impacts limited to specific policy areas.

The Philippines also made substantial progress on two projects evaluated to have only “minor” potential impact by the IRM. 97% of executive branch agencies published their budgets (#1) and 100% of local governments were assessed for their compliance with the Seal of Good Local Governance (#4). Finally, the IRM concluded that the government made only limited progress on two commitments: First, the government failed to pass either an Access to Information law, or protections for whistleblowers (#2). Second, while the government claimed that 100% of an undefined group of agencies were registered to use PhilGEPs, the IRM researcher was unable to clarify the specifications for this claim (i.e., 100% of what?).

While the design of NAP2 commitments was an improvement over the first 19, the IRM once again criticized them for a lack of benchmarks and unclear definitions of “success” for some indicators. For example, the BuB program reports the number of local poverty reduction plans that have been produced to be over 70%, but stakeholders report that only 17-25% of these plans have actually been implemented. While that may be sufficient to consider the program a success, a benchmark would help to clarify whether it really is or not.

National observers believe that neither the GGACC/OGP secretariat nor participating CSOs had the power to carry out the reforms promised in NAP2. The Department of Budget and Management is one of several “pockets of activism” within the executive branch, explained a high-ranking Philippines Department of Management and Budget official.<sup>366</sup> However, there is little enthusiasm for OGP elsewhere in the government. The secretariat was described by as young and well meaning, but with very little clout.<sup>367</sup> While they can provide oversight on

implementation, they do not have sufficient influence within government agencies to push the work forward. Even the more technical commitments proved difficult to implement, since government staff had limited ICT expertise. The secretariat also acknowledged that it has limited capacity to track OGP outcomes, and is currently working with the DBM planning bureau to improve monitoring and evaluation.<sup>368</sup>

Once again, GGACC did not wait for the independent assessment to begin planning the third National Action Plan. Indeed, planning began in the summer of 2014, less than a year into implementation of NAP2. In August 2015, the third National Action Plan (i.e., Republic of the Philippines, 2015) was released, consisting of 12 commitments. In the final year of the Aquino Administration, GGACC decided to prioritize solidifying the gains made during previous NAPs (Republic of the Philippines, 2015, p. 10). Dondon Parafina, Executive Director of the Affiliated Network for Social Accountability in East Asia and the Pacific (ANSA-EAP) called this goal, “the irreversibility of reform.”<sup>369</sup> As a result, eight commitments from NAP2 were held over or expanded in NAP3, including the Access to Information Law (#1), increased disclosure by local governments (#2), increased publication to the open data portal (#3), attaining “EITI Compliant” status (#4), additional social audits (#5), integrating local poverty reduction plans into the national budget (#6), enhancing benchmarks for the Seal of Good Local Governance (#8), and improving the Ease of Doing Business score (#9). Four new commitments include improving service delivery through a new feedback and monitoring mechanism (#7), improving local government competitiveness (#10), institutionalizing public-private dialogues on economic growth (#11), and a private sector-led project to improve corporate accountability (#12) (see Appendix U). Notably, NAP3 seeks to address four out of the five OGP Grand Challenges:



Improving Public Services, Increasing Public Integrity, Effectively Managing Public Resources, and Increasing Corporate Accountability.

Czarina Medina-Guce, executive director of the Union of Local Authorities of the Philippines (ULAP) and OGP Steering Committee member, reports that while the broad focus of OGP is shifting towards solidifying gains in good governance practices, some important process issues remain as well, including how to include local issues in future action plans. Local implementation of OGP commitments is likely to be quite patchy, she believes, due to significant differences in both resources and capacity across local governments.<sup>370</sup>

Although there has been a common misconception among government agencies that OGP commitments come with increased funding for implementation, the real aim of the initiative is to strengthen the political position of reformers by giving them a higher profile, explained Patrick Lim of the GGACC/OGP secretariat.<sup>371</sup> In particular, Filipino OGP stakeholders have been adept at using OGP awards to protect reform-minded programs that would otherwise be at risk. The CPA program received an OGP “Bright Spot” award in 2013 and the BuB program was awarded a 3<sup>rd</sup> place Gold Award at the inaugural OGP Open Government Awards in 2014. Nevertheless, IRM researcher and executive director of the Philippines Center for Investigative Journalism Malou Mangahas believes that these projects are being singled out for praise, despite having actually accomplished very little.<sup>372</sup> Indeed, the IRM evaluated both programs as making limited progress in 2013. More substantial progress was made by 2015, but neither program was evaluated as having the potential for transformative impacts. Furthermore, some stakeholders argue that winning these awards actually served to disincentivize additional efforts by the government on commitments like the Freedom of Information Act. With their international reputation assured by these awards, the argument goes, there has been little need to go further.<sup>373</sup>

### 7.1.3 Multi-stakeholder Governance of OGP in the Philippines

The Philippines has struggled to achieve meaningful multi-stakeholder participation in OGP, although there has been modest improvement over each successive National Action Plan cycle. Until the third action plan, OGP activities were virtually indistinguishable from the broader set of government-led reforms overseen by the Good Governance and Anti-Corruption Cluster (GGACC).

In the summer of 2011, a technical working group comprised of undersecretaries of GGACC member agencies drafted NAP1, drawing on an existing set of GGACC programs also designed to improve transparency, participation, accountability, and open data technology. Government officials acknowledge that little consultation with civil society took place, citing the quick turnaround necessary to complete NAP1 simultaneously with the international launch of OGP (Mangahas, 2013, p. 3; 11-13).<sup>374</sup> The IRM reported that the process and timeline for consultation was not available online prior to the consultation period. The government ultimately produced evidence of four consultations in 2011, two with civil society, one with the private sector, and one with development partners. Additionally, the IRM reported that several civil society organizations confirmed that they attended informal meetings with Secretary Abad about various GGACC projects, but that these meetings were not necessarily focused on OGP. “Because of this lack of documentation on public consultations,” the IRM wrote, “there is little evidence to judge the quality of public consultation or whether it reached beyond the national capital region of metro Manila.” Indeed, the IRM further noted that, “What constitutes ‘quality’ public consultation is not clear as yet to either Government or civil society stakeholders...the key question about the quality of consultation is not about the ‘diversity’ of voices, but rather about a complete lack of feedback and consultation” (Mangahas, 2013, p .12).

Following the President's approval of NAP1, there was no regular multi-stakeholder consultation on its implementation. While GGACC did create a multi-stakeholder OGP steering committee, comprised of three representatives of government (Department of Budget and Management, Department of the Interior and Local Government, Department of Social Welfare and Development), two from the private sector (the Integrity Initiative Project of the Makati Business Club, the National Competitiveness Council) and, sometime later, three from civil society (the Right to Now Right Know Coalition, Social Watch, and People Power Volunteer for Reforms), representatives for each sector were selected by the government, and the full steering committee did not meet at all during 2012.<sup>375</sup> Government officials explain that it was important to include the private sector on the steering committee because the Aquino Administration believes that good governance can also drive economic development.<sup>376</sup>

Multi-stakeholder oversight had only marginally improved by March 2013 (shortly before planning for NAP2 got underway), when a partial OGP steering committee met to establish its own terms of reference, and civil societies organizations gathered to participate in the Philippines' first OGP self-assessment. The IRM ultimately concluded that the fault for the lack of multi-stakeholder collaboration during NAP1 was shared by both the government, for failing to facilitate it, and civil society, for failing to agree on common priorities or clarify their expectations of government (Mangahas, 2013, p. 15).

When the planning process for NAP2 began in April 2013, many of the same mistakes were made (the IRM report would not be published until later that year, although the GGACC/OGP secretariat had seen an advanced copy). While the consultation process was technically open to all, according to the IRM the government did not publish a timeline, and awareness-raising activities were negligible. OGP activities were often incorporated into larger

forums and activities on GGACC's 30 good-governance initiatives, but there was no additional effort on the part of the government to inform potential stakeholders about the opportunity to participate in OGP decision-making (Mangahas, 2015, pp. 19-21).

The IRM researcher explicitly noted that all 9 OGP commitments in NAP2 were drawn from the 30 pre-existing GGACC initiatives, leaving little room for stakeholder feedback to be incorporated into NAP2. Instead, members of the OGP steering committee simply helped to select GGACC projects that were most interesting to them to include in the OGP action plan. However, finalizing the choice of commitments was "decided unilaterally," said Nepomuceno Malaluan, of the Right to Know, Right Now! Coalition (cited in Mangahas, 2015, p. 1). As a result, "low hanging fruit" like EITI implementation and PhilGEPS expansion, which were both already well underway, were also included as commitments.<sup>377</sup> A high-ranking DBM official, interviewed under the condition of anonymity acknowledged that sometimes government stakeholder shut down debate, in order to keep the work on track. After all, this official explained, it is the government that is ultimately held accountable for making progress.<sup>378</sup>

The IRM concluded that multi-stakeholder consultation during the implementation of NAP2 was much improved, although some notable weaknesses remained. In February 2014, participating civil society organizations elected their own representatives to the steering committee. The Right to Now Right Know Coalition (R2KRN), a coalition of 160 civil society organizations, retained its seat, and was joined by the Metro Manila-based International Center for Innovation, Transformation, and Excellence in Governance (INCITEGov), and the Philippines Partnership for the Development of Human Resources in Rural Areas (PhilDHRRA), a network of sixty-five (65) non-government organizations (see Appendix V). An anonymous DBM official reported that some CSOs (likely referring to the R2KRN coalition), but not all,

continue to have a fairly contentious relationship with the government.<sup>379</sup> For example, while the Right to Know Right Now Coalition (R2KRN) has seen its FOI agenda stall, INCITEGov's executive director Maxine Tanya Hamada was appointed to serve as Assistant Secretary in the Department of Budget and Management. The IRM reports that other stakeholders subsequently complained that the organization had disproportionate access (Mangahas, 2015, p. 19). Another cause of intra-CSO tension is the limited number of seats available on the steering committee. Indeed, one regional CSO—the Affiliated Network for Social Accountability in East Asia and the Pacific (ANSA-EAP)—that has been significantly involved in OGP refused to take a seat on the steering committee, believing those spots should be reserved for national organizations.<sup>380</sup>

The OGP steering committee met three times during 2014 to review implementation of NAP2, but the IRM reports that there was little effort made to disseminate information shared during these meetings to the broader public through traditional media. Indeed, no records of OGP meetings are made available to the public online. The government held 20 outreach events related to GGACC/OGP commitments in Manila and the regional centers of Cebu City, Davao City, Baguio City, and Cagayan de Oro City during 2014. However, the IRM researcher pointed out that many of these events were invitation only and most participants were already engaged in open government activities.

OGP continues to be heavily conflated with the broader GGACC reform program. The IRM researcher acknowledged that remains unclear whether this overlap serves to confuse stakeholders and limit participation, or serves to strengthen national ownership and institutionalize open government values and principles (Mangahas, 2015, p. 19). In either case, the IRM reported that out of fourteen CSO leaders they interviewed, only six were aware of that the Philippines is part of the OGP, only two knew which agencies were assigned to implement

specific commitments, and none was aware of the implementation status of most commitments (Mangahas, 2015, p. 21).

For its part, the GGACC/OGP secretariat believes that the IRM did not give them enough credit for their efforts to encourage participation by CSOs. They suggest that limited funding has constrained greater civil society participation. The government itself has limited means to provide direct funding to CSOs. Additionally, many smaller, non-Manila-based CSOs that would benefit most from such funds refuse to take them, believing that doing so would compromise their integrity. Finally, while the government has realized that participation in OGP gives them access to a global network of good practice from which to draw, they believe CSOs have been slower to access this network.<sup>381</sup>

The government was notably more proactive during the consultation process for NAP3. In addition to the regional good governance dialogues held in 2014, GGACC/OGP held a series of regional CSO meetings in Davao, Cagayan De Oro, Iloilo, Laoag, and Manila to discuss the new action plan throughout 2015 (Republic of the Philippines, 2015, p. 9-11). GGACC/OGP used external funds from USAID and DAI to improve outreach to local governments and CSOs beyond Metro Manila.<sup>382</sup> A high-ranking DBM official has been surprised by the “lack of appetite” for OGP among CSOs.<sup>383</sup> In spite of these efforts at regional outreach, the majority of CSOs that participate in OGP are still Manila-based. Indeed, CSOs without a specific focus on budgetary issues remain largely disinterested in OGP. Additionally, the legislative and judicial branches remain uninvolved in OGP, and private sector steering committee members often skip OGP meetings.<sup>384</sup> OGP has a “middle class sensibility” that identifies the budget as the central tool for reform, says Malou Malangas, executive director for the Philippines Center for Investigative Journalism. By focusing on the budget, civil society organizations risk becoming

technocrats, rather than pushing for transformative change. Such an approach limits the appeal of OGP for groups working on human rights and environmental damage.<sup>385</sup> Conversely, OGP steering committee member Czarina Medina-Guce, believes that OGP participation can serve to educate CSOs of all types about how the governance process works, so that they become “solution seekers,” rather than outside observers.<sup>386</sup>

Perhaps most critical for OGP’s future in the Philippines—a state comprised of over 7,000 islands—will be the inclusion of local governments in the planning process. One important step has been to add the Union of Local Authorities of the Philippines (ULAP) as a ninth member of the steering committee in 2014. ULAP, a local government-organized non-government organization that provides technical support, training, and other services to localities, serves as a valuable go-between for aggregating local government interests and concerns up to the national OGP steering committee. For local governments, OGP provides a compelling, coherent message about national reform efforts, as opposed to the piecemeal way these reforms were previously presented, says Czarina Medina-Guce, executive director of ULAP. “They say ‘You should have explained this from the start.’”<sup>387</sup> ULAP helped to vet the feasibility of NAP2 commitments at the local level, but for NAP3, they were able to provide significantly more input on the best way to implement certain commitments. Through a program called “Innovative Solutions for OGP” ULAP also plays matchmaker between local governments seeking to implement OGP commitments and private companies, foundations, and NGOs that can provide support.

While NAP3 consultation efforts have yet to be fully validated by the IRM, there does appear to be strong evidence that NAP3 was to some extent “co-created” through a multi-stakeholder process. For the first time, four commitments fall outside of GGACC’s pre-existing

good governance plan, and private and civil society sector stakeholders have been given clear roles in implementation (Republic of the Philippines, 2015, p. 12). Simultaneously, however, the failure of the government to pass a Freedom of Information law in the final year of the Aquino Administration has also served to increase tensions between stakeholders. In August 2015, the Right to Know Right Now (R2KRN) Coalition official withdrew from the OGP Steering Committee in protest of the government's failure to pass the FOI bill (Malaluan, 2016, March 24).

#### 7.1.4 Assessing National Outcomes in the Philippines: Modest Progress

Many of the Philippines' OGP commitments have resulted in increased disclosure by national agencies and local governments, as well as technical improvements to open data portals (e.g., data.gov.ph; PhilGEPs). However, the failure to pass an Access to Information law remains a conspicuous blot on the country's achievements with regard to transparency. Likewise, two highly touted commitments explicitly intended to increase public participation in government decision-making stand in stark contrast to the lack of multi-stakeholder stakeholder participation in OGP decision-making. Finally, while a few commitments appear to be bearing fruit on improved government accountability, some stakeholders remained concerned that these modest achievements do not help to address more pressing social, economic, or environmental concerns.

With several transparency commitments—including the online publication of executive agency budgets, the Budget ng Bayan website, the data.gov.ph information portal, improvements to PhilGEPs, and EITI reporting—fully or substantially implemented over the past five years, it seems clear that OGP has contributed to increased proactive government transparency. However, the government data being released is not the data most critical for driving greater accountability, says Malou Mangahas, executive director of the Philippines Center for Investigative Journalism



(PCIJ). In some cases, CSOs already have better quality data than is being released. For example, PCIJ hosts a Money in Politics database (<http://moneypolitics.pcij.org>) that is more comprehensive than official government asset disclosures.<sup>388</sup> Indeed, the GGACC/OGP secretariat agrees that the more successful commitments have been those that directly facilitate participation by civil society, rather than transparency projects where “once [the data is] there, no one looks at it.”<sup>389</sup>

Until recently, all OGP commitments were preexisting GGACC projects. As a result, the extent to which OGP membership contributed to transparency gains is usually matter of speculation. For example, while the Philippines may have joined EITI anyway, the secretariat believes that OGP “sped up the process” by providing additional visibility and political support.<sup>390</sup>

In one respect, however, OGP has clearly failed to contribute to demand-driven transparency gains: “The Philippines remains the only one of the eight founding members of the OGP that has not enacted an FOI Act,” the Right to Know Right Now Coalition (R2KRN) wrote in August 2015 (Rosauero, 2015, August 24). In 2014, the Filipino Senate passed their version of an FOI law, but the House of Representatives version has stalled. According to the statement by R2KRN, House Speaker Feliciano Belmonte “has not lifted a finger to give FOI a positive push.” While the passage of the Freedom of Information law is ultimately in the hands of Congress, several stakeholders suggest that President Aquino is equally to blame for the lack of progress. In 2010, Candidate Aquino spoke out in favor of an FOI law, after it failed to pass during the final year of the Arroyo Administration. However, the president has been muted in his support for the initiative since taking office. While he remains nominally supportive of an FOI law, he made no mention of the law in his 2015 State of the Nation address and has not pushed for its passage in

Congress (freedominfo.org, 2015, August 20). “For all his administration’s breast-beating about transparency,” wrote R2KRN, “President Aquino has not mustered the political will to honor his campaign pact with the people to assure the passage of the FOI” (Rosauero, 2015, August 24). Vincent Lazatin, executive director for the Transparency and Accountability Network (TAN), speculated that the president does not want to give a corrupt and partisan media carte blanche to dig into government data.<sup>391</sup> Whatever his reservations may be, in August 2015, NAP3 officially recommitted the government to “Passage of legislation on access to information (Freedom of Information Act)” (Republic of the Philippines, 2015, p. 6). However, that same month, the R2KRN Coalition released a statement declaring, “The FOI bill is dead” (Rosauero, 2015, August 24).

The Aquino Administration’s record is respectable with regard to facilitating public participation in government decision-making. Traditionally, the Philippines has had a very centralized process for decision-making, explains a high-ranking DBM official, interviewed under the condition of anonymity. Consequently, the distribution of decision-making and resources to local governments and CSOs is a significant achievement.<sup>392</sup> Indeed, the Citizens Participatory Audit (CPA) social auditing program, and the Bottom-Up Budgeting (BuB) local poverty reduction plans have been touted as innovative mechanisms for giving local civil society more input on how the government spends public funds in each region, and more oversight to track whether those funds are well spent. CPA was acknowledged internationally with an OGP “Bright Spot” award in 2013, and is being expanded to audit the implementation of farm-to-market roads nationwide as part of NAP3. BuB was awarded a 3<sup>rd</sup> place Gold Award at the inaugural OGP Open Government Awards in 2014, and was expanded from covering 595 cities

and municipalities in 2013 to more than 1,500 local governments in 2015 (Republic of the Philippines, 2015, p. 7).

Yet, while the government has made progress expanding public participation in some programs, OGP itself has not been one of them. Multi-stakeholder consultation was essentially non-existent during the first NAP cycle. Indeed, the steering committee had not even been assembled when the first NAP went into effect. While more consultation took place during the second NAP cycle, it remained largely limited to a handful of pre-selected organizations, and the government still made final decisions unilaterally. NAP 3 shows some additional improvements, including regional civil society consultations and a more active role for the private sector in helping to implement some commitments. Indeed, the Philippines is one of the few OGP countries to include private sector actors on its steering committee at all, and also one of the few countries to make commitments intended to address corporate accountability.

Beyond increased information disclosure and public participation, a few OGP commitments appear to have already generated tangible improvements in government accountability as well. First, the Bottom Up Budgeting program has led the government to allocate over US\$1.1 billion to more than 40,000 local projects in the national budget between 2013 and 2015 (Republic of the Philippines, 2015, p. 7). The Caucus of Development NGOs—a network of Filipino civil society organizations—has participated in capacity-building activities for CSOs, monitoring of projects, and advocacy and communication activities to raise public awareness. The network has also developed a manual for CSO participation. The Philippine Institute of Development Studies conducted an assessment of the planning process in May 2014 and found the program will “help transform relations between citizens and government, from one which is largely patronage-based to one where citizens become more empowered to effectively

hold their government accountable for better and more responsive service delivery” (cited in Republic of the Philippines, 2015, p. 44). Additionally, efforts to improve the ease of doing business in the Philippines have similarly borne fruit, with the Philippines improving its ranking on the World Bank’s global survey by 43 places between 2013 and 2015 (Republic of the Philippines, 2015, p. 8). Finally, a total of 77% (1327 out of 1713) of LGUs received the Seal of Good Housekeeping in 2012, up from 50% in 2011.<sup>393</sup> Of course, none of these programs are without flaws. The IRM reports that there are concerns over how to monitor and benchmark the completion of BuB projects and recover unused funds, that documents produced by LGUs to attain the Seal of Good Housekeeping are not validated for completeness or integrity, and that a host of additional legislative reforms will be needed to build on the success of the Ease of Doing Business commitment (see Mangahas, 2015, pp. 36-37, 44-45, and 55-56, respectively). Nevertheless, the Aquino government has been justly praised for changing the way government does business, at least in a few areas.

As the Aquino Administration entered its final year, it also sought to claim that its good governance agenda has already produced economic impacts. In the third OGP National Action Plan, GGACC posited that increased economic performance over the past five years might be attributable to the government’s embrace of transparency, participation, and accountability, given that the structural adjustments (i.e., economic and social reforms) that usually proceed such periods of growth in the developing world have not taken place (Republic of the Philippines, 2015, p. 5). However, not everyone is equally bullish about OGP’s impacts. Malou Mangahas of the Philippines Center for Investigative Journalism expressed concern that while OGP focuses on improved fiscal stewardship, more existential concerns like security, health, education, poverty, and environmental degradation remain unaddressed. For example, she

pointed out that the Seal of Good Housekeeping program has been rolled out in provinces where violence remains a clear and present danger, including Maguindanao, where 58 people (including 32 journalists) were massacred by the “private army” of the governor in 2009 and where 44 police officers were killed following an attempt to arrest a high-ranking separatist leader (i.e., Republic of the Philippines, Autonomous Region in Muslim Mindanao, Department of the Interior and Local Government, 2012, September 22; see also Jara, 2014, December 31).<sup>394</sup> Indeed, even as the Philippines continues to improve its score on business friendliness, its score on some human rights indexes have declined (e.g., Maplecroft, 2013; Reporters Sans Frontieres, 2014). The recent “pork barrel” and DAF scandals suggest that even the more modest goal of national fiscal accountability still remains partially out of reach.

#### 7.1.5 Evaluating Causal Mechanisms Shaping OGP Implementation in the Philippines

In the Philippines, OGP helped to facilitate some modest gains in both transparency—via the publication of government data to data.gov.ph and PhilGEPs, and via the local government seal of good housekeeping program—and accountability—via local poverty reduction planning, and via the citizen participatory auditing pilot. A combination of hoop and straw-in-the-wind tests can be used to illuminate the most likely causal explanations for these outcomes (see Table 7.1).

Table 7.1. Results of causal inference tests for OGP in the Philippines

	<b><u>Robust Outcome</u></b>	<b><u>Weak Outcome</u></b>
<b><u>Causal Mechanism Activated</u></b>	<ul style="list-style-type: none"> <li>• Straw in the wind test suggests that visible political support from the Aquino administration and participation by a few specialized civil society organizations, especially ULAP, helped to produce modest gains in transparency and accountability.</li> </ul>	N/A
<b><u>Causal Mechanism Not Activated</u></b>	<ul style="list-style-type: none"> <li>• Hoop test demonstrates that prior political crisis, multi-stakeholder power sharing, significant bureaucratic expertise and authority, and strong civil society interest were not necessary for achieving some modest gains in transparency and accountability</li> </ul>	<ul style="list-style-type: none"> <li>• Straw in the wind test suggests that stronger transparency and accountability outcomes (i.e., passage of an FOI law) might have occurred had there been genuine multi-stakeholder power-sharing on the OGP steering committee, had the GGACC secretariat had more bureaucratic authority to compel participation by government agencies, or had more civil society organizations shown interest in using OGP to achieve their goals.</li> </ul>

As a co-founder of the Open Government Partnership, the Aquino Administration provided a great deal of visible, political support for its implementation in the Philippines. A straw in the wind test suggests that high-level government support allowed the GGACC secretariat charged with designing and implementing the first National Action Plan to overcome some of its own bureaucratic limitations and successfully implement the bulk of the commitments in the first action plan. While GGACC complied with the OGP requirement to allow regular, independent performance evaluation, there is little evidence to suggest that the IRM researcher’s assessments were actually factored into the selection of subsequent action plan commitments (although the IRM does seem to have encouraged greater outreach to civil society in subsequent action plan cycles). Action plan commitments were drawn entirely from pre-

existing GGACC plans until the third action plan cycle. Furthermore, action plans were always completed before IRM assessments were made public, discounting the possibility that the IRM reports triggered any sort of public reaction and feedback mechanism to inform successive action plans.

In addition to visible support from the Aquino Administration, however, the participation of highly specialized civil society organizations seems to have helped to OGP to facilitate modest improvements in transparency and accountability. The participation of CSOs was critical for implementing the bottom-up budgeting and citizens participatory audit programs. In particular, the addition of the Union of Local Authorities of the Philippines (ULAP) to the OGP steering committee appears to have helped increase interest and participation by local governments, exemplified by the expansion of both the local poverty reduction planning program, and the local government seal of good housekeeping program.

Despite being a founding member of OGP, the Philippines has struggled to establish genuine multi-stakeholder governance. Additionally, interest by both government and civil society stakeholders has been narrowly confined to a handful of GGACC reformers in the case of the former, and a handful of Manila-based specialists in the case of the latter. While a hoop test demonstrates that prior political crisis, multi-stakeholder power-sharing, broader civil society interest, and greater bureaucratic expertise and authority within the government were not necessary for achieving some modest gains in transparency and accountability, one cannot help but wonder if stronger transparency and accountability outcomes (i.e., passage of an FOI law) might have occurred, had there been genuine multi-stakeholder power-sharing on the OGP steering committee, had the GGACC secretariat had greater bureaucratic authority to compel

participation by government agencies, or had more civil society organizations shown interest in using OGP to achieve their goals.

#### 7.1.6 The Future of OGP in the Philippines

Whatever its flaws, the Aquino Administration's commitment to good governance and anti-corruption provided reformers with new opportunities to push for greater government transparency, public participation, and accountability. In May 2016, Rodrigo Duterte, mayor of Davao City, was elected to succeed Aquino as president of the Philippines. Duterte—suspected of complicity in the use of extra-judicial “death squads” as a crime reduction strategy during his time as mayor of Davao in Mindanao—is unlikely to be as invested in OGP as his predecessor (Whaley, 2016, May 17). Indeed, as OGP looked towards a future without its founder, the priority for all stakeholders in the waning days of 2015 was the sustainability of reforms. The GGACC/OGP secretariat believed that projects like CPA, BuB, and LGSGH that have local support, access to external funding, and a track record of success have the best chance of being continued by the next government.<sup>395</sup> As a result, new commitments to shoring up these programs were made in NAP3.

Perhaps the single most efficient way to ensure that the gains made during the Aquino years were not lost would have been the passage of the Freedom of Information law. Indeed, without an FOI law, the release of information continues to be at the discretion of the government (i.e., supply side), rather than the discretion of citizens (i.e., demand side). While the Aquino Administration worked to steadily increase voluntary disclosure by executive agencies and local government units, some stakeholders expressed concern that a less reform-minded administration could easily roll back many of these gains simply by ignoring them.<sup>396</sup> Indeed, even if an FOI law were to have passed, its implementation would still fall largely to the next



government, and to local governments who may simply not be tracking the information citizens might request.

From 2011 to present, OGP has owed its political capital to what Dondon Parafina, Executive Director of ANSA-EAP, called the “personality driven commitment” of Benigno Aquino, and a group of reform-minded cabinet secretaries in the GGACC.<sup>397</sup> Under the incoming Duterte Administration, the OGP will need to expand its base of support in order to survive. Civil society organizations, many of which have yet to fully embrace OGP, may seek to play a more active role in raising awareness and pushing the new government to make meaningful commitments to reform. The private sector may seek to build on momentum from the commitments it is already implementing as part of NAP3, in order to demonstrate the economic value of good governance and anti-corruption reforms. Finally, OGP may seek to expand its government base both horizontally, to the Committee on Audit, the Ombudsman, the Congress, and the Courts, and vertically, to local government units.

## 7.2 OGP in Guatemala

Guatemala joined the Open Government Partnership in the waning days of the Colom Administration (2008-2012). Implementation of the initiative therefore fell to the incoming administration of Otto Pérez Molina, the first former military official to be elected president since the end of the country’s 36-year civil war. Despite proactive efforts by influential civil society organizations to participate in the design of the first National Action Plan, it was produced without their input. Following denouncements in the media by CSOs, and a critical review by the OGP’s Independent Reporting Mechanism, the government opened up the consultation process during preparation for the second National Action Plan. Yet, tensions in the multi-stakeholder process remained high. Acción Ciudadana, the Guatemalan chapter of

Transparency International, was excluded from participating in OGP and withdrew from other public-sector multi-stakeholder initiatives, including both the Extractive Industries Transparency Initiative (EITI) and the Construction Sector Transparency Initiative (CoST). Ultimately, two separate groups of actions—22 commitments “by the government” and 26 commitments “proposed by civil society”—were compiled into the second National Action Plan (NAP2) and submitted to the international secretariat. The following year, President Pérez and over 30 high-ranking government officials were indicted following a swarm of corruption scandals. Remarkably, OGP survived the fallout, with mid-level government staff and CSOs continuing to monitor implementation of all 48 commitments.

### 7.2.1 Open Government in Guatemala

In 2011, Guatemala ranked 120<sup>th</sup> on Transparency International’s Corruption Perception Index (CPI), and 24<sup>th</sup> in the Americas. The long and brutal civil war may have ended in 1996, but the country remains plagued by violence, poverty, and impunity. In 1999, voters rejected a package of constitutional amendments that had been prepared in accordance with the peace plan. Subsequent governments struggled to implement substantive reforms to open the government, or curtail the increasing influence of organized criminal networks within the public sector, although some attempts were made to do. In 2002, the Office of the Comptroller General was strengthened. In 2003, a new Ley de Probidad y Responsabilidades de Funcionarios y Empleados Públicos (the Law on Probity and Responsibilities of Public Officials and Employees) went into effect (i.e., Congreso de la República de Guatemala, 2002, December 6), requiring public officials to declare their assets to the General Comptroller’s Office. However, public disclosure of these assets remains prohibited by law.

In the mid-2000s, momentum for greater accountability and transparency in government began to pick up steam. In 2006, President Óscar Berger signed a treaty with the United Nations, authorizing the creation of the Comisión Internacional contra la Impunidad en Guatemala (CICIG) (“International Commission Against Impunity in Guatemala”), an international body charged with investigating and prosecuting serious crime in Guatemala, supporting the Public Prosecutor's Office (Ministerio Público), the National Civilian Police (Policía Nacional Civil), and other state institutions. In 2007, the Berger Administration also signed on to implement the Stolen Asset Recovery (StAR) initiative, which seeks to recover public capital that has been embezzled and hidden abroad. In 2008, la Ley de Acceso a la Información Pública (Law for Access to Public Information) was passed by the Congress of Guatemala (i.e., Congreso de la República de Guatemala, 2008, October 22), granting Guatemalan citizens access to information on government budgets and salaries. In order to support the implementation of the new ATI law, President Álvaro Colom created the Vice Ministry of Fiscal Transparency and Evaluation (which would oversee CoST and, briefly, EITI), a Public Information Unit responsible for handling requests for public records, and an electronic procurement system for government entities.

Yet, while the Berger and Colom Administration made some progress opening the government, significant challenges remained. Implementation of the ATI law remained incomplete, as official protocols for record keeping and information sharing were not yet developed. Meanwhile, unregulated campaign financing continued to enable bribery and criminal influence. In 2010 Interior Minister Raúl Velásquez was removed from office following accusations that he had laundered more than \$2 million in payments to the fuel distribution company Maskana. Later that year, the Constitutional Court removed Attorney General Conrado Reyes from office for obstructing CICIG’s work (see Freedom House, 2011).

Despite these setbacks, Guatemala was found to be eligible to join OGP in 2011. It received the highest eligibility score for budget transparency (4), for the timely publication of both an Executive Budget Proposal and an Audit Report. It also received the highest eligibility score for access to information (4), since an ATI law was in place (although only partially in operation). The country scored slightly lower on citizen engagement (3). While Guatemala has a strong and vibrant civil society sector, the Guatemalan state ensures only basic civil liberties. For example, while freedom of speech is protected by the constitution, those who vigorously condemn the government or raise questions about past human rights abuses can face persecution. Similarly, the constitution guarantees religious freedom; however, members of indigenous communities have faced discrimination for openly practicing the Mayan religion. Freedom of assembly is guaranteed and generally respected in practice, though police have occasionally used deadly force to end disruptive demonstrations. The constitution guarantees freedom of association, however, activists—including journalists and advocates of union and environmental rights—have been victims of intimidation, attacks, or assassinations, particularly in rural areas during land disputes (see Freedom House, 2011). Perhaps unsurprisingly, given the country’s history of public corruption, Guatemala scored lowest for asset disclosure (2). While Guatemala requires members of Congress to declare their assets to the Controller General, these assets are not publically disclosed, nor are declarations required for other public officials.

### 7.2.2 OGP under the Pérez Administration, 2012-2015

Guatemala technically joined the OGP in July 2011, the final year of the Colom Administration. Colom—whose term in office had been marred by corruption scandals in the Ministry of the Interior and the National Police, and (unfounded, see Chapter 6) allegations of complicity in the death of attorney Rodrigo Rosenberg Marzano—had already committed

Guatemala to implement both CoST and EITI. At the urging of Acción Ciudadana, the Guatemalan chapter of Transparency International, the Colom Administration also joined OGP as part of the second cohort of countries. Vice President José Rafael Espada, who had also overseen efforts to join EITI, submitted a letter of intent to OGP in July 2011. Yet, while CoST had been underway since 2009, and EITI since 2010, the Colom Administration would leave the implementation of OGP entirely to the incoming Pérez Administration.

Pérez's Vice President, Roxana Baldetti took charge of OGP, shuttering the Vice Ministry of Fiscal Transparency and Evaluation, and placing the initiative under the auspices of the newly created Secretariat of Control and Transparency (SECYT), along with other international initiatives, including CoST, EITI, and the Strategic Asset Recovery Initiative (StAR). After opposition lawmakers complained that Baldetti was using the new agency to go after her political enemies, SECYT was essentially reorganized as a Presidential Commission, the Commission on Transparency and Electronic Government (COPRET), under the Office of the Vice President. Baldetti's attempts to cultivate her image as Guatemala's "transparency czar" stood in sharp contrast to her reputation for lavish spending (e.g., within weeks of taking office, she spent US \$2,000 dollars of government money to buy Swiss chocolates, French perfumes and Ron Zacapa Centenario, an expensive rum), unexplained wealth (e.g., her income as a member of congress and vice president from 2004-2013 sums up to approximately US \$500,000, but in the same period she accumulated properties worth a suspected value of US \$13 million), and allegations that she had profited from her positions in government (e.g., opposition lawmakers have filed lawsuits accusing her of bribery, embezzlement and extortion) (see Arana & Zamora, 2013, April 8).

The Pérez Administration had very little time to craft their first National Action Plan (NAP1), which was to be submitted in time for the first global OGP summit in April 2012. As a result, there were no consultations with civil society during the planning process for NAP1 (see next section). Instead, COPRET crafted a plan consisting of only three broad commitments: to set up a results-based management evaluation system, to strengthen control over public funds, and to continue implementation of international transparency initiatives (Gobierno de Guatemala, 2012, pp. 6-7).

In April, Guatemala was officially welcomed into the OGP along with 38 other countries. Nevertheless, one anonymous civil society stakeholder who attended the summit would later reflect that the country's participation had been "a disaster."<sup>398</sup> Vice President Baldetti's personal secretary, Juan Carlos Monzón, spoke on behalf the government. Monzón, whom this anonymous source described as a "gangster," would later be implicated as ringleader of the "La Línea" scandal, before investigators discovered that criminal network went even higher. Monzón said he had only recently learned about OGP and was therefore not prepared to provide any specific comments, but assured those gathered that Baldetti and Perez would follow through on whatever promises they had made to the initiative.

A review by the OGP's Independent Reporting Mechanism (IRM) the following year (i.e., Pinto, Rodas, & Jiménez, 2013) found little evidence to support Monzón's claim. With only three broad commitments as their starting point, the IRM researchers were authorized to break these commitment into 14 smaller (if only slightly more concrete) actions based on the details given in NAP1 (see Appendix W). The IRM concluded that none of the 14 actions had been fully completed, and only two showed evidence of substantial progress: the implementation of CoST (3.1) and the ability of the government to regulate excess expenditures (1.7). Of these, only

CoST was evaluated as a “Starred” commitment (i.e., relevant to OGP values, potentially transformative). Half of the 14 actions were evaluated as having no relevance to OGP values at all. Furthermore, IRM researchers struggled to find information about OGP meetings, participants, or implementation online.<sup>399</sup>

When IRM researchers presented their findings to COPRET, officials were not surprised. “[COPRET staff] knew they weren’t doing what they should,” the IRM researchers explained.<sup>400</sup> Although authorized to coordinate participation in OGP, COPRET did not have the internal clout to compel interagency collaboration, nor to provide meaningful oversight during implementation. While researchers praised COPRET’s mid-level staff as committed to open government, they simply did not have the high level support necessary to fulfill the action plan commitments. At this point, OGP was little more than a “shield for corruption,” explained the IRM researchers. The IRM provided recommendations to COPRET, but given the vagueness of the commitments in first National Action Plan, there was “nowhere really to go.”<sup>401</sup> COPRET would essentially need to start over.

COPRET submitted Guatemala’s second National Action Plan (i.e., Gobierno de Guatemala, 2014) to the OGP in June 2014; only hours before the final deadline, noted Ricardo Barrientos, a senior economist with the Instituto Centroamericano de Estudios Fiscales (ICEFI), one of the civil society organizations participating in OGP.<sup>402</sup> While most OGP countries worked to narrow their commitments in the second round of action plans, Guatemala’s NAP2 contains 48 actions, 22 proposed by the government and 26 proposed by civil society (see Appendix W). The OGP agenda in Guatemala “needs narrowing” confirmed Oscar Avalle of the World Bank. There are too many commitments to effectively monitor their progress.<sup>403</sup> Of those actions proposed by the government, five seek to increase access to government information (1-5), four

seek to support citizen participation (6-9), six seek to improve public integrity (10-15), five seek to improve public services (16-20), and two seek to improve the transparency of the natural resource sector (21-22). The bulk of these 26 activities involve building or improving public data portals (1, 3), e-government websites (4, 16, 20) or internal government tracking systems (10, 11, 12, 17). A few involve education and outreach about these various government systems (2, 5, 6, 7, 19) or about OGP itself (9). Finally, commitments to implement both CoST (14) and EITI (15) appear once again. Of those actions proposed by civil society, just two involve access to existing government information (1-2), five involve improvements to public accountability (3-7), and 19 involve improvements to public services (8-19), including a community mapping project (8), compliance with the new IMF fiscal transparency code (11), an exploration of participatory budgeting options (13), tax collection and exemption transparency reforms (17-19), strengthened internal audits (24), reforms to the public procurement process (20-23), and a variety of data portal reforms (14, 15, 25, 26).

In early 2015, the Pérez Administration faced increasing scrutiny as it became clear its commitment to transparency and accountability was less than it appeared to be. On January 13, 2015, ICEFI released a public statement calling attention to the lack of progress on the NAP2 commitments. In February, the organization released a detailed analysis of progress on the 18 commitments they had submitted as part of the NAP2 planning process, concluding that 14 were behind schedule (Gobierno de Guatemala, 2015, pp. 127-128). The resulting media attention encouraged several Ministries to step up their efforts to implement OGP commitments. Ministers and vice ministers began to attend OGP meetings and in some cases developed plans for implementing commitments assigned to them.<sup>404</sup> For a brief moment, it looked as if OGP might have turned a corner. However, events in Guatemala were about to take an extraordinary turn.



In April, CICIG accused a number of Pérez Administration officials of having set up a criminal network within the Tax and Customs Administration known as “La Línea,” named for the telephone line that import companies would call to arrange for lower customs duties in exchange for bribes. The following month, CICIG announced two additional corruption cases—one involving the Guatemalan Social Security Institute (IGSS), and another involving energy contracts. In total, more than 35 high-ranking government officials were arrested, including the head of the Central Bank, the current and former heads of the Tax and Customs Administration, and the head of the IGSS. Four judges and several members of Congress were also investigated.

In response, Guatemalans staged a series of peaceful mass protests, calling for the resignation of both President Pérez and Vice President Baldetti. Throughout the country, thousands of protestors took to the streets every Saturday for six consecutive weeks to demand political reform (Gobierno de Guatemala, 2015, pp. 118-120). On May 8<sup>th</sup>, Vice President Baldetti resigned from office, after her central role in “La Línea” came to light. On May 20<sup>th</sup>, Pérez fired COPRET Commissioner Taracena (see República.gt, 2015, May 20).

Without Baldetti or Taracena, COPRET had limited authority through which to operate. While OGP implementation had been slowly improving early in the year, the scandal “stopped the process,” explained Angel Ramirez and Jorge Luis Rodas of the Guatemalan civil society organization Congreso Transparente.<sup>405</sup> However, by July, newly appointed Vice-President Alejandro Maldonado Aguirre was made aware of the international commitment by COPRET staff and appointed Marlon Josué Barahona Catalán to succeed Taracena as Commissioner. COPRET resumed its efforts to implement NAP2, but the political scandal was far from over. In August, Roxana Baldetti was arrested. In September, the Guatemalan Congress stripped

President Pérez of his immunity from prosecution. He resigned the following day and was succeeded by interim president Alejandro Maldonado. Pérez was arrested on September 3.

After Pérez resigned, OGP experienced another short-lived burst of momentum, as mid-level staff moved up to replace the high-ranking officials who had resigned or been indicted. In September, COPRET released a mid-term self-assessment for NAP2, claiming that 28 of the 48 commitments were complete and substantial progress had been made on another 14. Privately, some civil society stakeholders acknowledge these figures have been inflated by COPRET. “[E]xisten claro, divergencias entre el grado de avance que COPRET, sociedad civil y MRI (There are clear differences between the degree of progress that COPRET, civil society and IRM [see]),” the report acknowledges (Gobierno de Guatemala, 2015, pp. 126).

Indeed, the second IRM report, released for public comment in June 2016, found that only nine commitments had been fully implemented, but noted that substantial progress had been made on 21 others (Asociación Desarrollo, Organización, Servicios y Estudios Socioculturales, 2016, p. 3). Nonetheless, the IRM also concluded that only a single commitment—a new website for the proactive disclosure of tax exemptions, initially proposed by civil society organizations (cs19)—was found to have potentially transformative impacts. Even in this case, the IRM noted that the website might fail to generate public interest, unless the government raises awareness about its impending launch (p. 14). The IRM also noted several other gains in proactive transparency that might have moderate impacts, including the online publication of datasets from 14 ministries to a single portal (g3, g20), proposed improvements to a local government data portal (cs15), a new online catalogue of public services (g16), online disclosure of natural disaster spending (g22), and the adoption of the CoST data standard (g14). (pp. 11-20).

In October 2015, Jimmy Morales—a former comedian with ties to retired right-wing military officials and business elites—was elected president of Guatemala, after assuring citizens he is “ni corrupto, ni ladrón” (“neither corrupt nor a thief”) (see Malkin & Wirtz, 2015, October 25). While little is known about how he intends to govern, Eduardo Núñez, Resident Director of the National Democratic Institute, affirmed that Morales had not heard of OGP.<sup>406</sup> In November 2015, the Guatemalan Congress cut all funding for COPRET from the 2016 annual budget. Unlike EITI or CoST, which both have clear ties to executive branch agencies (EITI in the Ministries of Public Finance or Energy and Mines, CoST in the Ministries of Finance or Communications, Infrastructure, and Housing), OGP has been a COPRET initiative from the start. Whether it will thrive under the newly elected Morales administration, or wither following the completion of the second action plan cycle in 2016, is anybody’s guess.

### 7.2.3 Multi-stakeholder Governance of OGP in Guatemala

The Pérez government initially resisted allowing civil society to have a voice in crafting the country’s OGP action plans. Over time, as both domestic and international scrutiny of government officials grew, civil society organizations like Congreso Transparente and the Instituto Centroamericano de Estudios Fiscales (ICEFI) were allowed to participate, even as others, like Acción Ciudadana, continued to be excluded (see Appendix X).

As with CoST and EITI, Acción Ciudadana played a critical role in bringing OGP to Guatemala. However, by the time the initiative was being implemented in 2012, the newly elected Pérez government had already proceeded without civil society input. In their haste to develop the first National Action Plan in time for Guatemala’s official induction into OGP, the Secretariat of Control and Transparency (SECYT) failed to consult with civil society during the development of the plan (Pinto, Rodas, & Jiménez, 2013, pp. 21-22). This was “an insult” to

civil society organizations that had supported the government in joining OGP, explained Ricardo Barrientos of ICEFI.<sup>407</sup> Nevertheless, in April 2012, the Guatemalan delegation to the global OGP summit included representatives from both government and civil society. According one civil society stakeholder who attended the OGP summit, the expectation at the time was that civil society organizations would be called upon to participate in the development of the second action plan, which would be less constrained by a short timetable.

During the implementation of NAP1, the government did attempt to consult with civil society, although not by forming a multi-stakeholder steering committee. Instead, COPRET (replacing SECYT) organized three working groups, one for civil society organizations, one for various executive branch ministries, and one for academics. Working groups met every 15 days at COPRET headquarters in Guatemala City. However, participation in these working groups was by invitation only. The government invited around 16 civil society organizations to participate and around ten organizations participated in at least one meeting. However, the Independent Reporting Mechanism found that “en las mesas de trabajo organizadas por el gobierno, faltó la participación de muchos grupos de la sociedad civil que podrían haber contribuido al proceso (at the working groups organized by the government, there was an absence of participation by many civil society groups that could have contributed to the process)” (Pinto, Rodas, & Jiménez, 2013, pp. 23). Indeed, as civil society had not been consulted about the commitments in NAP1, it is perhaps unsurprising that there was very little interest in its implementation.

The planning process for the second National Action Plan (NAP2) did not get under way until well into 2014, despite being due to OGP in June of that year. In January 2013, disturbed by the lack of progress since the global OGP summit, Acción Ciudadana and ICEFI, two of the most

influential transparency-oriented CSOs, wrote a letter to President Pérez, criticizing his administration's lack of action on OGP and demanding that meetings be held to design the new action plan (Instituto Centroamericano de Estudios Fiscales, 2012, December 6).

Verónica Taracena, the commissioner of COPRET, was able to convince Vice President Baldetti to open up the consultation process to a small group of CSOs, although Acción Ciudadana, the original CSO champion of OGP in Guatemala, was banned from participating.<sup>408</sup> According to several stakeholders from civil society and the international donor community, Acción Ciudadana had contributed a chapter to a Transparency International publication that was critical of the Pérez government. This angered some in the government, who felt that such criticisms should have been made privately.

With Acción Ciudadana banned from participating, civil society input into NAP2 fell to five organizations: ICEFI, Congreso Transparente, Guate Cívica, the Guatemalan Institute for Independent Research and Analysis (INAIG), the Popular Research Center, and the Guatemalan Development Fund (FUNDESA) (Gobierno de Guatemala, 2014, p. 38). Of these organizations, the first two—ICEFI and Congreso Transparente—appear to have played the most central role. Congreso Transparente—a small NGO founded by law students and committed to making the legislative process more transparent—had previously served as OGP-IRM researchers. After providing their assessment of NAP1, Congreso Transparente's Angel Ramirez and Jorge Luis Rodas decided they would rather work with COPRET to improve OGP implementation during the second NAP cycle, rather than providing another impartial evaluation.<sup>409</sup> Congreso Transparente were criticized by Acción Ciudadana and ICEFI for their willingness to work with the Pérez Administration and specifically Vice President Baldetti. Ricardo Barrientos—a senior economist with ICEFI—believes that Congreso Transparente was “being used” to legitimize the

government.<sup>410</sup> For their part, Congreso Transparente's Ramirez and Rodas defend their decision to participate, drawing a distinction between their mistrust of Baldetti, and their willingness to support the Office of the Vice President to improve open government.<sup>411</sup>

In contrast, ICEFI, a regional NGO with deep fiscal and economic expertise and offices throughout Central America, was publicly critical of COPRET's exclusion of Acción Ciudadana, and of their lateness in planning NAP2. Indeed, a public invitation to learn about the government's proposed commitments did not appear in the *Prensa Libre* newspaper until May 2014, less than a month before the final plan was due to OGP (Gobierno de Guatemala, 2014, p. 10). Ricardo Barrientos, a senior economist at ICEFI, recalls that the first several NAP2 planning meetings were tense. Meetings were held in high-security government building. Civil society participants were not allowed to bring in cell phones or briefcases, video cameras were present in the meeting room, and the heat was running, despite warm temperatures outside. Although these conditions may simply have reflected the high security nature of the building, Barrientos suggests these were purposeful intimidation tactics on the part of the government.<sup>412</sup>

Ultimately, Congreso Transparente proposed 10 action plan commitments (eight were included) and ICEFI proposed 18 commitments.<sup>413</sup> Yet, while there was clearly an increase in civil society participation in NAP2, the final product also reflects ongoing disagreements between government and civil society as well. "En el caso de Guatemala la participación de la Sociedad Civil y Organizaciones no Gubernamentales para prevenir la corrupción es muy escasa (The participation of civil society and non-governmental organizations in the prevention of corruption is very scarce)," COPRET wrote. "Ya que cuando se ha requerido oficialmente aportes para fortalecer los mecanismos de prevención, las respuestas han sido mínimas y en otros casos nulas. Es importante que dichas organizaciones retomen su rol de 'asesores y propositivos'

y no solo de fiscalizadores como algunas de ellas lo han venido realizando (When their contributions have been officially requested to strengthen prevention mechanisms, response has been minimum and in other cases, non-existent. It is important that these organizations play their role as ‘advisors and proponents’ and not only as oversight entities, as some of them have been doing).” (Gobierno de Guatemala, 2014, p. 6). NAP2 also separates commitments into two groups: “conpromisos de gobierno” (“commitments by the government”) and “conpromisos *propuestos* por sociedad civil” (“commitments *proposed* by civil society”). According to Ricardo Barrientos, senior economist with ICEFI, COPRET Commissioner Taracena had promised to remove this distinction between government and civil society commitments (which seems to imply that they are to be treated differently) before submitting the final version to OGP. “She lied,” he said.<sup>414</sup> Perhaps more surprisingly, the OGP secretariat accepted the Action Plan with this distinction still intact. As a result, Barrientos reports that the government has essentially ignored its obligation to monitor implementation of the 26 commitments proposed by civil society.

COPRET also struggled to convince high-level government ministers to participate in the NAP2 planning process. Instead, Vice President Baldetti’s office sent letters to each minister, informing them of what they would be committed to do. None of them responded directly, sending subordinates who had little access to their superiors to the planning meetings. While civil society stakeholders are complimentary of COPRET staff’s work on the technical aspects of implementation, they also acknowledge that institutional coordination remains challenging, due to the lack of high-level support. Indeed, NAP2’s heavy emphasis on improving data systems reflects COPRET’s ongoing limitations in securing meaningful participation by other agencies. NAP2 lists only COPRET staff in its acknowledgements of public sector stakeholders who

participated in the drafting of the action plan (Gobierno de Guatemala, 2014, p. 38). Likewise, COPRET is identified as the agency directly responsible for implementation of 25 of the 46 commitments. In addition to COPRET, commitments were made on behalf of the Ministry of Public Finance, the National Statistics Institute, the Ministry of Public Health and Social Welfare, and the Tax and Customs Administration, but in many cases, OGP commitments simply require that these agencies enforce existing laws on access to information, public procurement, etc.

To implement NAP2, COPRET continued to maintain the three sector-specific working groups set up during NAP1, but they also set up the Open Government Technical Committee, where stakeholders from COPRET, civil society, and executive branch agencies meet to discuss implementation together once a month. In the latter half of 2014, during the early days of NAP2 implementation, executive branch ministries continued to send “characters” and “enemies of disclosure” to OGP implementation meetings, reported one civil society attendee, quoted on the condition of anonymity.<sup>415</sup> However in 2015, as the extent of the government’s corruption scandals became known, civil society stakeholders report that there was a notable shift towards more accommodation by COPRET and greater participation by executive agencies. Seeking to distance herself from Vice President Baldetti and the “La Línea” scandal, COPRET Commissioner Taracena sought to appease ICEFI, which had remained a vocal critic of how OGP was being run. In response, they demanded an open and publicized call for civil society participation in the initiative, and for all OGP materials, including meeting agendas and minutes, to be made public on the initiative’s national website (<http://gobiernoabierto.transparencia.gob.gt>). COPRET agreed to everything ICEFI asked for, except for the removal of the ban on Acción Ciudadana. Simultaneously, executive branch



agencies, many of which were also caught up in the various corruption scandals, also improved the quality their participation in OGP, with Ministers or Vice Ministers attending meetings, rather than their subordinates.<sup>416</sup>

Despite some improvements in multi-stakeholder collaboration over time, some important gaps remain. Although there are a handful of NAP2 commitments that require action on the part of the Guatemalan Congress, stakeholders report that legislative staff do not attend OGP meetings, and these commitments are essentially being ignored (despite COPRET's claim in their September 2015 self-assessment that these commitments have been fully implemented). Additionally, while ICEFI, Guate Civica, and Congreso Transparente remain invested in OGP, there has been little success in expanding civil society participation beyond these actors. For example, in the September 2015 OGP self-assessment, COPRET left the "Resultados de la Consulta Ciudadana (Citizen Consultation Results)" section blank (Gobierno de Guatemala, 2015, p. 5). Even the national IRM researchers had not heard of OGP before a Washington DC-based NGO asked them to get involved.<sup>417</sup> Given OGP's reputation under Baldetti as a "shield for corruption," it is perhaps unsurprising that civil society organizations would be skeptical of OGP as effective platform for achieving their goals. Finally, despite the fact that NAP2 commits Guatemala to procurement and tax reforms, as well as implementing CoST and EITI, there are no private sector actors currently participating in OGP.

#### 7.2.4 Assessing National Outcomes in Guatemala: A Slow Start

To date, OGP appears to have accomplished very little in Guatemala in terms of transparency or accountability. Of the 48 commitments in NAP2, only the commitment to publish tax exemptions online was evaluated by the IRM to be relevant to OGP values of transparency, participation, or accountability, to have the potential for transformative impact, and

to be making substantial progress towards completion. Even in this case, the tax exemptions website has yet to actually launch. Of the 14 commitments in NAP1, only the commitment to implement CoST was evaluated by the IRM to be relevant, potentially transformative, and substantially implemented. As discussed in Chapter 5.3, CoST has contributed to improvements in transparency—through the incorporation of the CoST Infrastructure Data Standard (CIDS) into Guatecompras—and participation—through the surprisingly durable multi-stakeholder group. Yet, it is unclear what, if any, contribution OGP made to CoST implementation. The two government agencies responsible for the greatest share of public procurement are the Ministry of Finance and the Ministry of Communications, Infrastructure, and Housing. These ministries appear to have played no role in crafting either OGP action plan, nor is it clear that influential representatives from either regularly attended OGP implementation meetings. Unlike the Citizen’s Participatory Audit or Bottom-Up Budgeting projects in the Philippines, there is no evidence that OGP commitment created greater political leverage for CoST in Guatemala, nor is there any evidence that OGP helped CoST to secure additional resources for its work. Rather, Guatecompras appears to be an example of an existing initiative where OGP provides little value-added.

While pro-forma civil society participation in OGP has certainly improved from the zero-level baseline set during the planning process for NAP1, there are troubling signs suggesting that civil society is far from an equal partner in OGP. First, COPRET’s decision to separate civil society commitments from government commitments in NAP2 sends a powerful signal, confirmed by stakeholders, that implementation and monitoring of government commitments takes precedence over commitments proposed by civil society. Second, COPRET’s banning of Acción Ciudadana and reluctance to open up the public consultation, while simultaneously

criticizing the willingness of civil society to contribute productively to national anti-corruption initiatives, suggests that there is still little room within the government for even moderately critical voices.

Finally, while the second IRM report does demonstrate some improvements in OGP implementation, Guatemala's recent demands for accountability in response to the rampant government corruption uncovered in the spring of 2015 have been made entirely outside the OGP framework. Indeed, while NAP2 has successfully delivered a variety of new and streamlined data portals and e-government services, the fact remains that it was not greater public access to government data that exposed the misdeeds of dozens high-ranking government officials, but a legal investigation conducted under the auspices of an international body (i.e., CICIG). Likewise, it was not multi-stakeholder meetings that ousted the President and Vice President, but good old fashioned street protests.

These facts suggest that OGP has not yet had a broader effect on government accountability. While the current OGP commitments may produce a wealth of new data, says Oscar Avalor of the World Bank, stakeholders need to "do something" with the data in order for OGP to be successful.<sup>418</sup> Some of the more ambitious commitments proposed by civil society that seek to strengthen internal audits, reform procurement processes, and create spaces for participatory budgeting could potentially drive improvements in government accountability if they are fully implemented (COPRET currently self-reports completion on participatory budgeting spaces, substantial progress on procurement reform, and limited progress on strengthening internal audits), although any such improvements would likely take a few years to become evident.

### 7.2.5 Evaluating Causal Mechanisms Shaping OGP Implementation in Guatemala

Thus far, OGP has achieved very little in Guatemala in terms of either transparency or accountability outcomes. Only two National Action Plan commitments—the implementation of CoST included in the first plan, and the pending publication of tax exemptions included in the second—were evaluated by the IRM to be potentially transformative and substantially implemented. However, since CoST implementation was already well underway prior to this commitment, there is little reason to believe OGP provided any added value in this case. And since the tax exemption data portal has yet to launch, no gains in transparency have occurred. While some commitments in the second National Action Plan resulted in the publication of datasets from ministries, these changes in practice were not encoded in formal laws or policies, leaving their continuance at the mercy of future government officials. A combination of smoking gun and straw-in-the-wind tests can be used to illuminate the most likely causal explanations for these poor outcomes (see Table 7.2).

Table 7.2. Results of causal inference tests for OGP in Guatemala

	<b><u>Robust Outcome</u></b>	<b><u>Weak Outcome</u></b>
<b><u>Causal Mechanism Activated</u></b>	N/A	<ul style="list-style-type: none"> <li>Smoking gun test demonstrates that regular, independent performance evaluation via the IRM, and strong civil society capacity on the part of ICEFI, Guate Cívica, and others, was insufficient to produce improvements in either transparency or accountability.</li> </ul>
<b><u>Causal Mechanism Not Activated</u></b>	N/A	<ul style="list-style-type: none"> <li>Straw in the wind test suggests that a lack of political support by the Pérez Administration resulted in poor multi-stakeholder power sharing and a lack of interest in OGP on the part of government agencies. Without adequate bureaucratic authority to compel participation by government agencies, COPRET was unable to fulfill any commitments that would have improved transparency or accountability.</li> </ul>

A straw in the wind test suggests that the roots of poor OGP implementation in Guatemala lie with the lack of political support for the initiative on the part of the Pérez

Administration. Pérez had inherited OGP from his predecessor, and there was never any indication the new administration was especially enthusiastic about the initiative. A newly established (and quickly declared unconstitutional) government agency (later, commission) oversaw OGP implementation, but possessed little bureaucratic authority to compel other government agencies to participate. Indeed, SECYT/COPRET could do little but go through the motions of producing a National Action Plan and collaborating with the IRM to ensure regular, independent performance evaluation. And since Vice President Baldetti limited civil society participation in the design and implementation of OGP action plans, highly skilled civil society organizations like ICEFI and Guate Cívica were only able to contribute to OGP implementation on the margins. Consequently, a smoking gun test demonstrates that neither regular, independent performance evaluation via the IRM, nor strong civil society capacity were sufficient to produce improvements in either transparency or accountability.

#### 7.2.6 The Future of the OGP in Guatemala

Following the 2015 political crisis, the recent election of a new president, the defunding of COPRET, and a weak track record of national outcomes, the future of OGP in Guatemala looks bleak. While the “La Línea” scandal exposed endemic levels of government corruption, OGP remains “out of the picture” in Guatemala, says Eduardo Núñez, Resident Director of the National Democratic Institute. To win the support of the people, says Núñez, the incoming government is likely to prioritize social development projects, including conditional transfers and subsidies for the poor. In the past, these types of programs have perpetuated the existing system of “clientelismo,” whereby politicians use their discretion in the distribution of public funds to strengthen and reward their political base. In essence, Guatemala is “formal democracy without a state.” Open government reforms are an anathema to “clientelismo,” because they reduce the

discretion politicians can wield in their use of public funds. Consequently, there is little incentive for politicians to support such reforms. “OGP is not in their vision.”<sup>419</sup>

Furthermore, even if incoming president Jimmy Morales were to look for ways to reassure both domestic and international audiences that his government is “ni corrupto, ni ladrón” (“neither corrupt nor a thief”), OGP may not be a particularly attractive option, due to its ties to Baldetti and COPRET, and its limited base of support within executive branch agencies, the legislature, the courts, or the comptroller general. Without COPRET to oversee implementation of the final year of NAP2, it is currently unclear which government office will provide the oversight necessary to complete the current action plan cycle.

For OGP to *survive* past the current action plan cycle, proponents would need to address two key issues simultaneously. First, high-level political support within the new Morales Administration will be necessary to enable the implementation of future action plans. Second, unless COPRET is reauthorized, a new home for the day-to-day management of the initiative will need to be found within the government. However, for the initiative to actually *thrive*, three additional issues would also need to be addressed. First, OGP may seek to provide additional guidance to national stakeholders on how to design action plan commitments that are specific, measurable, achievable, relevant, and time-bound. Second, public participation might be expanded beyond a few high-capacity NGOs to ensure that national OGP priorities reflect the interests of the citizenry. Third, OGP may seek to expand its political base within the government to the legislative and judicial branches, as well as to independent oversight offices. With the indictment of former President Molina, explains Eduardo Núñez of the National Democratic Institute, citizens are just beginning to trust the Attorney General and the courts as effective agents of accountability.<sup>420</sup> Without securing greater interest in implementing and

supporting strong OGP commitments by these offices, OGP's accountability goals are likely to remain out of reach.

### 7.3 OGP in Tanzania

Like Guatemala, Tanzania joined the OGP as part of the second cohort of countries, and submitted its first nation action plan at the annual OGP global summit in April 2012. The Kikwete government followed the OGP's rules for consultation with civil society, although there was minimal interest, apart from a few key organizations. The first National Action Plan was quite ambitious, containing 25 commitments, many of which were assessed to be both relevant to OGP values, and potentially transformative. However, implementation proved more difficult, with less than a third of commitments being substantially or completely implemented. A second, leaner action plan followed in 2014. However, civil society interest in OGP, never robust to begin with, continued to wane, due in large part to the government's efforts to limit freedom of speech leading up to the national election in October 2015. As of early 2016, none of the commitments found in the second action plan had been completed; suggesting OGP implementation may have stalled.

#### 7.3.1 Open Government in Tanzania

From its independence in 1961 until 1992, Tanzania was a single-party state, ruled first by the Tanganyika African National Union (TANU), which merged with the Afro-Shirazi Party (ASP) of semi-autonomous Zanzibar in 1977, to become the Chama Cha Mapinduzi (CCM; "Party of the Revolution"). CCM is the longest reigning ruling party in Africa (see O'Gorman, 2012). Indeed, since Tanzania's transformation into a multi-party democracy, CCM has retained its popularity, winning national elections in 1995, 2005, 2005, 2010, and 2015. Decades-long rule by a single party has created significant problems with public corruption. Since there are few

opportunities for government officials to advance outside of the party structure, loyalty to CCM is entrenched among aspiring politicians. Indeed, because party officials are able to exert control over who runs for office, the legislature usually approves the actions of the executive. Consequently, there are few meaningful checks on government officials' use of state resources. This lack of public accountability is further magnified at the local level, where record keeping practices are both opaque and inconsistent.

Since the advent of multi-party democracy (and under pressure from international donors), CCM has been forced to address public corruption as part of their electoral platform, leading to a handful of reforms. Following the election of Benjiman Mkapa in the first multi-party elections, a Leadership code of Ethics was established in 1995. A Presidential Commission of Inquiry Against Corruption was appointed in 1996. The resulting "Warioba report" led to the 2000 National Anti-Corruption Strategy and Action Plan (NACSAP), which strengthened the Prevention of Corruption Bureau (PCB) and established a Commission of Ethics, to which senior public officials would be required to disclose their incomes and assets (Concern for Development Initiatives in Africa, 2008, p. 19). In 1999, the Mkapa government also formulated the National Framework for Good Governance (NFGG) (i.e., United Republic of Tanzania, Steering Committee on Good Governance, President's Office, Planning Commission, 1999), which sets out a vision for broad-based partnerships between the central and local governments, the private sector, and faith-based and civil society organizations for the development of good governance. This framework led to a series of public sector reforms including the Public Service Reform Program (PSRP), the Local Government Reform Program (LGRP), the Legal Sector Reform Program (LSRP), and the Public Financial Management Reform Program (PFMRP). In 2001, the government strengthened the Commission for Human Right and Good Governance



(see United Republic of Tanzania, 2001, May 2), and established a Good Governance Coordination Unit (GGCU) (Concern for Development Initiatives in Africa, 2008, p. 19). In 2004, Tanzania joined the African Peer Review Mechanism (APRM), a regional multi-stakeholder initiative that promotes self-assessment of political, economic and corporate governance.

When Dr. Jakaya Kikwete was elected President in 2005, he promised to further intensify good governance reforms, stating, “My Government will be guided by good governance, transparency and accountability. We will respect the rule of law, and we will respect the principle of separation of powers between the Executive, the Legislature and the Judiciary” (Inauguration speech to Parliament, 2005, December 30, quoted in United Republic of Tanzania, 2012, p. 2). Under President Kikwete, the CCM government established a new Prevention and Combating Corruption Bureau (PCCB) and crafted a new National Anti-Corruption Strategy and Action Plan (NACSAP). The CCM also strengthened the Controller Auditor General (CAG) by passing a new law that governing its conduct, expanding its scope for conducting audits, and improving its access to resources. Kikwete, who had served as Minister of Foreign Affairs before being elected president, also had a talent for international relations, joining CoST in 2008 and EITI in 2009.

In September 2011, at the official launch meeting of the Open Government Partnership in New York, President Kikwete pledged that Tanzania would soon join the new initiative. Kikwete’s quick decision to join OGP can be attributed in large part to the efforts of Rakesh Rajani, one of the principal architects of OGP. Rajani was the head of Twaweza, a regional non-governmental organization working to improve access to information, citizen agency, and better service delivery in Tanzania, Kenya and Uganda. He also had ties to both the Hewlett

Foundation, one of the first donor organizations to provide financial support to OGP, and the International Budget Partnership, a founding partner organization. Not only did OGP's agenda complement the Kikwete Administration's ongoing efforts to demonstrate its seriousness in addressing corruption, but Rajani was already serving as civil society co-chair of the international OGP Steering Committee. So, in late 2011, OGP joined the long list of good governance initiatives already operating in Tanzania, including the APRM, CoST, EITI, the Tackling Corruption Project, Deeping Democracy in Tanzania, the Millennium Challenge Account Project, the National Governance and Corruption Survey, the Ethics Accountability and Transparency Project, and the Accountability, Transparency, and Integrity Project (ATIP) (Concern for Development Initiatives in Africa, 2008, p. 37).

Despite this veritable army of initiatives, stakeholders report that Tanzania still faces serious deficits in government transparency and accountability. According to Tanzanian human rights lawyer Clarence Kipobota, almost all laws and government planning documents are written in English, despite the fact that 90% of the population does not speak English (i.e., only 4 million English-speakers in a country of 37 million; Crystal, 2003, p. 109).<sup>421</sup> Moreover, according to an anonymous, Tanzania-based employee of an international development organization that works on social justice issues, draft versions of bills and even constitutional amendments are often not made public, so citizens are often forced to rely on unofficial reports or drafts.<sup>422</sup> Finally, the quality of government data is often quite poor, especially at the local level. While efforts to strengthen the Controller Auditor General (CAG) have resulted in new reports that uncover misuse of public funds, human rights lawyer Kipobota explained that the office has inadequate legal authority to actually prosecute those responsible for these actions.<sup>423</sup>

Nevertheless, Tanzania met the minimum eligibility requirements to join OGP. The government released both an Executive Budget Proposal and an Audit Report, receiving 4 points for Fiscal Transparency. Tanzania received 3 points each for Access to Information and Citizen Engagement. Although the Tanzanian Constitution guarantees the right to information, there is no Freedom of Information law currently in place. The Economist Intelligence Unit evaluated Tanzania's civil liberties as reflective of a "hybrid regime," with both democratic and authoritarian features (Economist Intelligence Unit, 2010, p. 5). Finally, Tanzania only received 2 points for Asset Disclosure. Although a law requiring public officials to disclose assets was passed during the Mkapa era, this law only applies to members of parliament. While information is collected about the assets of other high-ranking public officials, this information is not made public (Tepani, 2013, p. 12).

### 7.3.2 OGP under the Kikwete Administration, 2012-2015

Tanzania was the first African country to join OGP. Implementation was placed under the auspices of the State House (i.e., the President's Office), in the Good Governance Coordination Unit (GGCU). In late 2011, GGCU officials began drafting the first National Action Plan (NAP1), soliciting input from executive branch ministries and civil society organizations (see next section). The plan was officially submitted at the first OGP global summit in April 2012. Simultaneously, the Kikwete government joined the OGP's international steering committee, giving Tanzania a second voice (along with Twaweza) in the international governance of the initiative (see OGP Steering Committee, 2012, April 16).

Nation Action Plan 1 (i.e., United Republic of Tanzania, 2012) contained a broad array of commitments—25 in total—to be implemented in three priority sectors: Health, Education and Water. Eleven commitments seek to improve transparency in these sectors, including medical

supply orders (1ii), grants to local governments (1v), tax exemptions (1viii), and donor funding (1ix). Additional transparency commitments included the publication of a citizen’s budget (1iv), publication of local government budgets (1vii), studying best practices for a Freedom of Information law (1x) and a dashboard showing progress on all OGP commitments (1xi). Four commitments seek to improve citizen participation through improvements to the wananchi (citizen) web portal (<http://wananchi.go.tz/>) (2i), as well by establishing an official government point of contact for OGP (2iv) and holding open forums on OGP commitments (2iii). Five commitments seek to improve accountability and integrity in these sectors, by setting up a National Audit Office website (3i), improving existing client service charters (3ii) and complaint mechanisms (3iii), and passing new reforms expanding public disclosure of assets (3v). Finally, five commitments seek to improve the use of technology and innovation in open governance by setting up web sites for local water source data mapping (4i) and examining the feasibility of a “Nifanyeje” (“How Do I?”) website where citizens can get practical information of how to access government services (e.g. scholarships, water or electricity services, drivers license, business license, passports), and what to do if they are unable to secure the service in the required time (4iii) (see Appendix Y).

An OGP Steering Committee, chaired by the Deputy Permanent Secretary of the State House (i.e., the Office of the President) Good Governance Coordination Unit (GGCU), oversaw implementation of NAP1. Members of the Steering Committee included the Prime Minister’s Office, the Ministry of Finance, the Ministry of Water, the Ministry of Education and Vocational Training, the Ministry of Health and Social Welfare, the Prime Minister’s Office for Regional Administration and Local Governments (PMORALG; responsible for ensuring that district, municipal, and city councils comply with OGP commitments at the local level), Wakala ya

Serikali Mtandao (an e-Government agency), and two civil society organizations, Twaweza and Research on Poverty in Africa (REPOA). GGCU coordinator Sue Mlawi appointed Mathias Chitunchi to be the contact point for OGP in Tanzania, but no technical secretariat was established to support the work. Instead, the Steering Committee, which met monthly in Dar es Salaam, was responsible for overseeing implementation (Tepani, 2013, p. 3). As the implementation got underway, Tanzania continued to make OGP headlines. In October 2013 at the OGP summit in London, in a public, on-stage dialogue with Rakesh Rajani, President Kikwete pledged to pass a freedom of information bill “by next year” (see [freedominfo.org](http://freedominfo.org), 2015, April 2).

NAP1 is particularly notable for its ambition. Twenty-one commitments in NAP1 were later evaluated by the OGP’s Independent Reporting Mechanism (IRM) as clearly relevant to OGP values, and over 60% of commitments were evaluated as having the potential for moderate (9 commitments) or transformative (7 commitments) impacts (Tepani, 2013, p. 3). Yet, implementation would prove much more challenging. In late 2013, the IRM concluded that only seven commitments had been substantially or completely implemented. Of these seven, only three were assessed to have the potential for moderate impacts (i.e., the OGP dashboard, open forums to discuss OGP commitments, and the water mapping project) and two were assessed to have the potential for transformative impacts (i.e., the Nifanyeje “How do I?” website, and the publication of datasets and tools from the health, education, and water ministries) (Tepani, 2013, pp. 4-9).<sup>424</sup>

The IRM also identified a number of missed opportunities in the implementation of NAP1. Only limited progress was made on the publication of medical supply orders, revising the allocation formula for grants to local governments, reviewing best practices for a future Freedom

of Information Law, setting up a National Audit Office web site, or improving client service charters and complaint mechanisms in the water, health, and education ministries. Ten commitments, including seven that were assessed to have the potential for moderate or transformative impacts, had made unclear progress or were not started at all, including improving the wananchi (citizen) web portal (<http://wananchi.go.tz/>), publication of local government budgets, publication of tax exemptions and donor funding, and reforms to the asset disclosure law (Tepani, 2013, pp. 4-9).

National IRM researcher Ngunga Tepani expressed surprise at the limited implementation of NAP1. Tepani—who is also the Executive Director of the Tanzanian Association of Non-Governmental Organizations (TANGO)—found that there was little information sharing or coordination among government agencies. There was also notable variation across agencies in terms of their commitment, capacity, and funding to carry out OGP commitments (e.g., some commitments came with external funding, but others did not). Finally, there were also limited resources available for raising awareness about OGP.<sup>425</sup>

“The inclusion of 25 commitments in the government’s OGP action plan was overly ambitious and few of these commitments were completed” Tepani wrote in his report, “the next action plan should be a lean one with fewer than eight robust, indicative, and time-bound commitments” (2013, p. 10).

The government heeded this advice in their development of the second National Action Plan (i.e., United Republic of Tanzania, 2014), which contains only five commitments, divided into 16 more specific actions/activities, several of which had explicit timetables for implementation (see Appendix Y). First, unlike NAP1, which merely committed the government to explore Freedom of Information laws, NAP2 committed the government to enact Access to

Information legislation by December 2014. Second, NAP2 also committed the government to establish a user-friendly, interactive open data portal (<http://opendata.go.tz>) and publish key education, health, and water sector data sets. Third, NAP2 committed the government to the regular and timely publication of eight key budget reports, parliamentary audit committee reports, and all tax exemptions by December 2014. Fourth, land rights remain a highly contentious issue in Tanzania. According to an anonymous Tanzania-based employee of an international development organization that works on social justice issues in the extractive sector, citizens have been imprisoned for refusing to vacate land that has been sold out from underneath them.<sup>426</sup> NAP2 committed the government to publishing information about areas flagged for large-scale agricultural investment, publishing all land-use plans, and building a searchable land ownership database online by June 2016. Finally, NAP2 committed the government to fulfill its EITI commitments by December 2015, specifically, the publication of all Mining Development Agreements from 2014 forward and the publication of all areas flagged for mining (United Republic of Tanzania, 2014, pp. 4-7). To implement these commitments, the Ministry of Energy and Mining and the Ministry of Land and Human Settlements Development joined the OGP steering committee. While a number of these projects were already underway, additional commitment via OGP has helped to speed up projects that were stuck, according to an anonymous Kikwete Administration official familiar with OGP implementation by the Good Governance Coordinating Unit (GGCU).<sup>427</sup>

In June 2014, NAP2 was accepted by the OGP international secretariat, and in September, the Kikwete government assumed a one-year position as government co-chair of the international OGP Steering Committee (OGP Steering Committee, 2014, September 25). Yet, as of March 2016, the IRM's preliminary findings suggest that Tanzania's second National Action

Plan largely remains unimplemented. While all five commitments were evaluated as relevant to OGP values, only the commitment to pass an Access to Information law was assessed as having potentially transformative impacts. None of the five commitments were evaluated to have been substantially or completely implemented (Tepani, 2016, p. 2).

Despite the IRM's assessment that OGP implementation in Tanzania has essentially stalled, the Kikwete Administration has reaped significant reputational benefits from OGP participation. On April 24, 2015, Secretary of State John Kerry stated that, "Tanzania is model in the region of good governance, democratic ideals and individual freedoms." The UK Department for International Development (DFID) and the World Bank have already donated nearly USD \$4.8 million to the Tanzanian government for OGP implementation, and in June 2015, the World Bank approved \$100 million in funding for a program called the Open Government and Public Financial Management Development Policy Operation (OGPFM), which seeks to increase transparency and accountability in governance and to help improve public financial management (Sperber, 2015, June 18; World Bank, 2015, June 23).

Yet, recent events in Tanzania paint a very different picture of the country's progress towards open governance since joining OGP. In 2013, investigative journalists revealed that millions of dollars had been stashed away in secret Swiss bank accounts allegedly held by senior Tanzanian government officials (Tepani, 2013, p. 71; see also Mbashiru, 2015, March 13). In 2014, four high-ranking Kikwete Administration officials and three Parliamentary committee chairs were forced to resign when Tanzania's public accounts committee (PAC) revealed that senior officials authorized US \$180 million in fraudulent payments to offshore bank accounts under the guise of energy contracts (see Kabendera, 2015, January 28).



Indeed, while corruption continues to make headlines, freedom of the press is increasingly under attack. In 2012, Tanzanian police killed journalist Daudi Mwangosi while he was covering a political rally in Mufindi. The police were dispersing supporters of the Chadema party, due to a ban on all demonstrations and rallies, when Mwangosi was killed (see Article 19, 2012, September 4). In 2013, two daily newspapers—*Mwananchi* and *Mtanzania*—were banned when they attempted to disclose contents of a salary scale for senior public officials (Tepani, 2013, p. 71). A third, *The East African*, was banned in 2015 after it published a cartoon lampooning President Kikwete (see Washington Post Editorial Board, 2015, May 16). These actions were possible due to the Newspapers Act of 1976 (i.e., United Republic of Tanzania, 1976, April 3), which gives the government the authority to ban newspapers at will. A similar law, the 1993 Broadcasting Services Act (i.e., United Republic of Tanzania, 1993, June 11), also give the government the authority to close down television and radio stations at will—an action that some Tanzanians believe was taken during the 2013 gas riots in Mtwara (Tepani, 2013, p. 72; see also, the Guardian on Sunday, 2013, June 30). In total, Freedom House (2014) identifies 17 laws that hamper the ability of the media to report freely in Tanzania.

Were OGP having its intended effect on public participation and government accountability, one might expect the proposal of new laws that do more to protect freedom of expression. However, the opposite is actually taking place. In 2015, two laws were passed that critics argue will further limit free speech. The Cybercrime Act (i.e., United Republic of Tanzania, 2015, April 25b) empowers the government to arrest citizens for publishing information deemed “defamatory,” likely to “disturb the public peace,” or “misleading or inaccurate” in print and online. Violators found to have posted or e-mailed “unsolicited” information face fines and at least six months of jail time (see Attiah, 2015, May 15). While the

government argues that this bill is designed to fight cyber-bullying, pyramid schemes, and xenophobic content on the widely used Jamii Forums (<http://www.jamiiforums.com>) and cut down on spam, critics worried that the broad language of the bill would be used to stifle political dissent, especially during the months leading up to the 2015 national election (see Washington Post Editorial Board, 2015, November 8).

Similarly, the Statistics Act (i.e., United Republic of Tanzania, 2015, April 25a) states that “any communication media, (magazines, newspapers, websites, or radio, for example) which publishes false or misleading statistical information” could be punished with a fine of “not less than 10 million shillings [about \$5000]...imprisonment of not less than twelve months, or both” (see Attiah, 2015, May 15). While the government has tried to clarify that the Statistics Act does not prevent civil society from publishing their own statistics, critics worry that the harsh penalties will suppress the discussion of facts and figures that are not expressly authorized by the National Statistics Bureau (see Sperber, 2015, June 18). “It is hard to see how any serious policy debate can take place when anyone on the losing side of an argument risks spending 12 months in a prison cell,” wrote Aidan Eyakuze and Ben Taylor of Twaweza (2015, April 2). Even national IRM researcher Ngunga Tepani acknowledged that he doesn’t feel safe tweeting about his findings until the law is clarified or amended.<sup>428</sup>

Both the Cybercrime and Statistics Acts were passed through the National Assembly using procedures that limited the opportunity for public debate. In both cases, the final versions of the bills were not posted online, so analysts were forced to debate the merits and risks of older drafts (in the case of the Statistics Bill, the draft was from 2013). Furthermore, under regular Tanzanian parliamentary procedures, a bill is first read without debate and then a second reading with time allotted for debate is scheduled for a number of weeks later. The gap between the first

and second reading allows the responsible committee time to consult with the public and analyze the bill. However, both of these bills were passed with certificate of urgency, which compresses this process into a single session (see Carlitz & Weghorst, 2015, April 15). In the case of the Cybercrime bill, it was also passed in the middle of the night (see Attiah, 2015, May 15).

Two additional bills, the Media Services bill, and the long-awaited Access to Information bill, have been put on hold, following objections by civil society and the Media that final versions were not available online, and that both bills were going to be pushed through the legislature using certificates of urgency (see [freedominfo.org](http://freedominfo.org), 2015, April 2). “It does not look good when a bill designed to make information more accessible is itself not accessible,” wrote Twaweza’s Eyakuze and Taylor (2015, April 2). The Media Services bill would have required journalists and newspapers to obtain licenses from the government in order to operate, and would set penalties of \$10,000 or five years in prison, or both, for journalists who publishes any statement deemed threatening to the interests of defense, public safety, or public order. The Access of Information law would have allowed government institutions to maintain significant discretion over what information they make public (i.e., based on whether the information holders believe the release of the information to be in the public interest). The bill would have also prevented journalists and CSOs from publishing information that they receive as a result of ATI requests. In other words, journalists would be allowed to access government information, but if they publish that information, they would risk going to jail (see Freedom at Issue, 2015, July 21). While these two bills have failed to pass thus far, the Freedom of Information Coalition in Tanzania identifies 40 existing laws that counter or contradict open government principles (Tepani, 2013, p. 71).

Despite compelling evidence that the ruling CCM government was working to undermine open government principles, Tanzania was selected to host the OGP's second Africa regional meeting in May 2015. African civil society organizations, gathered in Dar es Salaam for the meeting, called on the Government of Tanzania to "revisit recent legislation on Statistics, Cybercrime, Access to Information and Media Services, to ensure that space for open public debate, including room for dissenting voices, is robustly protected" (Open Government Partnership, 2015, May 19). For his part, President Kikwete downplayed concerns over the bills in his opening address (transcribed by Taylor, 2015, May 20), stating, "If someone says there is no freedom of speech in this country, they are being over-critical. We are very free." However, he added that "Freedom must have limits, otherwise this country will get into trouble." "Bad laws can be corrected." Kikwete allowed, "Even the Stats and Cyber Crime Bills...Bring your suggestions. We are ready to discuss." However, civil society officials, speaking during a breakout session later that same day, reported that they had already provided suggestions for improving the bills, and had been ignored.<sup>429</sup>

On October 25, 2015, John Magufuli, who served as Minister of Works during the Kikwete Administration, defeated opposition candidate and former Prime Minister Edward Lowassa in Tanzania's most closely contested presidential election in decades (see Washington Post Editorial Board, 2015, November 8). Fears that the Cybercrime Act would be used to stifle political dissent during the lead up to the 2015 election appear to have been well founded. In October, at least four citizens were arrested for publishing false or insulting information about public officials (see Sauwa, 2015, October 14; and Tanzania Daily News, 2015, October 26). During the election, 38 people were reportedly detained at an exit polling station for the Chadema opposition party. Eight staff members were ultimately arrested and charged with

publishing inaccurate and unverified data on Facebook, Twitter, and their own internal election management system (see Lynch, 2015, October 29).

The arrest of opposition party members during the 2015 election has resulted in new scrutiny from international donors. In December 2015, the US Millennium Challenge Corporation (MCC) deferred a vote on Tanzania's eligibility to receive US \$472 million in development funding in 2016, citing “governance concerns.” "The use of the Cybercrimes Act of 2015 during the elections to arrest individuals accredited by the National Electoral Commission inhibited fundamental freedoms of expression and association," said US ambassador to Tanzania Mark Childress in a statement sent to the media following the MCC ruling (see The Citizen, 2015, December 19).

### 7.3.3 Multi-stakeholder Governance of OGP in Tanzania

While the Kikwete government has followed the majority of OGP's official rules for consultation with civil society, stakeholders of all stripes agree that public outreach was weak and civil society has played a relatively minor role in the design and implementation of the first and second National Action Plans. The Good Governance Coordination Unit (GGCU) created the first draft the NAP1 and allowed 45 days for civil society organizations and the general public to comment on the draft, which was posted online. GGCU raised awareness about the OGP action plan consultation period through a series of television programs, called Chagamoto, as well via radio and newspapers. However, neither the notice of consultation, nor the plan itself, was published in Kiswahili, the language used by most Tanzanians (Tepani, 2013, p. 15).

In addition to the general call for public comment, GGCU invited a handful of civil society organizations—Twaweza, Research on Poverty in Africa (REPOA), the Foundation for Civil Society, the Media Council of Tanzania, and the Policy Forum—to provide input on the

National Action Plan during a series of in-person meetings. (An employee working for a Tanzanian human rights organization, who was interviewed under the condition of anonymity, believes that the wrong CSOs were asked to participate in OGP. Twaweza has access to money, but no actual constituency, he said. REPOA is a research institute, not an advocacy organization, and Policy Forum is “pro-CCM.”<sup>430</sup>)

According to the IRM’s report on NAP1 implementation, civil society organizations felt that their suggestions for commitments were either ignored, or largely diluted, in the final action plan. For example, civil society organizations had suggested specific timetables for certain outputs and actions, most notably for the Freedom of Information and Asset Disclosure Bills. However, the government removed these timetables from the final draft (Tepani, 2013, p. 15). Additionally, the IRM noted that about half of the NAP1 commitments were “supply side” projects, intended to reform internal government processes for the discretionary provision of information, rather than “demand driven” or “user-focused” projects that would make the government more responsive to citizens (Tepani, 2013, p. 72).

During the implementation phase for NAP1, GGCU set up an OGP steering committee to monitor progress on the 25 commitments. The GGCU serves as the permanent chair of the steering committee. In addition to the GGCU, representatives from a core group of government offices, including the Ministries of Finance, the Prime Minister’s Office, and the e-Government agency attended these meetings, along with representatives from Ministries responsible for implementing specific commitments (i.e., the Ministry of Water and the Ministry of Education). Neither the National Assembly nor the Controller Auditor General (CAG) participated in OGP. Although steering committee meetings were held once a month, the IRM reports that “government officials’ level and seriousness of face-to-face participation in the steering

committee waned with each passing meeting.” Indeed, one of the IRM’s interview participants described the spirit of these steering committee meetings as “more of a ‘rubber stamping’ exercise than a ‘change-driven’ opportunity for the government to widen and fast-track governance reforms in the country” (Tepani, 2013, p. 16). Although the Steering Committee has a mandate to monitor progress on OGP commitments, it has very little political clout to actually compel or improve their implementation.

Civil society participation also started to wane during NAP1 implementation. Of the five civil society organizations that had been consulted during the NAP1 design phase, only two, Twaweza and REPOA, attended steering committee meetings (Tepani, 2013, p. 74). (According to an anonymous REPOA employee, Policy Forum withdrew from OGP due to poor relations with Rakesh Rajani, Twaweza head and OGP international steering committee civil society chair.<sup>431</sup> Rajani started Policy Forum before leaving the organization to start Twaweza). CSOs were not given any responsibilities during the implementation phase, because, as one anonymous Kikwete Administration official explained, “we are the ones that will be held accountable.”<sup>432</sup> Another reason for limited CSO participation may have been that multi-stakeholder forums, put in place as part of the National Framework for Good Governance (NFGG), were already operating at the ministerial level. OGP commitments were regularly included on the agenda at these ministerial meetings, according to civil society stakeholders interviewed by IRM researcher Tepani.<sup>433</sup> An employee working for a Tanzanian human rights organization interviewed under the condition of anonymity agrees, calling the government/CSO dialogues at the ministerial level “very positive.”<sup>434</sup> Nevertheless, the government has not made any agendas or meeting notes—either from the OGP steering committee or for these ministerial-level meetings—available online.

The quality of multi-stakeholder participation in OGP continued to wane as the first National Action Plan cycle came to a close. Stakeholders interviewed by the IRM reported that the GGCU sent them progress assessment surveys only a few days before they released the OGP-mandated self-assessment report on October 4, 2013. Additionally, the survey asked for feedback on the level of implementation of OGP commitments *as a whole*, rather than asking about progress on individual commitments, suggesting the feedback was unlikely to be used to make any refinements or improvements. The self-assessment report was never made available in Kiswahili, or even in English, on the national OGP webpage. Ultimately, the IRM concluded that: “the OGP action planning exercise would benefit from greater involvement of non-state actors, particularly civil society organizations. The government should constantly call for dialogue with these organizations and proactively seek ways for them to enrich the action planning process” (Tepani, 2013, p. 72).

A Kikwete Administration official familiar with OGP implementation by the GGCU reported that 70 civil society organizations were invited to discuss the second National Action Plan.<sup>435</sup> Despite these efforts, however, fewer CSOs are attending Steering Committee meetings now, than attended during the NAP1 cycle. Due to frustrations over irregular meeting schedules (held at the convenience of the GGCU chair) and a lack of adequate notification (often given a week before the meeting), REPOA chose not to participate in the NAP2 planning process, leaving Twaweza as the sole civil society organization to regularly attend OGP Steering Committee meetings.<sup>436</sup> Recently released reports (i.e., Tepani, 2016, p. 12; Jingu & John, 2016, p. 13) suggest that the Tanganyika Law Society (TLS) and the Foundation for Civil Society (FCS) organizations funded by OGP funders, and invited to participate by Twaweza—are also



technically members of the Steering Committee, although the government has not released an official list of Steering Committee members (see Appendix Z).

Unlike Tanzania's EITI chapter, which has a reputation for facilitating participation by non-governmental actors, OGP is considered by some civil society observers to be a government initiative, run entirely within the State House.<sup>437</sup> There are no rules preventing the OGP Steering Committee from meeting without civil society members in attendance, nor are civil society members given the opportunity to review all steering committee materials.<sup>438</sup> Despite new commitments to both extractive industry and land transparency in NAP2, CSOs with expertise in these areas were not consulted.<sup>439</sup>

For their part, the GGCU does not see it as their responsibility to encourage greater civil society participation in OGP steering committee meetings. "Our role is to coordinate and gather information," explained Sue Mlawi, OGP steering committee chair, during a breakout session on permanent multi-stakeholder consultation forums during the OGP Africa regional meeting. "We deal with an advocacy organization that represents CSOs [i.e., Twaweza]," Mlawi added.<sup>440</sup> Nevertheless, GGCU is attempting to recruit new civil society participants, with the help of Twaweza.<sup>441</sup>

A GGCU official explained that CSO participation is valuable because it reduces public pressure on the government (i.e., fewer public demonstrations of dissatisfaction take place). Nonetheless, this official expressed skepticism that many CSOs would be interested in the OGP's work, because most prefer to take donor money to focus on human rights, politics, and the constitution, instead of working on issues that really matter to regular citizens, like improved service delivery.<sup>442</sup> This statement provides support to the argument offered by John Jingu, a Lecturer in Political Science and Public Administration at University of Dar Es Salaam, that the

government is skeptical of CSOs because they are perceived to represent foreign agents or opposition political parties.<sup>443</sup> While it is true that CSOs often align with opposition parties because the latter tend to be more invested in government transparency and accountability, any criticism of the government by CSOs is automatically perceived as political, explains an anonymous REPOA staff member.<sup>444</sup>

According to Clarence Kipobota, a human rights lawyer based just outside Dar es Salaam, the Tanzanian government does not believe that most civil society organizations credibly represent the public, so it has “stopped listening to them.”<sup>445</sup> Another reason for this, says Kipobota, is that a number of influential CSOs have collapsed in recent years, due to corruption uncovered in their administration of development projects. With ties to both the US and Tanzanian governments, Twaweza was well positioned to step into this void and oversee implementation of a number of projects originally slated to be contracted out to smaller CSOs. As Tanzanian civil society organizations competing for increasingly scarce donor dollars following the Great Recession, solidarity among them has decreased.<sup>446</sup> This may help to explain why some organizations have responded negatively to Twaweza’s growing strength.

Indeed, based on 14 stakeholder interviews and participant observation, Twaweza’s reputation does appear to be more positive within the government than among other Tanzania civil society organizations. While hardly ideal with regard to inclusiveness, the government prefers dealing with a unitary representative of civil society. During the OGP Africa Regional Meeting, Dr. Elisante Ole Gabriel, Deputy Permanent Secretary for the Ministry of Information, Culture and Sports, said that CSO heterogeneity makes the government “worried.” The government “respects Aidan [Eyakuze] of Twaweza,” Dr. Gabriel said, pointing out that he was even allowed to sit on the stage during the opening plenary (“taking the place of an important

minister”).<sup>447</sup> Among some civil society groups, however, Twaweza is perceived as being “too close” to the government. For example, an employee working for a Tanzanian human rights organization, interviewed under the condition of anonymity, believes that Rakesh Rajani, the former head of Twaweza, actually wrote the first National Action Plan for the government, and did so without consulting other civil society groups. He believes that Twaweza has gained power over their network of smaller CSOs because they administer a number of DFID grants.<sup>448 449</sup>

Observations from the civil society meeting held prior to the OGP Africa regional meeting provides additional evidence that civil society participation in OGP is divided between insiders (Twaweza) and outsiders (everyone else). A number of Twaweza-affiliated CSOs that attended the meeting seemed to have no idea what OGP was. Representatives from several organizations explained that they were attending the OGP meeting simply because Twaweza—a notable partner and, in many cases, an important funder—asked them to. In fact, the signs posted on the Julius Nyerere International Convention Center doors during the civil society meeting prior to the official start of the meeting did not read “Open Government Partnership,” they read “Twaweza.” Furthermore, while Twaweza sought to use the meeting to organize regional coordination and cross-country strategies for engaging with OGP (i.e., peer-learning), other CSOs seemed more interested in broadening within-country coordination on the OGP agenda.<sup>450</sup>

Despite their perceived close ties to the government, Twaweza publicly disapproved of the government’s passage of the Statistics and Cybercrime Acts, going as far as to hold a breakout session called “Civic space: When is enough, enough?”—about the pros and cons of withdrawing from the OGP (i.e., “how valuable is a seat at the table?”)—during the civil society meeting held just prior to the OGP Africa regional meeting in May 2015.<sup>451</sup> Later that day, Twaweza joined with other African CSOs present at the meeting to issue a statement noting “a

disturbing trend towards the closing of civic space in Africa, including restrictions on basic freedoms, access to information and the overall enabling environment for civil society” (Open Government Partnership, 2015, May 19). Although Twaweza staff attempted to encourage input by other Tanzanian CSOs gathered for the meeting, the statement appears to have been largely the work of Twaweza and OGP Africa civil society coordinator Mukelani Dimba.<sup>452</sup>

In his remarks during the OGP meeting’s opening session, Twaweza executive director Aidan Eyakuze explicitly noted the tension between OGP principles and the government’s recent actions, and called on President Kikwete to reconcile the two:

The OGP is not a perfect movement or process, and it is not without its critics. For some it is a smokescreen that provides good PR for governments who have no real intention to reform. Such criticism cannot be dismissed out of hand...And yet, Your Excellency, this moment also presents the perfect opportunity for the OGP, and for the Tanzanian government, to demonstrate true partnership in practice. Your government can turn this around, invite civil society to bring their ideas, and make amendments to the bills that would protect space for public engagement, debate and freedom of expression...So, is the Open Government Partnership a smokescreen, a charade, a game of “let’s pretend”?

President Kikwete’s own remarks gave little indication that multi-stakeholder collaboration would improve any time soon. The president accused civil society of promoting an accountability double standard, arguing that civil society organizations themselves need to be more transparent about how their funding is spent. “There are NGO leaders driving 4-wheel drives [i.e., Range Rovers] while the intended beneficiaries—citizens—get nothing.” He also chastised donor organizations for trying to unduly influence the government, saying “the government also wants respect. If [donors] are aggressive, [the relationship] will be aggressive. If you say ‘no more aid’, we’ll say ‘keep it.’”

Indeed, the government’s defensiveness regarding outside criticism was evident throughout the 2015 OGP Africa regional meeting. During a breakout session on Right of Access to Information, Assah Mwambene, Director of Information Services, chastised civil society

organizations for criticizing the Statistics and Cybercrime bills in the media, rather than providing targeted suggestions for improvement in private. He also defended the Kikwete Administration's record of holding discussions with both civil society and the private sector, arguing that such discussions fall apart due to the actions of non-governmental actors. Dr. Elisante Ole Gabriel, Deputy Permanent Secretary for the Ministry of Information, Culture & Sports, agreed, adding that civil society is a "junior partner" in OGP, and needs to work harder to preserve the trust of the government, "it's not just what you say, but how you say it."<sup>453</sup> Aidan Eyakuze responded that Twaweza did provide constructive criticism of the bills to the government in private, but agreed that perhaps the conversation did not need to happen in public (i.e., through press releases). In private, however, civil society stakeholders were less easily cowed, arguing that the government's lack of responsiveness to private criticism of the bills made going to the media with their concerns the only option left.

The following day, during a breakout session on civil society-government collaboration in OGP, attendees from civil society attempted to raise questions about the pending Access to Information Bill, but Sue Mlawi, GGCU coordinator and the chair of the OGP steering committee, chose not to address the issue, stating "now is not the time to be discussing transparency bills."<sup>454</sup> Indeed, after the two-day meeting had concluded, Amani Mhinda, executive director of the Tanzania NGO Haki Madini (Mineral Rights) observed that National Action Plan commitments had not been discussed, or even distributed, during the OGP meeting.<sup>455</sup>

Steering committee meetings monitoring the implementation of NAP2 have continued semi-regularly throughout 2014 and 2015. While core government agencies still attend steering committee meetings, along with representatives from ministries responsible for implementing

specific commitments like EITI, there are several signs that the initiative is failing to encourage participation by non-government actors. First, NAP2 is still not available in Kiswahili.<sup>456</sup> Second, while the government maintains an internal dashboard showing progress on OGP commitments, it is no longer shared with the public (essentially reversing the progress made on NAP1 Commitment 1i).

Third, civil society stakeholders, apart from Twaweza, have essentially given up on OGP. Tanzanian human rights lawyer Clarence Kipobota believes that OGP implementation has been a failure.<sup>457</sup> Silas Olan’g, East and Southern Africa/Tanzania Manager for the Natural Resource Governance Institute (NRGI) believes that OGP, unlike EITI, does not create meaningful dialogue between stakeholders.<sup>458</sup> Amani Mhinda of Haki Madini and an anonymous employee working for a Tanzanian human rights organization both agree, suggesting that OGP’s position within the State House makes it difficult to open up consultation or implementation to CSOs or the private sector.<sup>459</sup> Mhinda adds that he was surprised by how much bureaucracy exists for its own stake in OGP.<sup>460</sup> “OGP has not changed anything,” agrees Kipobota. Instead, Tanzania is being “suffocated” by the demands of international initiatives.<sup>461</sup>

Other OGP stakeholders also acknowledge that civil society interest in the initiative has waned. An anonymous Kikwete Administration familiar with OGP implementation confirmed that no CSOs have ever contacted the Steering Committee to get involved.<sup>462</sup> Ngugna Tepani, IRM researcher and Executive Director of the Tanzanian Association of NGOs (TANGO), agrees that CSOs have been “too passive.”<sup>463</sup> Finally, a World Bank official attending the OGP regional meeting remarked that civil society is “not using its seat at the table.”<sup>464</sup>

#### 7.3.4 Assessing National Outcomes in Tanzania: Limited Gains

OGP commitments in Tanzania contributed to a number of limited, sector-specific gains in government transparency, however, these gains risk being reversed without a strong Access to Information law that guarantees citizens the right to access and publish government data without fear of harassment. OGP has not contributed to meaningful improvements in civic participation. In fact, CSO participation in OGP actually appears to have decreased over time. Finally, while some OGP commitments may have produced one-time improvements in public accountability, the overall political landscape appears to be shifting in the opposite direction, towards greater government discretion over information disclosure and significant reductions in civic space.

OGP's contributions to greater government transparency in Tanzania have been largely sector-specific. In 2013, the IRM determined that the government had successfully implemented a local water source mapping project, revealing that about 62% of more than 74,000 community water points were currently functional (Tepani, 2013, pp. 60-61). The government also published a variety of disaggregated data sets from the health and education ministries, although the IRM found that only some of this data was machine-readable (p. 62-63). Finally, the government also launched an OGP dashboard (<http://www.ega.go.tz/ogp>), to track progress on the implementation of OGP commitments. However, this web site is no longer active. The government's "current" OGP web page (<http://www.opengov.go.tz/>) still lists the commitments from the first NAP and has not been updated at all since June 2015. Several sections, including the dashboard, appear never to have been completed. Not only does this outcome suggest that some transparency gains may already be eroding, but it also insinuates that OGP activities may have ceased following the 2015 regional meeting.

While it is unclear whether any NAP2 commitments will be fully implemented, a number appeared to be on track in late 2015. Tanzania's commitment to EITI has already yielded a

wealth of new data on extractive industry contracts and payments. The open data web portal (<http://opendata.go.tz/>) is operational and populated with health, education, and water data sets. Both budget documents and tax exemptions are being published to the eGovernment portal (<http://www.egov.go.tz>). One Kikwete Administration official familiar with OGP implementation expressed pride in what has been accomplished with the open data portal, but also noted that most of this information is only useful for donor agency officials and researchers, “the common citizen isn’t interested.”<sup>465</sup>

Nonetheless, without an Access to Information law that guarantees the rights of citizens to freely explore government data, the transparency gains of NAP1 and NAP2 remain at risk. If the existing Access to Information bill were to pass, it would continue to allow the government significant discretion over what information is released and how it can be used. An anonymous Kikwete Administration official explained that the OGP is intended to delivery “transparency in those areas where we think it’s important for people to know.” This official further explained that greater access to information means providing the public with information on topics like “how many complaints are logged at a government office,” not “personal information about government officials,” including how many cars or houses they own.<sup>466</sup> This comment is especially telling, since *both* ministerial complaint registries and asset disclosure were included as commitments in NAP1.

As long as the government can post and remove data at will, civil society’s efforts to hold them to account will be frustrated. A Tanzania-based employee for an international development organization working on social justice issues, interviewed under the condition of anonymity, worried that if researchers were to use government data to produce analysis that government officials find to be too critical, they would simply remove the raw data source from the web.



Moreover, under the new Statistics Act, researchers cannot publish analysis that uses data collected by the World Bank or other outside organizations until the Tanzanian National Bureau of Statistics reviews the methodology. This international development organization employee feared that the government might purposefully stall these reviews indefinitely, preventing such analyses from being released at all.<sup>467</sup>

Were a more demand-driven/user-friendly Access to Information bill to pass, Tanzanian citizens would still face significant challenges in using it to hold their government to account. Civil servants, especially at the local level, are often not comfortable fulfilling information requests for two reasons. First, they are unclear on what is allowed under current law. Second, they do not want to get in trouble. While sometimes this means implicating themselves or someone else in corrupt practices, more often than not, it simply means the embarrassment of admitting record keeping has been quite poor.<sup>468</sup>

Civil society participation in the national OGP steering committee has been weak throughout the lifespan of the initiative, and has gotten weaker with each successive phase. Five civil society organizations participated in the initial NAP1 planning process, only two continued to monitor its implementation, and only one helped to design and implement NAP2. Twaweza, the lone civil society voice remaining, has expressed serious reservations about the legitimacy of the initiative. While stakeholders report that there are pockets of productive multi-stakeholder collaboration on some OGP commitments at the ministerial level, but it is notable that these efforts occur outside of the official OGP framework overseen by the President's Office and the GGCU. Furthermore, no private sector stakeholders have participated in OGP at any point, even though two NAP2 commitments—extractive industry transparency and land transparency—directly affect their interests.

Other than establishing the OGP steering committee and assigning a government point of contact for OGP, only one NAP1 commitment intended to strengthen civic participation was completed: the “Nifanyeje” (“How do I?”) website content. The IRM reported that 85 “Nifanyeje” issues have been identified, created, organized, and published on the government web portal (<http://www.egov.go.tz>). While the commitment was evaluated as being potentially transformative for its ability to enable new interactions between the government and citizens, and reduce opportunities for corruption, the IRM also noted that the “Nifanyeje” content will only benefit those citizens with access to the Internet (Tepani, 2013, p. 64-65).

Finally, a few outcomes point to OGP’s limited contribution to greater government accountability. First, the Ministry of Water reports that it incorporated the information gathered from the water-mapping project to improve its budgeting process (Tepani, 2013, p. 60-61). However, there is no evidence to suggest that this will be a recurring exercise. Second, national stakeholders interviewed by the national IRM researcher reported that if the “Nifanyeje” (“How do I?”) web section were to be fully implemented (the OGP commitment required only exploration), it could potentially improve government accountability; but only if citizens actually use it to more efficiently access government services (p. 64-65).

OGP’s record of notable but easily reversible gains in transparency, weak and already faded gains in participation, and negligible improvements in accountability suggests that the Tanzanian government has not fully embraced the principles of open government. “OGP is for show,” says an anonymous employee working for a Tanzanian human rights organization. Government documents that used to be regularly made available to the public are now actually more difficult to access, he explains.<sup>469</sup> Civil society stakeholders report that the government often uses the national security as a pretext for denying information requests and for closing off

civic space.<sup>470</sup> The passage of the Statistics and Cybercrime Acts (and the attempted passage of the Media Services and Access to Information bills using emergency procedures designed to limit public debate) seems to confirm that the broader trend in Tanzania is toward new limits on free speech that prevent non-government actors from using government information to educate the public or empower advocacy groups.

### 7.3.5 Evaluating Causal Mechanisms Shaping OGP Implementation in Tanzania

Despite the Kikwete Administration's enthusiastic endorsement, OGP's accomplishments in Tanzania have been anemic with regard to both transparency and accountability. While some commitments in the first National Action Plan resulted in the publication of datasets from the health, education, and water ministries, these changes in practice were not encoded in formal laws or policies, leaving their continuance at the mercy of future government officials. Indeed, some of these new data portals have already been taken offline. Similarly, while the Ministry of Water's mapping tool deserves some credit for facilitating a one-time increase in citizens' ability to influence the Ministry's budget, there is little reason to believe that OGP can deliver on similar gains in the future. The IRM has concluded that not a single commitment in NAP2 has been substantially or completely implemented. A combination of smoking gun, and straw-in-the-wind tests can be used to help explain these poor outcomes (see Table 7.3).

Table 7.3. Results of causal inference tests for OGP in Tanzania

	<b>Robust Outcome</b>	<b>Weak Outcome</b>
<b><u>Causal Mechanism Activated</u></b>	N/A	<ul style="list-style-type: none"> <li>• Smoking gun test demonstrates that prior political crisis; visible political support; regular, independent performance evaluation; and collaboration with a well-funded and highly skilled civil society organization (i.e., Twaweza) were insufficient to facilitate sustainable improvements in government transparency and accountability.</li> </ul>
<b><u>Causal Mechanism Not Activated</u></b>	N/A	<ul style="list-style-type: none"> <li>• Straw in the wind test suggests that had there been genuine multi-stakeholder power sharing on the OGP steering committee, more civil society organizations might have shown interest in using OGP as a platform for achieving their goals. Without adequate bureaucratic authority to compel participation by government agencies, GGCU was unable to implement any commitments that would result in sustainable improvements in transparency or accountability.</li> </ul>

Tanzania was the first African country to join OGP, and hosted the OGP’s regional meeting in 2015. Following a series of high-profile government corruption scandals during its first term in office (2005-2010), the Kikwete Administration fully complied with OGP requirements for regular, independent performance evaluation during its second term (2011-2015), and collaborated with Twaweza, a well funded and highly skilled regional civil society organization, to develop the first National Action Plan. Yet, a smoking gun test demonstrates that prior political crisis, visible political support, regular, independent performance evaluation, and participation by a single, highly skilled CSO were insufficient to facilitate sustainable improvements in government transparency and accountability. Indeed, a less-definitive straw-in-the-wind test can be used to suggest that had the OGP steering committee been designed to ensure genuine multi-stakeholder power sharing, perhaps additional civil society organizations would have shown interest in using OGP as a platform for achieving their goals. Instead, both the first and second National Action Plans were the product of only limited consultation with civil

society. Even during their implementation, oversight meetings were held at the convenience of the GGCU chief, with little effort made to notify or accommodate civil society organizations. Simultaneously, the government's passage of the Statistics and Cybercrime laws limiting freedoms of speech and press sent a very different message to civil society; one that directly contradicted OGP's core values. Consequently, civil society interest in OGP declined over time. Finally, GGCU was incapable of fulfilling critical OGP commitments unilaterally: Without adequate bureaucratic authority to compel participation by other government agencies or the legislature, GGCU had no way to achieve sustainable improvements in transparency or accountability—most notably, passage of an Access to Information bill.

### 7.3.6 The Future of OGP in Tanzania

OGP does not appear to be in good health in Tanzania. Former president Kikwete signed the Statistics and Cybercrime Acts only days before he called the OGP Africa Regional Meeting to order, demoralizing civil society actors and exasperating international observers. Although incoming president John Magufuli is quickly developing a reputation as a government reformer, he has inherited an OGP with low levels of civil society participation, little enthusiasm from government officials, and a poor track record of implementation of NAP2. In such circumstances, it is difficult to see how the OGP could be revitalized.

Nevertheless, President Magufuli may recommit Tanzania to the OGP for the simple fact that international donors are not yet ready to give up on the initiative. Despite President Kikwete's fiery comments at the OGP African regional meeting, claiming that Tanzania would reject international aid if it came with too many conditions, the reality is that 40% of Tanzania's budget still comes from international donors.<sup>471</sup> Among Tanzanians, OGP is seen as "linked to [the Millennium Challenge Corporation]," says Amani Mhinda of Haki Madini (Mineral

Rights).<sup>472</sup> Indeed, both OGP and the Millennium Challenge Corporation are US initiatives. Should the US government decide to make MCC funding conditional on OGP implementation, the initiative is likely to continue in some capacity under the Magufuli Administration.

However, if OGP is to actually achieve its goals of improving transparency, participation, and accountability in Tanzania, stakeholders will need to expand support for the initiative beyond the State House. A suitable Access to Information law will require input from civil society organizations and enthusiasm from the legislature.

Currently, OGP's national steering committee has limited ties to both groups. Similarly, OGP-driven improvement in government accountability is unlikely unless independent oversight bodies (e.g., the Controller Auditor General) and local governments participate in designing and implementing OGP commitments. While the new laws and subsequent arrests accompanying the 2015 election suggests that the CCM government is still quite skeptical of civil society's ability to participate constructively in governance, perhaps there is still a chance that OGP can facilitate improved collaboration between sectors.

#### 7.4 Assessing the Evidence for Openwashing in OGP

Given that the OGP allows participating government significant discretion in establishing their own goals for participation, there is an extraordinary risk of openwashing—presenting a public image of transparency and accountability, while maintaining questionable practices in these areas— inherent in the design of the initiative. Openwashing implies that government sponsors of MSI membership are not sincere in their desire for reform. Incontrovertible evidence of the practice would require intimate knowledge about the intentions of key actors. Nevertheless, as a proxy, I examined notable discrepancies between national government actions (or non-actions) since joining the initiative, and the core values espoused in the Open

Government Declaration that members ostensibly endorse

(<http://www.opengovpartnership.org/about/open-government-declaration>), combined with each government's record on transparency and accountability gains. In two of the three country cases reviewed here—Guatemala and Tanzania— there is strong evidence that openwashing has indeed taken place.

All three governments had strong motivations to improve their international reputation by joining OGP. In 2010, the Philippines emerged from the Estrada-Arroyo years with a reputation as one of the most corrupt countries in Asia. Despite steady economic growth, inequality was persistent and violence continued to plague parts of Mindanao. In 2011, both Guatemala and Tanzania likewise faced ongoing problems with public corruption that threatened to drive away investors and cause citizens to riot. Additionally, all three countries rely on funds from international development agencies including the US Millennium Challenge Corporation and USAID, DFID, and the World Bank—all sponsors of OGP.

While all three governments initially struggled with OGP implementation to some extent, there were notable differences in the extent to which each government's effort reflected a broader embrace of OGP's core values. In the Philippines, OGP was fully integrated into a broader portfolio of good governance and anti-corruption projects that eventually gave National Action Plan commitments greater clout among government, civil society, and private stakeholders, including critical stakeholders at the local level. Nevertheless, some discrepancies with OGP core values were also observed. Most notably, the government failed to secure passage of a Freedom of Information law, despite the Philippines being the only founding OGP country not to have such a law in place. Additionally, OGP/GGACC overseers failed to embrace broad consultation with civil society. Yet, while OGP implementation was far from perfect, each action

plan cycle was slightly more inclusive than the previous one, and substantive (if still somewhat limited) gains in proactive transparency and accountability were evident by the time President Aquino left office. Despite nominal discrepancies, there was a fundamental alignment between the goals of the Aquino Administration and the core values of the OGP.

In Tanzania, government overseers followed official OGP guidelines to the letter, even as they clearly disregarded OGP values in other contexts. The Kikwete Administration was one of the few countries to follow all of the criteria for consultation with civil society during the first action plan cycle. It also produced an especially ambitious action plan with a number of potentially transformative commitments. Yet, GGCU officials also showed little regard for civil society organizations, scheduling meetings irregularly and giving little advanced notice. The government also fell short when it came to implementing the more ambitious commitments in the action plan.

Most troubling of all, the CCM government passed two laws—the Cybercrime and Statistics Acts—that place new limits on freedom of speech, the same month as Tanzania hosted the OGP regional summit. It is difficult to know for certain whether these discrepancies between principles and action reflected a genuine desire to mislead observers, or merely intra-governmental contestations over the appropriateness, pace, and scope of reform. Yet, combined with the lack of tangible gains across two full action plan cycles (i.e., the latest IRM report concludes that not a single commitment has been substantially implemented) these discrepancies suggest that Tanzania’s participation in OGP is most likely a case of openwashing.

Finally, in Guatemala, government overseers put in minimal effort to implement OGP, while simultaneously disregarding OGP values, providing a clear-cut case of openwashing. The first action plan was created without any collaboration with civil society, and contained a handful



of vague, technical and procedural commitments with little potential for improving government transparency or accountability. Despite only successfully implementing two commitments from the first plan, the second plan contained 48 commitments and separately identified those commitments agreed to by the government from those proposed by civil society. At the same time as they were overseeing implementation of OGP, President Pérez, Vice President Baldetti, and her secretary, Juan Carlos Monzón, were running in a criminal network that arranged for lower customs duties in exchange for bribes that would eventually result in indictments for all of them, along with over 30 other high-ranking government officials. Until President Pérez was forced to resign in September 2015, OGP participation was clearly intended to mislead observers about high-ranking government officials' commitment to reform.

### 7.5 Conclusion

As part of a broader research agenda to determine whether and how global public sector governance MSIs contribute to transparency and accountability by national governments, this chapter assesses OGP implementation in three participating countries—Tanzania, Guatemala, and the Philippines—and uses within-case process tracing techniques to identify key structures, processes, and sociopolitical conditions driving outcomes in each case. These three cases studies further confirm the finding in Chapter 4 that there is clear cross-country variation in the ambitiousness of OGP action plan commitments. However, these cases provide important caveats to two other findings reviewed in Chapter 4: First, the extent to which OGP facilitates demand-driven transparency, encourages implementation of EITI, or improves performance on other metrics of open governance varies significantly across participating countries. Second, multi-stakeholder collaboration in OGP does not always improve over time.

Unlike EITI or CoST, which establish specific activities for participating governments to complete (i.e., extractive revenue disclosure through a multi-stakeholder process for EITI; public sector infrastructure disclosure through a multi-stakeholder process for CoST), OGP provides a platform for governments to commit to a variety of different activities intended to improve access to information, participation, accountability, open government technology and innovation, or any combination of the four. The only required activities are collaboration with civil society and regular, independent assessment via the OGP's Independent Reporting Mechanism (IRM). The Philippines, Guatemala, and Tanzania demonstrate significant variation in National Action Plan ambition (see Table 7.4). Tanzania produced two fairly ambitious action plans, with 87% of commitments evaluated by the IRM as relevant to OGP values, and 27% of commitments evaluated as having the potential for transformative impacts. The Philippines' two action plans are also moderately ambitious. Ninety-six percent of commitments from the first two National Action Plans were evaluated by the IRM as relevant to OGP values. Commitments from the first action plan was not evaluated for their potential impact, but only 22% of commitments in the second plan were evaluated as having the potential for transformative impacts. Guatemala produced the least ambitious action plans. In the first, the IRM had to break three vague commitments into 14 actions, half of which were not relevant to OGP values. The second action plan was an improvement, with 77% of commitments evaluated as relevant. However, only four commitments across both plans were evaluated as having the potential for transformative impacts, and only two of these potentially transformative commitments were substantially implemented.

Table 7.4. IRM evaluation of National Action Plans

	Percent of all NAP commitments evaluated by IRM as relevant to OGP values	Percent of all NAP commitments evaluated by IRM as potentially transformative	Percent of all NAP commitments evaluated as relevant, transformative, and substantially or completely implemented
Guatemala	71%	6%	3%
Philippines	96%	22%*	22%*
Tanzania	87%	27%	17%

\* *NAP2 (2013-2015) only*

Sources: IRM progress reports: Guatemala 2011-2013 (i.e., Pinto, Rodas, & Jiménez, 2013) and 2014-2015 (i.e., Asociación Desarrollo, Organización, Servicios y Estudios Socioculturales, 2016); Philippines 2012-2013 (i.e., Mangahas, 2013) and 2013-2015 (i.e., Mangahas, 2015); Tanzania 2012-2013 (i.e., Tepani, 2013); and Tanzania 2014-2015 (i.e., Tepani, 2016).

OGP commitments in the Philippines contributed to some notable improvements in proactive transparency and accountability. In Tanzania, narrow and temporary improvements in proactive transparency and accountability were offset by new laws limiting freedom of speech and freedom of the press. In Guatemala, OGP appears to have accomplished very little. Indeed, although Guatemala has been rocked by corruption scandals and high profile resignations, OGP has played no part in these events (see Table 7.5).

As a founding member of the OGP, the Philippines appears to have made the most of its membership, completing or making substantial progress on over 60% of all commitments over two action plan cycles (53% during NAP1 and 78% during NAP2). Among these commitments were programs that improve both proactive transparency (e.g., EITI reporting, building a new public data portal) and, to a lesser extent, accountability (e.g., the Citizen’s Participatory Audit, and the Local Poverty Reduction Planning). However, only two fully or substantially completed commitments in NAP2 were assessed to have potentially transformative impacts: EITI implementation and efforts to improve to the ease of doing business.<sup>473</sup>

Tanzania struggled to implement its first, ambitious, National Action Plan, completing or making substantial progress on only 28% of commitments. Twenty percent of commitments were assessed to be fully or substantially complete and as having the potential for moderate or transformative impacts. While the Kikwete Administration was able to publish a wealth of government data on water, education, and health online and provide some new e-government tools for citizens, many of the commitments that would have improved government accountability were not completed. Potentially impactful commitments that were completed included a handful of proactive transparency projects (e.g., publication of ministry datasets), with far fewer commitments addressing accountability (e.g., water source mapping) being completed. Nor is it likely that additional improvements are yet to come, as the IRM found that not a single commitment from the second National Action Plan has been substantially or completely implemented.

Guatemala showed some improvement over the course of two action plans, substantially or fully completing 63% of commitments in its second National Action Plan, up from only 14% from the first plan. However, only a single substantially or fully implemented commitment from each plan was assessed to have the potential for transformative impacts. In the first plan, it was the government's prior commitment to CoST. In the second plan, it was the creation of a new website to proactively disclose data on tax exemptions. The website has been built, but has yet to actually launch. Indeed, high-ranking officials in the Pérez Administration showed little interest in using OGP to make meaningful reforms. Instead, COPRET staff populated the action plan with a variety of technical changes to internal information management systems, many of which had little relevance to OGP values.

Table 7.5. OGP outcomes in Tanzania, Guatemala, the Philippines

	Year Joined	Action Plan Cycles	Proactive Transparency	Demand-Driven Transparency	Government Accountability	Likelihood of Government Openwashing
Philippines	2011	Two complete; Third underway	Several commitments improve access to information at the discretion of the government	Committed to pass a Freedom of Information law, but the proposed bill never came to a vote.	The Bottom Up Budgeting program has allowed citizens to participate in local poverty reduction planning in over 1,000 cities and municipalities, although the implementation rate for these plans is much lower; the Citizens Participatory Audit pilot program allowed citizens to track government spending in a few select government projects	Low: Some discrepancies between national government actions and OGP core values (i.e., failure to pass FOI bill, minimal civil society consultation), but substantive gains in proactive transparency and accountability.
Guatemala	2012	One complete; Second IRM available for public comment	None, except via CoST	N/A	None	High: Significant discrepancies between national government actions and OGP core values (i.e., the 2015 corruption scandals, banning civil society organizations from participation), and virtually no improvements in transparency or accountability.
Tanzania	2012	One complete; Second IRM report available for public comment	Some commitments improve access to information at the discretion of the government	Committed to pass an Access to Information law, but the proposed bill was widely criticized and never came up for a vote.	One OGP commitment (water mapping) allowed citizens to contribute to the Water Ministry's budgeting process	Medium: Significant discrepancies between national government actions and OGP core values (i.e., passage of the Statistics and Cybercrime laws; little regard for civil society participation in steering committee meetings), and largely superficial gains in transparency and accountability.

While the evidence reviewed in Chapter 4 suggests that OGP has helped to facilitate some national improvements in demand-driven transparency (i.e., reforms that increase public access to government information upon request), the three country cases discussed above provide no support for this claim. While OGP is credited with helping Freedom of Information laws to pass in Brazil, Croatia, and Georgia, the FOI bill in the Philippines remained stalled, despite being included in three successive National Action Plans. Not only has a FOI law failed to pass in Tanzania, but the Access to Information bill that was offered would have actually prevent civil society organizations and the media from using information obtained from the government to inform or empower citizens. And while some commitments intended to improve accountability were implemented in the Philippines (i.e., local poverty reduction planning, citizens participatory auditing) and Tanzania (i.e., water-mapping), these new practices have limited scope and no basis in national law, leaving them especially vulnerable to the whims of the incoming Duterte and Magufuli Administrations.

The evidence reviewed in Chapter 4 also suggests that OGP membership has encouraged some national governments (e.g., the UK and US) to sign up to the Extractive Industries Transparency Initiative (EITI). Only the Philippines case provides clear support for this claim. EITI implementation was included in the second OGP National Action Plan, which was developed beginning in April 2013. The authorization of PH-EITI occurred in November 2013, and the publication of the first EITI report occurred in December 2014. In the case of Guatemala,

OGP commitment to EITI in both NAP1 and NAP2 has not helped the foundering extractive industry initiative regain its footing.

In the case of Tanzania, it is possible that the OGP NAP2 commitment to publicly release mining contracts may have provided the additional political leverage that helped to pass the EI(TA) Act of 2015. According to Amani Mhinda of Haki Madini (Mineral Rights), an EITI bill had been in the works for about five years.<sup>474</sup> However, given that no members of the Tanzanian National Assembly participate in OGP steering committee meetings, this speculative causal relationship relies on President Kikwete or another high-ranking CCM party member in the executive branch to have sufficient leverage over members of the legislature to push for the EI(TA) Act to pass and be sufficiently invested in OGP's success to do so. While the CCM party machinery ensures that the executive branch does wield significant influence over the legislature, it is unclear whether anyone in government was that invested in OGP.

Additionally, the evidence reviewed in Chapter 4 suggests that some countries improve their open governance practices simply in order to meet OGP membership eligibility requirements. While all three case study countries already met the OGP's minimum requirements for membership, they also possess notable weaknesses in their open government practices that have not been improved by OGP participation. In the case of the Philippines and Tanzania, freedom to information laws have still not been put in place, despite the fact that "Access to Information" is a core OGP value, and despite being included in several successive action plans in both countries. In the case of both Guatemala and Tanzania, asset disclosure among public

officials is still limited to members of parliament only. Tanzania committed to improving asset disclosure as part of NAP1, but failed to implement the commitment or include it again in NAP2. Guatemala has not included asset disclosure as part of either National Action Plan. A bill strengthening asset disclosure was proposed in 2012, but it did not pass.

Finally, the evidence reviewed in Chapter 4 suggests that the quality of multi-stakeholder collaboration in the development and implementation of National Action Plans improves over time. However, in the case studies presented above, civil society participation appears to have improved in Guatemala, declined in Tanzania, and presents a wholly mixed picture in the Philippines. In all three countries, OGP has also struggled to increase support across branches and agencies of government (see Appendix AA).

In Guatemala, the first action plan was entirely the work of COPRET. Civil society organizations including ICEFI and Acción Ciudadana fought for their right to participate in the OGP process, resulting in a tense, bifurcated second National Action Plan. Acción Ciudadana, an early champion of OGP, was banned from participating. Indeed, while collaboration between government and civil society did improve during the second action plan cycle, it remains to be seen whether future expansions in outreach and consultation are possible. In the Philippines, the first National Action Plan was written entirely by a GGACC working group. A few civil society organizations, including R2KRN and INCITEgov, were initially recruited to oversee implementation of NAP1, and gradually, the process of outreach and consultation has improved. Simultaneously, however, the perceived failure the Aquino Administration to adequately support



a Freedom of Information law has led the R2KRN coalition to withdraw from OGP, as they no longer see the initiative as a true platform for reform (Malaluan, 2016, March 24). While the government may have warmed to collaboration with civil society, some civil society partners have already run out of patience. In Tanzania, civil society participation—never robust to begin with—has declined over time. Although the State House GGCU followed the OGP’s rules for civil society awareness raising and consultation more closely than either Guatemala’s COPRET or the Philippines’ GGACUU, few Tanzanian civil society groups were interested in OGP. While five organizations were originally consulted on NAP1, only two—Twaweza and REPOA—participated regularly in Steering Committee meetings from 2012-2014. Despite efforts to consult with 70 civil society groups on NAP2, only Twaweza continued to participate in OGP by 2015.

In all three countries, OGP has also struggled to increase support across branches and agencies of government. In both Guatemala and Tanzania, OGP does not have significant support outside of a single executive office—COPRET in Guatemala and GGCU in Tanzania—with limited ability to influence the pace or quality of commitment implementation. A similar problem exists in the Philippines; while the GGACC is technically comprised of several executive branch agencies, the GGACC/OGP secretariat is staffed by a handful of DBM employees with little influence outside their own agency. Not only does OGP’s limited base of governmental support make implementation of action plan commitments difficult, but it also threatens the long-term sustainability of the initiative. In both Guatemala and Tanzania, OGP’s

political base was located within the internal office of the President, in CORPRET and the State House, respectively. As a result, the future of the initiative is in doubt under the new Morales and Magufuli Administrations. Likewise in the Philippines, the Good Governance and Anti-Corruption Cluster of executive branch agencies had extraordinary clout, because President Aquino personally chaired the group. It is unclear whether President Duterte will continue his emphasis on good governance and anti-corruption, including OGP.<sup>475</sup>

OGP allows participating governments to commit to a variety of different projects intended to improve transparency and accountability. It is beyond the scope of this analysis to fully typologize OGP commitments and identify common factors driving the successful implementation of each type. Nevertheless, there do appear to be some shared factors that contribute to the overall percentage of starred commitments (i.e., commitments relevant to OGP values, substantially or fully completed, with the potential for moderate or transformative impacts).

First, visible political support appears to be a good metric by which to predict successful action plan implementation. The percentage of starred commitments is highest in the Philippines (22%), lower in Tanzania (17%), and lowest in Guatemala (7%). Visible political support has also been greatest in the Philippines. President Aquino is one of eight original heads of state that committed to OGP. Upon taking office, Aquino rearranged his cabinet—comprised in part by other known reformers—to more effectively address good governance and anti-corruption, although he has been unable to secure passage of an FOI through the legislature. High-level

support has been decidedly more mixed in Tanzania. President Kikwete committed to OGP at the first annual summit and attending additional OGP meetings to declare his support for an Access to Information law. Nevertheless, the CCM government has shown a strong preference for only discretionary information disclosure, and has sought to limit how government information can be used. Political support has been lowest in Guatemala. The Pérez Administration inherited OGP from the outgoing Molina Administration. Vice President Baldetti moved the initiative under her portfolio, but did little to encourage government staff outside of COPRET to take ownership.

Mid-level bureaucratic support for OGP does not appear to have a clear impact on country performance in these three country cases. Day-to-day OGP operations are overseen by the Department of Budget and Management in the Philippines, by a Presidential Commission in Guatemala, and by the President's Office in Tanzania. In the cases of both Guatemala and the Philippines, government staff charged with implementing OGP were described by stakeholders as dedicated and talented, but without any real political clout. Yet, while the GGACC/OGP secretariat in the Philippines managed to design a number of strong commitments that were successfully implemented across a number of agencies and levels of government, in Guatemala COPRET filled the action plan with technical and procedural minutia that they thought could implement themselves, but which had little relevance to OGP values.

Alternatively, it may be the case that participation by local governments may play a key role in driving successful implementation of impactful commitments. In the Philippines, for example, both the Department of Interior and Local Government and the Union of Local

Authorities of the Philippines (ULAP) sit on the steering committee and had responsibility for helping to implement some of the more impactful initiatives, including the local poverty reduction plans and the local government seal of good housekeeping. However, in Tanzania, the Prime Minister's Office for Regional Administration and Local Governments (PMORALG) sits on the OGP steering committee, but commitments with a local component were not successfully implemented. In Guatemala, offices representing local government do not participate in the OGP Steering Committee, even though current commitments attempt to improve local participation and a local government data portal.

Civil society capacity is about equal across the three country cases, with a handful of well connected, urban, professional CSOs (i.e., Twaweza and REPOA in Tanzania, INCITEgov and R2KRN in the Philippines, and ICEFI and Guate Cívica in Guatemala) participating in OGP to varying degrees of success. Likewise, civil society interest does not appear to drive OGP outcomes, although this may be due to a floor effect: civil society participation has been low across the board.

Civil society interest has been the lowest in Tanzania, where only a few CSOs have chosen to engage with the initiative. Skepticism seems to be rooted in the belief that government is consulting with civil society organizations only to appease international donors, but has no real interest in empowering them. The evidence suggests that this may be a fair assessment. Beyond the mandatory consultation exercises, OGP meetings are held irregularly and at the convenience of the government. The Cybercrime and Statistics Acts suggest that the CCM government does

not wish to empower information users outside the government. Civil society interest has been only marginally higher in the Philippines, where increased outreach to civil society on the part of the GGACC over successive action plan cycles has not translated into more civil society participation on the OGP steering committee. Civil society interest is highest in Guatemala, although even in this case, it does not extend beyond a few specialized groups. Organizations including Acción Ciudadana and ICEFI endured an unfriendly reception from COPRET and Vice President Baldetti, but persisted in their efforts to contribute to the second action plan.

Likewise, unique moments of opportunity, crisis, or change do not appear to have played a key role in OGP outcomes in these three country cases. In the Philippines, new corruption scandals uncovered during the Aquino Administration did not appear to affect OGP action plan implementation one way or another. Being a founding member of OGP was not enough to produce passage of an FOI law, nor was President Aquino's last year in office enough to induce him to invest more of his political capital to persuade the legislature to act. In Tanzania, President Kikwete was unable to secure passage of an Access to Information law, despite promising to do so at multiple OGP meetings, and despite promising to do so before he left office. In Guatemala, there was temporary improvement in OGP participation among government ministries as multiple corruption scandals unfolded over 2015, but these gains do not appear to have survived the fall election.

These cases also suggest that embedding OGP within a broader, coherent reform framework may also produce better outcomes. In the Philippines, President Aquino made OGP

part of his “Social Contract with the Filipino People,” by embedding the initiative in his Good Governance and Anti-Corruption cabinet cluster. In Tanzania, President Kikwete pledged that his administration would be “guided by good governance, transparency and accountability,” yet clear links were never forged between OGP and the National Anti-Corruption Strategy and Action Plan (NACSAP), the strengthened Controller Auditor General’s office, or one of the many other good governance and anti-corruption initiatives, including the African Peer Review Mechanism. In Guatemala, the OGP was grouped with a handful of other international transparency initiatives with little domestic support, and placed under the auspices of a newly established office with no clear constituency. Indeed, given the breadth of activities that can be promoted under its banners, OGP often struggles to present a coherent mission statement at the national level. Yet, unless OGP gains traction with existing national reform coalitions, both within and outside government, it is unlikely to facilitate improvements in public sector governance.

Finally, among global public sector governance MSIs, OGP appears to be especially susceptible to openwashing. While no clear-cut cases of openwashing were identified within EITI (see Chapter 5), and only a single case was identified within CoST (see Chapter 6), both the Kikwete Administration in Tanzania and the Pérez Administration in Guatemala appear to have used OGP to project a public image of transparency and accountability, while maintaining questionable practices in these areas. Given the flexibility that participating governments are afforded with regard to the ambition and scope of their OGP national actions plans, this finding

is not particularly surprising. Indeed, many of the commitments made by all three governments were evaluated by the IRM as irrelevant to OGP core values. Yet, in both Tanzania and Guatemala, government actions actively undermined these core values as well. The IRM provides OGP with a strong mechanism for uncovering openwashing. The question is whether international OGP stakeholders choose to take steps to address openwashing when they see it. Thus far, the OGP Steering Committee has shown itself to be willing to act when there are significant threats to civic space—designating Azerbaijan as “inactive” in May 2016 (see OGP Support Unit, 2016, May 4), and beginning a similar investigation into Hungary in June 2016 (see Keserú, 2015, July 9; and OGP Support Unit, 2016, June 23)—but also seems willing to accept token gestures by participating governments, in place of concrete reform.

## CHAPTER 8

### CASE STUDY SYNTHESIS: RESULTS FROM FUZZY SET QUALITATIVE COMPARATIVE ANALYSIS (fsQCA)

Across the previous three chapters, nine cases of national MSI implementation were analyzed separately in order to explore whether and how participation in global public sector governance MSIs contributed to gains in proactive transparency (i.e., the discretionary release of government data), demand-driven transparency (i.e., reforms that increase public access to government information upon request), and accountability (i.e., the extent to which government officials are compelled to publicly explain their actions and/or face penalties or sanction for them) by national governments. This chapter presents the results from a qualitative comparative analysis of these same nine cases, in order to highlight similarities in case outcomes, as well as key causal mechanisms in play across a variety of different MSIs and national contexts. In this way, the findings from these nine case studies can be combined to provide broader insights into whether and how global public sector governance MSIs improve transparency and accountability by national governments.

Fuzzy set qualitative comparative analysis (fsQCA) is ideally suited for investigating complex causal connections between national MSI implementation and transparency and accountability outcomes, which are characterized by numerous pathways and feedback loops connecting inputs, actions and outcomes (i.e., high causal density), and multiple causal pathways to the same outcome (i.e., equifinality). The set theoretic logic underlying fsQCA can distinguish between different types of causal assessments (e.g., necessity and sufficiency), and between



several distinct causal paths to the same outcome. Additionally, the fuzzy set approach—in which the *degree* of set membership can be specified—allows for a more nuanced exploration of the causal contribution of phenomena that do not fit neatly into binary categories. Following the within-case analyses presented in Chapters 5-7, each case of MSI implementation was recoded into “fuzzy” causal and outcome condition sets. Scores within each set—ranging from 1 (“fully in set”) to 0 (“fully out”)—were calibrated based on the in-depth knowledge acquired during the within-case analysis. Using the fsQCA software package (i.e., Ragin, Drass and Davey, 2006), the coded case data was analyzed using a series of Boolean operations that consider all possible patterns of causal and outcome sets, in order to evaluate the necessity and sufficiency of each causal condition. Full details of these procedures can be found in Chapter 3 (Methods).

The comparative analysis largely supports the findings gleaned from a review of the existing transnational evidence base presented in Chapter 4: Public sector MSIs successfully enabled proactive transparency reforms in seven of the nine cases included in the study, but notable accountability gains were only observed in a single case (i.e., OGP’s minor contributions to the Bottom Up Budgeting program in the Philippines). However, the comparative analysis provides additional insight into *how* proactive transparency gains are achieved: genuine multi-stakeholder power sharing, combined with participation by savvy, capable civil society organizations, was sufficient to produce proactive transparency gains, while the absence of visible, political support for MSI implementation was sufficient to negate proactive transparency gains. Prior political crisis was found to be an insufficient but necessary part of some causal

pathways leading to proactive transparency reform, but also part of causal pathways negating such reforms, suggesting that heightened conflict between actors is at least as much of a liability as it is an advantage. Finally, bureaucratic expertise and authority, and broad, sustained involvement by civil society were not found to be core conditions driving proactive transparency reforms, although they were found to be insufficient but necessary parts of some causal pathways leading to reform. While it may be the case that broader investment by both government and civil society actors is more critical for facilitating accountability outcomes, sufficiency tests to this effect were not possible, due to sampling issues; specifically, that this set of cases exhibited weak accountability outcomes in all but one case.

### 8.1 Results from the Fuzzy Set Comparative Case Analysis

A fuzzy set qualitative comparative analysis of nine cases of MSI implementation yielded six key findings: First, coding case outcomes for use in fuzzy set qualitative comparative analysis (fsQCA) underscores that while public sector governance MSIs have successfully enabled transparency reforms in some participating countries, accountability gains remain quite rare. Second, while MSIs are indeed successful at driving transparency reforms, the reforms observed in these cases rely entirely on proactive government disclosure, rather than making government more responsive to citizen demands for information. Third, qualitative comparative analysis revealed that when MSIs were able to facilitate genuine multi-stakeholder power sharing and participation by skilled, well-funded civil society organizations, these two conditions were sufficient for achieving proactive transparency reforms in most cases where this outcome

occurred. Fourth, the absence of high-level political support was sufficient to explain the absence of proactive transparency reforms in cases where this outcome did not occur. Fifth, contrary to claims made by some practitioners, there was little evidence to support the notion that MSIs are able to capitalize on political crisis to achieve transparency reforms. Indeed, the absence of political crisis was found to be sufficient to produce transparency gains in some cases.

#### 8.1.1 Cases Show Notable Differences in Causal Set Membership

Nine cases of MSI implementation were coded for their degree of set membership in seven potential causal conditions. Table 8.1 shows the frequency distribution of cases by set membership scores in each of the seven causal conditions. The results of the case coding exercise suggest that national MSI implementation takes many different forms, and involves varying degrees of government and civil society interest and expertise across various countries and initiatives.

Table 8.1. Nine cases of national MSI implementation show notable differences across seven potential causal conditions

	<u>CRISIS</u>	<u>RIPE</u>	<u>MSPS</u>	<u>VPS</u>	<u>BEA</u>	<u>CSINV</u>	<u>CSCAP</u>
1 ('fully in')	0	0	2	2	0	0	0
0.83 ('mostly but not fully in')	3	3	0	2	1	2	0
0.67 ('more or less in')	4	2	1	1	1	1	1
0.52 ('marginally more in')	0	2	2	0	1	0	6
<b>Total 'More in than out'</b>	<b>7</b>	<b>7</b>	<b>5</b>	<b>5</b>	<b>3</b>	<b>3</b>	<b>7</b>
<b>Total 'More out than in'</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>6</b>	<b>6</b>	<b>2</b>
0.48 ('marginally more out')	1	0	0	2	3	2	0
0.33 ('most or less out')	1	1	1	2	3	3	1
0.17 ('mostly but not fully out')	0	1	3	0	0	1	1
0 ('fully out')	0	0	0	0	0	0	0

Table 8.1. Case frequency of fuzzy set membership scores for all causal conditions. Set membership scores above .5 denote cases that are “more in than out,” while scores lower than .5 denote cases that are “more out than in.”

In seven of nine cases, MSIs were found to have been implemented following a high profile public scandal or political crisis (i.e., CRISIS set membership > .5)—CoST in Guatemala, the Philippines, and Tanzania, EITI in Guatemala and Tanzania, and OGP in Guatemala and Tanzania. With regard to MSI structures and processes, seven cases—CoST in Guatemala, EITI in Guatemala, the Philippines, and Tanzania, and OGP in Guatemala, the Philippines, and Tanzania— were evaluated to have successfully produced regular, independent performance evaluation (i.e., RIPE set membership > .5), but only five—CoST in Guatemala, the Philippines, and Tanzania, and EITI in the Philippines and Tanzania —were evaluated to have achieved genuine multi-stakeholder power sharing in the governance of the initiative (i.e., MSPS set membership > .5). With regard to government support, in five cases—CoST in Guatemala, EITI

in the Philippines and Tanzania, and OGP in the Philippines and Tanzania—MSIs received visible, high level support (i.e., VPS set membership  $> .5$ ), but in only three cases—CoST in Guatemala and the Philippines, and EITI in the Philippines—were government bureaucrats considered to be adequately skilled and influential to ensure proper MSI implementation (i.e., BEA set membership  $> .5$ ). Finally, with regard to civil society support, in only three cases—CoST in Guatemala, and EITI in the Philippines and Tanzania—was civil society involvement assessed to be relatively robust (i.e., CSINV set membership  $> .5$ ), but in seven cases, at least some of the CSOs that did participate were considered to possess sufficient technical and financial capacity (i.e., CSCAP set membership  $> .5$ ). Full fuzzy set calibration tables for each case can be found in Appendix H.

### 8.1.2 Assessing Case Outcomes

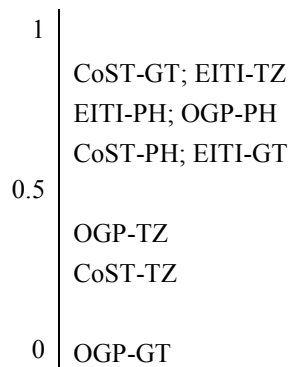
Cases of MSI implementation were also coded for their degree of set membership in three potential outcome conditions. Table 8.2 shows the frequency distribution of cases by set membership scores in each of the three causal conditions. The results of the case coding exercise support the broad finding from the literature that public sector governance MSIs have been more successful at driving transparency reforms than accountability reforms. They also highlight that MSIs have been far more successful at facilitating proactive information release than improving demand-driven access to information.

Table 8.2. National MSI implementation produced notable gains in proactive transparency in most cases, but few gains in either demand-driven transparency or accountability

	<u>PTRAN</u>	<u>DTRAN</u>	<u>ACCT</u>
1 ('fully in')	0	0	0
0.83 ('mostly but not fully in')	2	0	0
0.67 ('more or less in')	2	0	0
0.52 ('marginally more in')	2	0	2
<b>Total 'More in than out'</b>	<b>6</b>	<b>0</b>	<b>1</b>
<b>Total 'More out than in'</b>	<b>3</b>	<b>9</b>	<b>8</b>
0.48 ('marginally more out')	1	0	2
0.33 ('most or less out')	1	2	1
0.17 ('mostly but not fully out')	0	1	3
0 ('fully out')	1	6	2

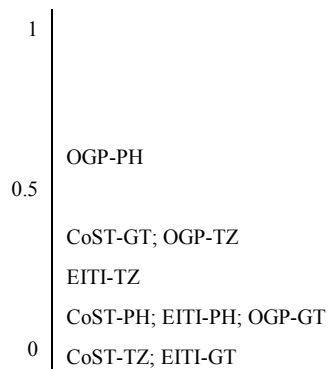
Table 8.2. Case frequency of fuzzy set membership scores for all outcome conditions. Set membership scores above .5 denote cases that are “more in than out,” while scores lower than .5 denote cases that are “more out than in.”

Figure 8.1 shows a “fuzzy map” of case membership in condition set PTRAN (i.e., proactive transparency). It reveals that the nine cases were assessed to have resulted in markedly different levels of proactive transparency reform. Six cases were coded as varying degrees of “in set,” meaning that, at a minimum, the MSI facilitated regular release of information about some government activities and performance that was not available to the public before. Three cases were coded as varying degrees of “out of set,” meaning that, at best, the MSI facilitated a temporary (i.e., one-time) increase in the provision of information, or that regular data updates appear to have already slowed or stopped.



*Figure 8.1.* A fuzzy map of case membership in condition set PTRAN shows that six cases of national MSI implementation produced gains in proactive transparency.

By contrast, Figure 8.2 shows a fuzzy map of case membership in condition set ACCT (i.e., accountability). Only a single case—OGP-Philippines—was coded as “in set,” meaning that the MSI helped to facilitate an increase in public awareness of existing governance deficiencies and compel a public response by government officials within small areas of government activity and performance. Specifically, the Bottom-Up Budgeting (BuB) program was assessed to give local civil society more input on how the government spends public funds in each region. Two additional cases—CoST-Guatemala and OGP-Tanzania—came close to being coded as within the Accountability set, but the increase in public awareness and public response by government officials occurred in only a single instance in each case: the cancellation of the Belize bridge project in Guatemala, and the water mapping project in Tanzania.



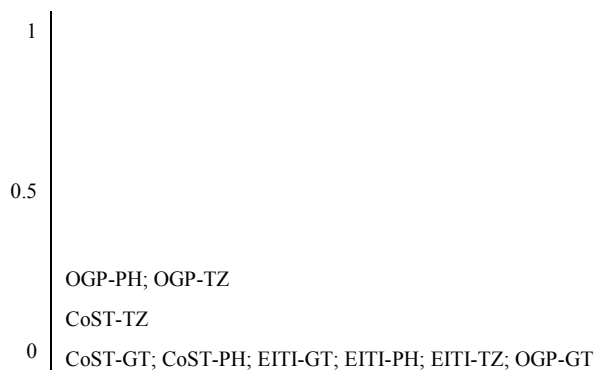
*Figure 8.2.* A fuzzy map of case membership in condition set ACCT shows that only one case of national MSI implementation produced gains in accountability.

Hypothetically at least, cases of national MSI implementation could have been selected to ensure greater variance within the accountability set. However, since the existing literature reviewed in Chapter 4 suggests that national accountability outcomes are still quite rare for public sector governance MSIs, identifying a sufficient number of cases for use in fsQCA may have proved difficult.<sup>476</sup> At most, the current findings suggest that the specific combinations of causal conditions found in eight of these cases were insufficient to produce accountability outcomes; at least as they were defined here (i.e., minimally, as an increase in public awareness of existing governance deficiencies that compelled a public response by government officials within small areas of government activity and performance; see Chapter 3 for details). Alternatively, these findings may suggest that it is simply too early to establish clear links between global MSIs and improvements in national government accountability.

Finally, the assessment of case outcomes also reveals that transparency reforms were limited to proactive information disclosure by governments. Reforms that would make the



government more responsive to citizen demand—for example, passage or amendment of Access to Information or Freedom of Information law—did not occur in any of the nine cases. Figure 8.3 shows a fuzzy map of case membership in condition set DTRAN. No cases were coded as “in set.” Indeed, only three cases showed any progress at all toward the passage or improvement of freedom/access to information laws.



*Figure 8.3.* A fuzzy map of case membership in condition set DTRAN shows no gains in demand-driven transparency across all nine cases.

In both Tanzania and the Philippines, the government committed to pass new freedom of/access to information laws in their OGP National Action Plans. In both cases, ruling party officials proposed legislation, but neither bill passed. In Tanzania, the bill proposed by the ruling Chama Cha Mapinduzi (CCM) party would have allowed government institutions to maintain significant discretion over what information they make public, and would have prevented journalists and CSOs from publishing information that they receive as a result of ATI requests. As a result, influential civil society groups opposed the bill.<sup>477</sup> In the Philippines, an FOI bill submitted by DBM Secretary Abad passed the Senate, but stalled in the House amid concerns by

ruling Liberal Party officials that partisans in the media would misuse government information.<sup>478</sup> These two failed attempts stand in sharp contrast to OGP's more public record of successfully supporting the passage of FOI/ATI laws in other participating countries (e.g., Brazil, Croatia, Georgia, and Sierra Leone). However, without any cases with strong demand-driven transparency gains for comparison, there is no way to determine what factors might have been missing in both the Philippines and Tanzania, that would help to explain this discrepancy.

### 8.1.3 Identifying Key Factors Driving Proactive Transparency Outcomes

Initially, the goal of the fuzzy set qualitative comparative analysis was to explore necessary and sufficient relationships between eight causal condition sets and three outcome condition sets: proactive transparency, demand-driven transparency, and accountability. However, since set membership scores were low across all cases for demand-driven transparency, and eight of nine cases for accountability outcomes (see 8.1.1), set relations involving these outcomes did not display adequate consistency to be confidently assessed for sufficiency (for details, see Appendix CC). While some causal conditions did display high consistency scores when assessed for necessary relationships with accountability outcomes, they did not display adequate coverage to be considered empirically relevant. In other words, although cases displaying the outcome in question also regularly displayed the causal condition being investigated, suggesting a relationship exists, there were far more cases that displayed these causal conditions than displayed the outcome, suggesting this relationship does not offer a particularly powerful explanation for the outcome. Specifically, coverage scores for causal

conditions with perfect consistency scores of 1.0 ranged from .28 to .54, meaning that accountability outcomes occurred in only 28-54 percent of cases where these causal conditions were present. Given the small number of cases included in the analysis, coverage at this level was judged to signal a potential lack of relevance to other cases of MSI implementation (for details, see Appendix BB). Consequently, the remainder of the analysis focused solely on set relations involving proactive transparency outcomes (see Figure 8.4).

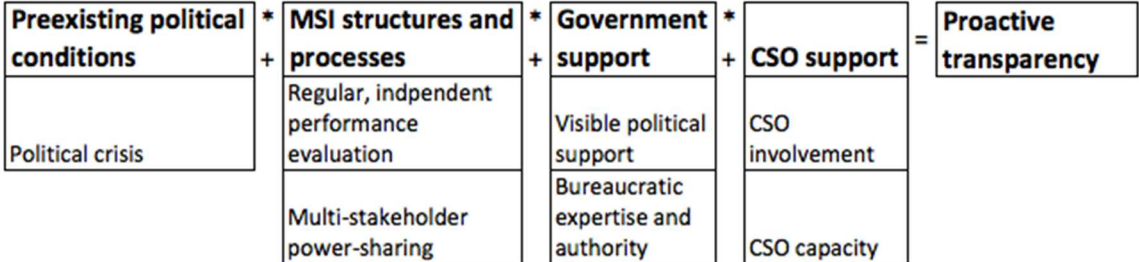


Figure 8.4. Causal conditions hypothesized to drive proactive transparency outcomes.

None of the seven causal conditions were found to be necessary for proactive transparency outcomes (see Figure 8.5). In other words, across the nine cases of national MSI implementation included in the analysis, proactive transparency outcomes were not a consistent subset of any single causal condition set. For example, three cases where MSIs were able to facilitate improvements in proactive transparency were also cases where there was relatively broad and sustained involvement by civil society (CSINV)—CoST in Guatemala, and EITI in the Philippines and Tanzania. However, in three other cases—CoST in the Philippines, EITI in Guatemala, and OGP in the Philippines—improvements in transparency were made despite more limited involvement by civil society. Similarly, four cases where MSIs facilitated proactive transparency were also cases where high-ranking government officials had provided visible

support (VPS)—CoST in Guatemala, EITI in the Philippines and Tanzania, and OGP in the Philippines, but in two other cases—CoST in the Philippines and EITI in Guatemala—information disclosure occurred despite a lack of strong political support for the initiative.

Analysis of Necessary Conditions

Outcome variable: `ptran`

Conditions tested:

	Consistency	Coverage
<code>crisis</code>	0.857732	0.695652
<code>~crisis</code>	0.587629	0.943709
<code>ripe</code>	0.894845	0.808194
<code>~ripe</code>	0.515464	0.688705
<code>mSPS</code>	0.760825	0.810989
<code>~mSPS</code>	0.579381	0.631461
<code>vps</code>	0.919588	0.749580
<code>~vps</code>	0.420619	0.668852
<code>bea</code>	0.816495	0.889888
<code>~bea</code>	0.690722	0.736264
<code>csinv</code>	0.785567	0.856180
<code>~csinv</code>	0.626804	0.668132
<code>cscap</code>	0.769072	0.869464
<code>~cscap</code>	0.738144	0.760085

Figure 8.5. fsQCA output for tests of conditions necessary for proactive transparency outcomes shows no necessary relationships.

This analysis demonstrates that even the core features of public sector governance MSIs—regular, independent performance evaluation (RIPE), and multi-stakeholder power-sharing (MSPS)—were not necessary for facilitating proactive transparency reforms in all cases. For example, in the Philippines, CoST helped to improve disclosure to the PhilGEPS data portal, despite failing to publish a single Assurance report. Multi-stakeholder governance of EITI in Guatemala and OGP in the Philippines remains quite weak, yet both cases demonstrate improvements in government disclosure. In essence, these results suggest that there are multiple paths by which MSIs might achieve their goals. This interpretation of the results is consistent with statements by MSI board, staff, and donors, who argue that MSIs provide a shared platform for tackling reforms, but that national implementation will take many different forms.

If no single causal factor is *necessary* for MSIs to facilitate proactive transparency reform, what factors, or combinations of factors, are *sufficient* to produce these outcomes? As discussed in Chapter 3, fsQCA produces three Boolean solutions for sufficiency: a complex solution, an intermediate solution, and a parsimonious solution. Both the parsimonious and intermediate solutions are discussed in detail below. The complex solution appears in Appendix CC, but given the relatively small number of cases and relatively large number of causal conditions included in the analysis, it provides little leverage towards building a middle-range theory of MSI effectiveness.

The parsimonious solution contains the “core” conditions: those that cannot be absent from any sufficient combination based on the empirical evidence, even taking into account counterfactual analysis (Ragin, 2008; Fiss, 2011). This is accomplished by using logical remainders (i.e., possible combinations of conditions where no case has membership greater than .5) to simplify the statement of Boolean logic. This solution reveals two distinct paths to proactive transparency reform (see Figure 8.6): The first path suggests that in some cases, merely the absence of recent political crisis ( $\sim$ CRISIS) is sufficient for transparency reforms to occur. Cases exemplified by this path include EITI and OGP in the Philippines. Indeed, the Aquino Administration was already committed to anti-corruption and good-governance reforms prior to implementing either MSI. Since the second path also helps to explain the EITI case, it can be momentarily set aside. However, with regard to OGP, since neither regular, independent performance evaluation (RIPE), nor multi-stakeholder power sharing (MSPS) were part of the

only recipe for reform that explains this case, there is reason to doubt that the presence of OGP made any difference in the achievement of proactive transparency reforms in the Philippines. Indeed, as discussed in Chapter 7, the government's commitments in the first two OGP action plans were selected from among preexisting Good Governance and Anti-Corruption Cluster (GGACC) projects.

```

*****
*TRUTH TABLE ANALYSIS*
*****

File: C:/BrockmyerfsQCAcoding4-27.csv
Model: ptran = f(crisis, ripe, msps, vps, bea, csinv, cscap)

Rows:      9

Algorithm: Quine-McCluskey
True: 1-L

--- PARSIMONIOUS SOLUTION ---
frequency cutoff: 1.000000
consistency cutoff: 0.900000

           raw      unique
           coverage coverage consistency
-----
~crisis    0.587629   0.103093   0.943709
msps*cscap  0.635052   0.150515   0.947692
solution coverage: 0.738144
solution consistency: 0.954667

Cases with greater than 0.5 membership in term ~crisis: EITI-PH (0.67,0.67),
OGP-PH (0.52,0.67)
Cases with greater than 0.5 membership in term msps*cscap: CoST-GT (0.52,0.83),
CoST-PH (0.52,0.52), EITI-PH (0.52,0.67), EITI-TZ (0.52,0.83)

```

Figure 8.6. The parsimonious solution to the truth table for sufficiency shows two possible paths to proactive transparency.

The second path demonstrates that when MSIs were able to facilitate genuine multi-stakeholder power sharing (MSPS), and participation by skilled, well-funded civil society organizations (CSCAP), these two conditions were sufficient for achieving proactive

transparency reforms. This path is exemplified by CoST implementation in Guatemala and the Philippines, and by EITI implementation in the Philippines and Tanzania. In all four cases, a multi-stakeholder group in which the full and equal participation of non-government actors was fully established oversaw implementation. Not only were civil society organizations allowed to participate fully, but at least some CSOs possessed the technical and financial capacity to participate regularly and meaningfully, in order to ensure that government disclosure occurred (see Table 8.3).

Table 8.3. Core conditions for proactive transparency reform

<b><u>Pathway</u></b>	<b><u>Context</u></b>	<b><u>Key MSI Conditions</u></b>	<b><u>Key Government Conditions</u></b>	<b><u>Key Civil Society Conditions</u></b>	<b><u>Case Examples</u></b>
1	Absence of recent political crisis				EITI in the Philippines*; OGP in the Philippines
2		Genuine multi-stakeholder power sharing		Skilled, adequately funded CSO participants	CoST in Guatemala; CoST in the Philippines; EITI in the Philippines*; EITI in Tanzania

\* Due to the logic of fuzzy set qualitative analysis (fsQCA), a single case can be used to solve for multiple Boolean solutions.

While the parsimonious solution offers an appealing simplicity, it risks sacrificing precision by using logical remainders—possible combinations of conditions where no case has membership greater than .5—to simplify the equation, but that that may not be empirically or theoretically plausible. The intermediate solution, on the other hand, allows for research hypotheses to be used to specify the use of logical remainders. In this analysis, most causal conditions are hypothesized to lead to improved proactive transparency outcomes, so logical

remainders that posit that these conditions help outcomes are included, while remainders that posit that these conditions hinder outcomes are excluded. There is one exception: Since it is unknown whether prior political crisis (CRISIS) helps or hinders subsequent gains in transparency and accountability, all remainders were allowed to inform the intermediate solution. With regard to this particular analysis, consistency and coverage scores for the parsimonious and intermediate solutions are quite comparable (i.e., .955 and .738; .953 and .707, respectively), suggesting that the added detail provided by the intermediate solution does not significantly reduce its overall applicability to this set of cases (see Figure 8.7).



```
*****
*TRUTH TABLE ANALYSIS*
*****
```

```
File: C:/Brockmyerfs0CACoding4-27.csv
Model: ptran = f(cscap, csinv, bea, vps, msps, ripe, crisis)
```

```
Rows: 20
```

```
Algorithm: Quine-McCluskey
  True: 1
  0 Matrix: 0L
Don't Care: -
```

```
--- INTERMEDIATE SOLUTION ---
```

```
frequency cutoff: 1.000000
consistency cutoff: 0.900000
```

```
Assumptions:
cscap (present)
csinv (present)
bea (present)
vps (present)
msps (present)
ripe (present)
```

	raw coverage	unique coverage	consistency
cscap*vps*ripe*~crisis	0.523711	0.072165	0.937269
cscap*bea*msps*crisis	0.587629	0.072165	0.943709
cscap*csinv*vps*msps*ripe	0.562887	0.008247	0.941379
solution coverage:	0.707217		
solution consistency:	0.952778		

```
Cases with greater than 0.5 membership in term cscap*vps*ripe*~crisis: EITI-PH (0.52,0.67),
OGP-PH (0.52,0.67)
Cases with greater than 0.5 membership in term cscap*bea*msps*crisis: CoST-GT (0.52,0.83),
CoST-PH (0.52,0.52)
Cases with greater than 0.5 membership in term cscap*csinv*vps*msps*ripe: CoST-GT (0.52,0.83),
EITI-PH (0.52,0.67), EITI-TZ (0.52,0.83)
```

Figure 8.7. The intermediate solution to the truth table for sufficiency shows three distinct paths to proactive transparency outcomes.

The intermediate solution distinguishes between three distinct paths to proactive transparency reform (Table 8.4). The “easy” path demonstrates how, in the absence of recent political crisis (~CRISIS), OGP and EITI were able to facilitate gains in proactive transparency in the Philippines through a combination of visible political support (VSP) from the Aquino Administration (2010-2016), regular, independent performance evaluation (RIPE) via EITI and

OGP-IRM reports, and civil society capacity (CSCAP). The “insider” path describes the implementation of CoST in the Philippines and Guatemala. Following a series of public procurement scandals under the Arroyo Administration (2001-2010) and Colom Administration (2008-2012), respectively, efforts to incorporate the CoST infrastructure data standard into PhilGEPs and Guatecompras relied on a combination of multi-stakeholder power sharing (MSPS), civil society capacity (CSCAP), and bureaucratic expertise and authority (BEA). Neither visible political support nor broad civil society involvement were components of this solution. Finally, the “conventional” path demonstrates how MSIs rely on a combination of regular, independent performance evaluation (RIPE), visible political support (VPS), and relatively broad and sustained involvement by civil society organizations (CSINV), in addition to the core conditions of multi-stakeholder power-sharing (MSPS) and civil society capacity (CSCAP). This path is exemplified by CoST disclosure in Guatemala, and EITI disclosure in both the Philippines and Tanzania.

Table 8.4. Three pathways to proactive transparency reform

<u>Pathway</u>	<u>Context</u>	<u>Key MSI Conditions</u>	<u>Key Government Conditions</u>	<u>Key Civil Society Conditions</u>	<u>Case Examples</u>
"Easy"	Absence of recent political crisis	Regular, independent performance evaluation	Visible political support	Skilled, adequately funded CSO participants	EITI in the Philippines*; OGP in the Philippines
"Insider"	Recent political crisis	Genuine multi-stakeholder power sharing	Bureaucratic expertise and authority	Skilled, adequately funded CSO participants	CoST in the Philippines; CoST in Guatemala*
"Conventional"		Regular, independent performance evaluation; Genuine multi-stakeholder power sharing	Visible political support	Skilled, adequately funded CSO participants; Relatively broad civil society interest	CoST in Guatemala*; EITI in the Philippines*; EITI in Tanzania

\* Due to the logic of fuzzy set qualitative analysis (fsQCA), a single case can be used to solve for multiple Boolean solutions.

These three intermediate solutions inform several broader observations about national MSI implementation. First, all three paths suggest a role for public sector governance MSIs to bring civil society into government decision-making (i.e., CSCAP). Second, both the insider and conventional paths highlight the importance of multi-stakeholder power sharing (i.e., MSPS) in driving proactive transparency reforms. (Indeed, as demonstrated by the parsimonious solution, only in instances where there is a lack of prior political crisis can multi-stakeholder governance practices be safely discounted). Third, while there does seem to be a relatively common path by

which EITI and CoST facilitate proactive transparency reforms across different countries (i.e., the conventional path), there are other viable paths as well.

An analysis of sufficient conditions for the *negation* of proactive transparency outcomes ( $\sim$ PTRAN) yields some interesting results as well. The intermediate solution to this truth table—which offers the optimal mix of simplicity, consistency, and coverage in this instance—identifies two causal paths to the absence of proactive accountability reform (see Figure 8.8). Both paths reveal that the absence of visible political support ( $\sim$ VPS) and a recent political crisis (CRISIS) are sufficient to explain the absence of transparency reform in cases where at least some rules for MSI membership are being followed (i.e., multi-stakeholder power sharing in the case of CoST in Tanzania and the Philippines; regular, independent performance evaluation in the case of EITI and OGP in Guatemala).

```

*****
*TRUTH TABLE ANALYSIS*
*****
File: C:/BrockmyerfsQCAcoding4-27.csv
Model: ~ptran = f(cscap, csinv, bea, vps, msp, ripe, crisis)

Rows:      36

Algorithm: Quine-McCluskey
  True: 1
  0 Matrix: 0L
Don't Care: -

--- INTERMEDIATE SOLUTION ---
frequency cutoff: 1.000000
consistency cutoff: 0.907834
Assumptions:
cscap (present)
csinv (present)
bea (present)
vps (present)
msp (present)
ripe (present)

          raw      unique
          coverage  coverage  consistency
-----
~vps*msp*crisis  0.445783  0.120482  0.902439
~vps*ripe*crisis 0.484337  0.159036  0.909502
solution coverage: 0.604819
solution consistency: 0.912727

Cases with greater than 0.5 membership in term ~vps*msp*crisis: CoST-PH (0.52,0.48),
CoST-TZ (0.52,0.67)
Cases with greater than 0.5 membership in term ~vps*ripe*crisis: EITI-GT (0.52,0.48),
OGP-GT (0.52,1)

```

Figure 8.8. The intermediate solution to the truth table for the negation of proactive transparency outcomes reveals that the absence of visible political support for an MSI implemented following a political crisis is sufficient to explain the absence of this outcome when core MSI functions like regular performance evaluation or multi-stakeholder power sharing are in place.

These results are especially notable because governments often sign on to public sector governance MSIs following a political crisis. In these cases, if high-ranking government officials are not willing to demonstrate visible political support for MSIs while implementation is under way, they risk failing to achieve any significant improvements in government transparency. In the Philippines and Tanzania, a lack of visible political support (~VPS) for CoST doomed the initiative to irrelevancy, despite good multi-stakeholder governance practices

(MSPS). In Guatemala, a lack of high-level support (~VPS) for either EITI or OGP by the Pérez Administration resulted in poor transparency outcomes, despite ongoing compliance with MSI reporting requirements (RIPE).

Taken all together, these results also call into question claims made by some MSI practitioners that “perpetual conflict is the fuel that keeps the wheels of an MSI moving.” “It may seem counter-intuitive that distrust and conflict are what brings together collective governance,” wrote the EITI International Secretariat’s Jonas Moberg and Eddie Rich in 2014, “but when the parties realize that they have something to gain, and a lot to lose from not collaborating, it becomes essential. It is the tension between these different stakeholders that brings them to the table” (Moberg, & Rich, 2014, May 20). Yet, this comparative case analysis shows that prior political crisis is neither necessary nor sufficient in combination with other factors, to explain improvements in proactive government transparency across multiple cases. In fact, prior political crisis (CRISIS) is part of both of the causal combinations that are sufficient to *negate* proactive transparency (~PTRAN). As demonstrated by OGP and EITI in the Philippines, MSIs may not be needed to facilitate transparency reforms in countries that have emerged from crisis on their own. However, even for those countries where recent political crises still fuels conflict between actors, this tension appears to be more of a liability than an advantage when it comes to global multi-stakeholder approaches to reform.

## 8.2 Situating the Comparative Analysis within the Broader Evidence Base

This chapter uses fuzzy set qualitative comparative analysis (fsQCA) across nine cases of national MSI implementation to help determine whether and how global public sector governance MSIs contribute to transparency and accountability by national governments. Results from this analysis are generally consistent with findings from the existing transnational evidence base (see Chapter 4). However, this comparative analysis provides additional precision into *how* MSIs contribute to improvements in proactive transparency by national governments, and why improvements in accountability have largely failed to manifest. These points of agreement and departure are discussed below.

The comparative analyses generally support the claim that public sector governance MSIs can indeed help to facilitate increased transparency by national governments. Improvements in the proactive disclosure of government information were observed for all three multi-stakeholder initiatives, and across all three countries. In Guatemala, CoST has helped not only to strengthen mandatory disclosure of public infrastructure data, but has also helped to guide implementation of this new requirement via the incorporation of the CoST Infrastructure Data Standard into the Guatecompras procurement data portal. In Tanzania, disclosure of extractive industry data through EITI is now mandatory. In the Philippines, EITI reports have provided a treasure trove of new data on the extractive sector, and OGP has been credited with facilitating the online publication of executive agency budgets, a citizen budget, procurement data, and even financial documents from local governments.

The case studies also confirm that transparency gains have been patchy across participating countries. While CoST has driven major improvements in proactive transparency in Guatemala, it has produced middling results in the Philippines and even less in Tanzania. Similarly, while the scope and quality of EITI disclosure in the Philippines and Tanzania has been respectable, disclosure in Guatemala has been perfunctory, limited to a few aggregate figures. And while OGP commitments in the Philippines have resulted in the release a wealth of new information, similar commitments in Tanzania have produced fewer sustained improvements and almost nothing in Guatemala. MSI stakeholders have acknowledged that global MSIs are rarely successful in *all* participating countries, but few have been willing to set benchmarks indicating what *percentage* of countries need to show improvement for the initiative as a whole to be considered a good investment of time and resources by government, civil society, industry, and donors.

As previous studies have cautioned, these nine case studies show that MSIs have yet to drive broader improvements in government accountability. While seven cases showed clear evidence of sustained improvement in proactive government transparency as a result of MSI implementation, only one showed sustained improvements in government accountability. In the Philippines, the Bottom Up Budgeting program, which helps local civil society groups to participate in economic development planning, was expanded from covering 595 cities and municipalities in 2013 to more than 1,500 local governments in 2015. In two other cases—CoST in Guatemala and OGP in Tanzania—one-time increases in government accountability were



recorded (i.e., cancellation of the Belize bridge project in Guatemala; improved budget allocation based on a public water mapping project in Tanzania), but did not result in any sustained improvements in government answerability.

According to the proposed theories of change compiled from across the existing literature, for MSIs to be effective and impactful, they must be implemented by a coalition of high-level political actors, mid-level reformers, and savvy civil society organizations. MSI champions can make use of political crises, high-profile meetings, and other unique moments of opportunity to push the work forward. Finally, MSI outputs must be made relevant to broader coalitions of civic actors that have the advocacy muscle to push for reform (see Chapter 4, section 5). While the meager accountability outcomes across the nine cases explored in depth prevented a full test of this broad theory of change using fsQCA, a more limited comparative analysis of causal conditions driving proactive transparency outcomes at least partially validates these claims:

First, none of the causal conditions hypothesized to drive outcomes were found to be necessary for proactive transparency outcomes, suggesting that there are multiple paths by which MSIs help to facilitate proactive transparency. For example, CoST-Philippines was able to improve procurement disclosure via PhilGEPS, due to the discreet efforts of a small, invitation-only, group of experts, and without publishing a single Assurance report, while Tanzania-EITI held broad elections to select members of the national multi-stakeholder group, which oversaw the release of six EITI reports. In the Philippines, OGP's achievements have been largely part

and parcel of the Aquino Administration's broader reform agenda, while CoST-Guatemala has continued to improve disclosure despite a lack of support from the Pérez Administration, thanks in large part to the efforts of the private sector.

Second, a combination of multi-stakeholder power sharing and civil society capacity was found to be sufficient to produce sustained and useful proactive transparency. This finding suggests that the rules governing multi-stakeholder decision-making matter in part because they dictate whether highly skilled civil society organizations are allowed sufficient input to guide the disclosure process towards more user-friendly data and sustainable practices. This is certainly the case for EITI in the Philippines, where the Bantay Kita civil society coalition holds significant sway on the national multi-stakeholder group, and has played a critical role in pushing proactive disclosure well beyond the minimum EITI standard. Similarly, genuine multi-stakeholder power sharing in Tanzania-EITI has allowed civil society organizations like Haki Madini to successfully push for the disclosure of extractive industry contracts and licenses.

Third, the absence of high-level political support was shown to be sufficient to negate proactive transparency reforms when MSI implementation followed a political crisis, as it does in many cases. This was the case for CoST in both the Philippines and Tanzania, where government support for the original pilot (2008-2010) following notable infrastructure scandals did not transfer to support for the new global initiative (2012-present). This finding suggests that high-level political support may not be critical for driving MSI reforms forward, but may be important for protecting them from backsliding in the face of changing priorities or ongoing

corruption. Additionally, this finding also suggests that high-level changes in governmental administration (i.e., presidential or parliamentary elections) may threaten reform efforts, even if the day-to-day activities of MSI implementation remain unaffected.

Fourth, since prior political crisis is part of only one causal combination sufficient to facilitate proactive transparency reform (i.e., the insider path), but is also part of both causal combinations found to negate these reforms, heightened conflict between actors appears to be at least as much of a liability as it is an advantage; contrary to claims by some MSI practitioners (e.g. Rich & Moberg, 2015). For example, in Guatemala, EITI was implemented following a series of violent clashes between citizens protesting mining operations, and police or private security forces. A lack of political support for EITI by the Pérez Administration resulted in poor transparency outcomes, despite ongoing compliance with official membership requirements. Additionally, civil society observers reported that significant dissonance between the issues driving the violence surrounding the extractive sector (e.g., environmental protection and human rights) and the more limited objectives of the EITI (e.g., revenue transparency) was a key reason they declined to participate.

Finally, neither bureaucratic expertise and authority, nor broad, sustained involvement by civil society, were found to be consistent drivers of proactive transparency reform, although both causal conditions were present in one of the three intermediate solutions. The relative lack of causal importance of these two conditions may reflect the fact that the comparative analysis was limited to relatively narrow proactive transparency outcomes. While a small, relatively benign

group of government and civil society actors may be fully capable of overseeing increases in data transparency, broader reforms to government policy that would be indicative of increased government responsiveness or accountability are likely to require additional clout from within the government, and additional pressure coming from outside of it. Indeed, it seems entirely likely that these two conditions could have played a more significant role if cases where accountability gains were stronger had been included in the analysis. Unfortunately, there appear to be few such cases.

### 8.3 Conclusion

Chapters 5-7 provided an in-depth review of EITI, CoST, and OGP implementation within three shared national contexts—Guatemala, the Philippines, and Tanzania. Here, the findings from these nine case studies have been synthesized to provide broader insights into whether and how global public sector governance MSIs improve transparency and accountability by national governments in the hopes of building a middle-range theory of global public sector governance MSI effectiveness. Notable proactive transparency gains were observed in six cases, while no cases displayed any gains in demand-driven transparency, and only one case showed significant gains in accountability.

A qualitative comparative analysis of these nine cases further revealed that a combination of multi-stakeholder power sharing and civil society capacity was sufficient to produce greater proactive transparency, while the absence of visible, high-level political support was sufficient to halt these types of reforms. Taken together, these findings suggest that the collaborative, multi-

stakeholder approach to government information disclosure facilitated by global public sector governance MSIs does indeed produce improvements in proactive transparency by national governments, but that additional investment by both government and civil society actors is also required to achieve these goals. Low levels of government bureaucratic expertise and authority and civil society interest across most cases, combined with poor demand-driven transparency and accountability outcomes, suggests that perhaps the national reform coalitions forged by these MSIs are simply too narrow to successfully achieve broader improvements in public sector governance.

## CHAPTER 9

### CONCLUSION

Public sector governance multi-stakeholder initiatives (MSIs) seek to make national governments more transparent and accountable by setting global standards for multi-stakeholder collaboration and information disclosure. Overall, the evidence for the effectiveness and impact of three global public sector governance MSIs—the Extractive Industries Transparency Initiative (EITI), the Construction Sector Transparency Initiative (CoST), and the Open Government Partnership (OGP)—suggests that these MSIs have indeed produced improvements in proactive transparency (i.e., discretionary release of government data), but far fewer gains in either demand-driven transparency (i.e., reforms that increase public access to government information upon request), or accountability (i.e., the extent to which government officials are compelled to publicly explain their actions and/or face penalties or sanction for them). An in-depth review of EITI, CoST, and OGP implementation within three shared national contexts—Guatemala, the Philippines, and Tanzania—confirms this finding: notable proactive transparency gains were observed in six cases, while no cases displayed any gains in demand-driven transparency, and only one case showed any notable gains in accountability.

A qualitative comparative analysis of these nine cases further reveals that a combination of multi-stakeholder power sharing and civil society capacity was sufficient to produce greater proactive transparency, while the absence of visible, high-level political support was sufficient to limit these types of reforms. Taken together, these findings suggest that the collaborative, multi-stakeholder approach to government information disclosure facilitated by global public sector governance MSIs does indeed improve proactive transparency outcomes, but that significant investment by both government and civil society actors is also required to achieve these goals. Finally, the lack of demand-driven transparency or accountability outcomes suggests that the

national reform coalitions forged by these MSIs are often too narrow to successfully achieve broader improvements in public sector governance.

Persuasive evidence of openwashing—measured as notable discrepancies between government actions (or non-actions) since joining the MSI and the core values or principles that MSI members ostensibly endorse upon joining, combined with each government’s record on transparency and accountability gains—was found in three out of the nine cases reviewed in depth. This finding suggests that current global public sector governance MSI membership requirements are too lax to ensure that participating governments make substantive progress towards reform. In these cases, national governments appeared to use their membership in global MSIs to deliberately mislead international observers and domestic stakeholders about their commitment to public governance reform.

These findings have significant implications for understanding the consequences and limits of normative soft power in the international system. Global public sector governance MSIs help to produce meaningful increases in proactive transparency by national governments, suggesting that normative soft power approaches can indeed have a measurable effect on the internal governance practices of sovereign states. However, the fact that these national-level gains fall well short of the stated goals of these MSIs (i.e., improved government accountability, efficiency, and service delivery, reduced corruption, poverty reduction, sustainable development, etc.) suggests that there are substantial limits on the extent to which this approach should be expected to change the internal governance practices of states. Moreover, compelling evidence of openwashing in three out of nine cases suggests that these MSIs are sometimes being used in an attempt to bolster the legitimacy of national regimes that remain principally closed and undemocratic.

Turning from theories of soft power to theories of social accountability, these findings also help to clarify the causal pathways leading from multi-stakeholder collaboration and transparency, to accountability. Global MSIs imagine themselves to be iterative, multi-level, multi-actor projects that disseminate actionable information, enable collective action, influence government incentives, and alter underlying national power dynamics. However, when observed from the national level, these global initiatives appear to be far-more-bounded projects that assume that multi-stakeholder collaboration is sufficient to improve government responsiveness, and that information disclosure will automatically trigger collective action. In practice, many national multi-stakeholder groups are neither broadly representative of civil society, nor sufficiently powerful to influence government policy. Additionally, the information being disclosed through MSIs is often too technical to be comprehensible by citizens without additional translation, interpretation, and contextualization. As a result, improvements in multi-stakeholder collaboration and transparency have not yet produced tangible increases in government accountability.

Ultimately, the extent to which global public sector governance MSIs have the power to improve public sector governance will depend on the willingness and capacity of national pro-reform actors to embed MSI activities and outputs within the efforts of broader national accountability coalitions.<sup>479</sup> Pro-reform actors should expand processes for civil society consultation and participation beyond political and economic centers, and customize national MSI agendas so that they resonate with broad civic and social constituencies. They should also petition formal domestic accountability institutions to reinforce national MSI implementation with hard law, and work to embed newly released information on government activities into existing channels of public discourse and decision-making. MSI Secretariats, Boards, and



participating governments should work to strengthen national implementation by broadening participation across branches of government. Secretariats and Boards can also increase the soft power of global public sector governance MSIs in two ways: First, by facilitating opportunities for government participants from different countries to build relationships with one another, they can help these participants to establish a new, collective identity as globally empowered agents of reform. Second, by encouraging developed countries to “practice what they preach” by implementing public sector governance MSIs (rather than simply funding them), these actors can help to increase the legitimacy of these initiatives as global standard-setters. Finally, funders should work to strengthen broad coalitions of national-level actors that can engage directly with MSI agenda-setting, activities, and outputs, and link these efforts to existing domestic accountability ecosystems—the landscape of actors, institutions, mechanisms, and political dynamics between these various components, that serves to promote or inhibit good governance. This can be accomplished by supporting actors with strong ties to existing pro-accountability coalitions and investing in national “info-mediaries” who can translate MSI outputs into actionable information.

### 9.1 Public Sector Governance MSIs: A Unified, but Incomplete, Theory of Change

Overall, the evidence for the effectiveness and impact of EITI, CoST, and OGP suggests that global public sector governance MSIs often facilitate notable improvements in proactive transparency by national governments in participating countries, but that demand-driven transparency and accountability gains remain considerably more rare. Moreover, a comparative analysis across nine cases of national MSI implementation further reveals that, while there appear to be several pathways by which these initiatives might facilitate proactive transparency reform (i.e., the “easy,” “insider,” and “conventional” solutions), these gains are most often the

result of the co-occurrence of two conditions: government compliance with MSI rules for genuine multi-stakeholder collaboration; and participation by civil society organizations with adequate capacity to guide and influence the disclosure process. Finally, the comparative analysis also reveals that the *absence* of visible political support is sufficient to explain the *absence* of proactive transparency reforms, suggesting that political support creates the space necessary for reformers to operate, but does not guarantee that any reforms will actually take place. Taken together, these findings suggest that the collaborative, multi-stakeholder approach to information disclosure facilitated by global public sector governance MSIs can indeed contribute to increased government transparency, but that significant investment by both government and civil society actors is also required to achieve these gains.

While a lack of demand-driven transparency or accountability gains in the nine cases of national MSI implementation reviewed in depth prevented a formal qualitative comparative analysis of potential explanatory factors, one can speculate that fairly limited interest and participation by both government and civil society actors across all nine cases may help to explain the absence of broader improvements in public sector governance. Indeed, while increases in proactive transparency require the coordinated efforts of a few government and nongovernment reformers (along with some political cover), demand-driven transparency and accountability represent a much more significant challenge to the status quo distribution of national power, and therefore require a much broader coalition of actors for reforms in these areas to be achieved.

Conceptually, proactive information disclosure and multi-stakeholder collaboration may be effective tools for solving principal-agent problems of information and communication, but they do not address the underlying problems of power that limit the responsiveness and

accountability of national governments to citizens. In other words, this research suggests that public sector governance MSIs have an underdeveloped theory of change for how their core activities are supposed to drive improvements in public accountability.

#### 9.1.1 Global Public Sector Governance MSIs and National Government Transparency

Public sector MSIs assert that they produce tangible gains in proactive government transparency in participating countries. EITI claims to have helped governments disclose \$1.9 trillion USD across 305 fiscal years (<https://eiti.org>). CoST claims to have established formal disclosure requirements in four countries and validated data for 185 public infrastructure projects (Hawkins, 2016, p. 1). OGP records over 280 completed commitments evaluated to increase the availability of information about government activities.<sup>480</sup> However, a review of the existing literature on MSI effectiveness (i.e., the extent to which MSIs have helped to change government policy or facilitate public debate in participating countries) and impact (i.e., the extent to which these debates and policy changes have had measurable effects on the social, economic, or environmental conditions within or across participating countries) reveals that much of the evidence for these transparency gains comes from either MSI self-reports or cross-national, large-N correlational studies. Accordingly, the nine within-case studies presented in Chapters 5-7 provide important causal verification of this claim. Furthermore, these case studies provide an independent assessment of the *quality* of national transparency gains, i.e., the extent to which the information being disclosed is judged by national stakeholders to be relevant for understanding government activities and performance, the extent to which disclosure practices are sustainable, and the extent to which there are significant loopholes or data quality issues.

Overall, these nine case studies suggest that public sector governance MSIs are indeed an effective driver of increased proactive government transparency. Notable gains were observed in

all three cases of national EITI implementation, in two cases of national CoST implementation, and in one case of OGP implementation. EITI's superior performance can perhaps be attributed to two factors. First, as the oldest of the three initiatives, EITI has had the most time to refine its practices at the national level. Second, EITI is also the only public sector governance MSI to publicly certify the performance of participating countries. OGP publicly monitors compliance (via the IRM), but does not certify countries as compliant, and CoST only privately monitors compliance. Conversely, OGP's more modest results can also be attributed to two factors. First, OGP is the newest of the three initiatives, and has therefore had the least amount of time to refine national practices. However, OGP's limited gains are also likely a reflection of the more flexible National Action Plan commitment process. Unlike EITI or CoST—which both provide a clear global standard for proactive transparency that makes it more likely that national governments will disclose useable, relevant information, through sustainable processes—OGP allows governments to set their own terms for information disclosure. Indeed, the IRM reports that the degree of National Action Plan ambition varies dramatically across participating countries (Foti, 2014, pp. 14-18). As a result, even though the majority of OGP commitments (60%) address “access to information,” much of the information being disclosed is too technical or aggregated to be useable by non-government actors, and much of this disclosure has occurred through informal changes to government practice (i.e., administrative changes or executive branch decisions) that may not be sustainable in the long run. Nevertheless, there were no clear systematic differences between countries' proactive transparency outcomes across MSIs, suggesting that no MSI was entirely irrelevant, however limited their effects on proactive transparency may have been in some cases.

A comparative analysis across all nine cases identifies three different “paths” to proactive transparency reform (see Table 9.1). The “easy” path demonstrates how, in the absence of recent political crisis, OGP and EITI were able to facilitate gains in proactive transparency in the Philippines through a combination of visible political support from the Aquino Administration, regular, independent performance evaluation (i.e., EITI and OGP-IRM reports) and civil society capacity. The “insider” path describes the implementation of CoST in the Philippines and Guatemala, where, following a series of corruption scandals under the Arroyo and Colom Administrations respectively, efforts to incorporate the CoST infrastructure data standard into PhilGEPs and Guatecompras relied on a combination of multi-stakeholder power sharing, civil society capacity, and bureaucratic expertise and authority. Finally, the “conventional” path demonstrates how CoST disclosure in Guatemala, and EITI disclosure in both the Philippines and Tanzania, relied on a combination of genuine multi-stakeholder power sharing, regular, independent performance evaluation (provided by the CoST assurance process, EITI validation, and the OGP-IRM, respectively), visible political support, and relatively broad and sustained involvement by skilled and adequately funded civil society organizations.

Table 9.1. Three pathways to proactive transparency reform

<b><u>Pathway</u></b>	<b><u>Context</u></b>	<b><u>Key MSI Conditions</u></b>	<b><u>Key Government Conditions</u></b>	<b><u>Key Civil Society Conditions</u></b>	<b><u>Case Examples</u></b>
"Easy"	Absence of recent political crisis	Regular, independent performance evaluation	Visible political support	Skilled, adequately funded CSO participants	EITI in the Philippines*; OGP in the Philippines
"Insider"	Recent political crisis	Genuine multi-stakeholder power sharing	Bureaucratic expertise and authority	Skilled, adequately funded CSO participants	CoST in the Philippines; CoST in Guatemala*
"Conventional"		Regular, independent performance evaluation; Genuine multi-stakeholder power sharing	Visible political support	Skilled, adequately funded CSO participants; Relatively broad civil society interest	CoST in Guatemala*; EITI in the Philippines*; EITI in Tanzania

\* Due to the logic of fuzzy set qualitative analysis (fsQCA), a single case can be used to solve for multiple Boolean solutions.

The key finding from this analysis is that there does seem to be a relatively consistent path by which public sector governance MSIs facilitate proactive transparency reforms across participating countries (i.e., the conventional path): First, MSI rules for multi-stakeholder participation and regular, independent performance review must be followed. Second, the national government must provide visible, political support. Third, there must be relatively broad and sustained involvement by skilled, well-funded civil society organizations. However, this analysis also demonstrates that there are other viable paths to reform as well. In particular, public sector governance MSIs appear to operate differently when the salience of prior political crises is comparably lower (i.e., the easy path) or comparably higher (i.e., the insider path). These alternative paths are likely to be applicable in countries implementing public sector governance MSIs under similar sociopolitical conditions. For example, in Germany, the process of

implementing EITI might be expected to follow the “easy” path: Given the absence of recent political crises, proactive transparency reforms are likely to occur even without broad civil society interest, or strong multi-stakeholder governance practices. In Thailand, the process of implementing CoST might be expected to follow the “insider” path: Given the 2014 coup d'état, proactive transparency gains might only occur if there is genuine multi-stakeholder power sharing and sufficient bureaucratic expertise and authority.

Ultimately, the comparative analysis points to two core conditions that, when they occur together, are sufficient to produce meaningful gains in proactive transparency. Governments must actually follow the rules for genuine multi-stakeholder power sharing, and civil society organizations must have the resources to regularly attend meetings and the technical expertise to interpret MSI outputs and utilize them in their own work. Additionally, should MSI implementation follow a political crisis (as it does in many cases) government officials must provide visible, political support, or the initiative will fail to produce gains in proactive transparency.

#### 9.1.1.1 Multi-stakeholder power sharing

Consistent with the basic logic behind multi-stakeholder collaboration (i.e., Adelman & Morris, 1997), the comparative case analysis shows that genuine multi-stakeholder power sharing is a key component of MSI effectiveness. In cases where non-governmental actors (i.e., civil society and the private sector) were treated as full and equal partners in MSI decision-making and implementation, the information disclosed was ultimately judged to be more comprehensive, more sustainable, and more useful by national stakeholders. This finding may seem like common sense (if not entirely redundant to the basic principle of multi-stakeholder governance), but in a host of participating countries, stakeholders report concerns about whether

the internal decision-making processes of national MSGs are sufficiently inclusive and balanced across stakeholder groups. In Guatemala, for example, decisions regarding EITI are made based on majority rules, with each sector getting only a single vote. When Acción Ciudadana, the national chapter of Transparency International, withdrew from the national MSG, the Pérez government invited organizations of questionable legitimacy to take their place. Indeed, in a study of 15 countries participating in EITI, MSI Integrity (2015, p. xi) found that the government had some involvement in picking CSO representatives in seven countries. Additionally, national multi-stakeholder groups draw most of their civil society participants from capital cities or other urban areas, calling into question whether these groups adequately represent rural populations or populations most affected by their work (e.g., citizens living in regions where oil, gas, and mining projects actually take place). While Eddie Rich, Deputy Head of the EITI International Secretariat, has dismissed MSI Integrity's concerns over process as unrelated to more substantive outcomes, this comparative case study definitively demonstrates that genuine multi-stakeholder power sharing is, in fact, critical for achieving meaningful gains in proactive transparency.<sup>481</sup>

Currently, the EITI, CoST, and OGP international secretariats all provide guidance on how to establish effective national multi-stakeholder governance, but do little to address problems when they occur. For example, while EITI publicly certifies that participating governments are meeting the basic requirements for multi-stakeholder collaboration as part of the validation process, Guatemala was certified as EITI compliant, even though there was clear evidence that the national multi-stakeholder group, the Comisión Nacional de Trabajo de la EITI (CNT), did not recognize the equality of nongovernmental actors.

OGP and CoST do even less to protect multi-stakeholder governance. CoST privately monitors the functioning of national multi-stakeholder groups, but has allowed some



participating governments (e.g., Vietnam), to implement the initiative with little input from civil society. While the OGP's IRM monitors compliance with the basic rules for civil society consultation, and makes this data available to the public, OGP membership does not require the establishment of a formal national multi-stakeholder group. Indeed, all three countries included in this study struggled to ensure inclusive, balanced decision-making processes as part of OGP implementation. This analysis may help to explain why OGP underperformed the other two MSIs on proactive transparency outcomes: Unless public sector governance MSIs are able to establish more genuine multi-stakeholder power sharing within their national steering committees, the information participating governments choose to disclose is likely to be difficult to interpret, largely incomplete, or simply irrelevant to public concerns.

#### 9.1.1.2 Civil society capacity

By itself, the existence of formal mechanisms to ensure multi-stakeholder power sharing is still insufficient to produce meaningful improvements in proactive transparency by national governments. Indeed, there must also be civil society organizations with the resources to regularly attend MSI meetings, and the technical expertise to steer government disclosure in the right direction. For example, in the Philippines, members of the Bantay Kita civil society alliance actively sought to increase their expertise on extractive sector governance, learning how to read Mineral Production and Sharing Agreements (MPSAs) and Financial and Technical Assistance Agreements (FTAAs), in order to more effectively participate in EITI. After only two reports, the Philippines is now recognized as one of the leading innovators in EITI.<sup>482</sup>

An in-depth review of nine cases of national MSI implementation suggests that civil society capacity can impact proactive disclosure in two ways. First, civil society organizations with greater capacity are able to put more pressure on governments to honor their pledge to

disclose. This mechanism is perhaps clearest in the case of CoST in Guatemala, where a coalition of CSOs both inside and outside the national MSG pushed the Pérez Administration to honor commitments to make disclosure of public infrastructure data via Guatecompras mandatory. Second, civil society organizations can help to guide MSI disclosure goals towards the release of information that would be more useful and relevant to citizens. For example, in the Philippines, Bantay Kita pushed for the disclosure of disaggregated payments to local governments.

Currently, EITI, CoST, and OGP offer a host of training and capacity-building opportunities for participating civil society organizations. This finding suggests that these efforts are likely to be critical for achieving sustainable, meaningful gains in proactive transparency. Participating civil society organizations need to have the basic capacity to fulfill their critical function as both public advocate and government partner.

To be sure, highly capable, well-funded civil society organizations were identified on almost every national MSI steering committee in this study. Yet, in many cases, these organizations were never given an opportunity to substantially influence the character of proactive government disclosure—either because multi-stakeholder group meetings were infrequent or irregular, or multi-stakeholder governance practices were non-democratic. In these instances, government disclosure remained opaque, unsustainable, or simply uninteresting. Critically, it is the *combination* of civil society capacity and genuine multi-stakeholder power sharing that produces proactive transparency gains.

#### 9.1.1.3 Visible political support

While visible political support was found to be neither necessary, nor sufficient, to drive gains in proactive transparency, the *absence* of visible political support was shown to be

sufficient to *negate* proactive transparency reforms when MSI implementation followed a political crisis. This was the case for CoST in both the Philippines and Tanzania, where government support for the original pilot (2008-2010) following notable infrastructure scandals did not transfer to support for the new global initiative (2012-present), despite genuine attempts as multi-stakeholder power sharing. It was also the case for both EITI and OGP in Guatemala, where the Pérez Administration formally complied with MSI rules for regular, independent performance evaluation to counter accusations of corruption, but did little else to show support for either initiative. Simply put, while visible political support does not guarantee gains in proactive transparency, a lack of visible political support does ensure that proactive transparency gains will fail to manifest. Indeed, the role political support plays in driving proactive transparency appears to be a largely defensive one: Visible support by high-ranking officials provides political cover for reformers in both government and civil society to operate. Although creating the political space for reform does not guarantee success, without it, reform is guaranteed to fail.

Public sector governance MSIs, particularly OGP, already recognize the importance of high-level political support in driving national-level outcomes. However, this finding helps to clarify that visible political support alone is unlikely to drive improvements in proactive government transparency. For example, in Tanzania, President Kikwete enthusiastically and repeatedly embraced OGP as a platform for reform, yet gains in proactive transparency have been lackluster at best. However, Kikwete also provided support for EITI, which established significantly stronger multi-stakeholder governance practices and generated greater interest from civil society. In this case, significant proactive gains were achieved. Essentially, this finding suggests that public sector governance MSIs should consider visible political support to be a

prerequisite for achieving transparency reforms, in that it creates the space for would-be reformers to operate, but not a sufficient pathway to reform in its own right.

#### 9.1.1.4 Proactive vs. demand-driven transparency

This research demonstrates that public sector governance MSIs often facilitate gains in proactive transparency (i.e., the discretionary release of government data), while gains in demand-driven transparency (i.e., reforms that increase public access to government information upon request) have been limited to handful of countries where OGP is credited with helping to secure passage of Freedom of Information laws. “Transparency” can be conceptualized in a variety of different ways (e.g., Fox, 2007; Kosack & Fung, 2014; McCarthy & Fluck, 2016). A key dimension of this concept worthy of careful consideration is whether the provision of information is imagined to be a one-way current, or a dialogue between information users and information providers. Across the nine cases of national MSI implementation reviewed in depth, not a single improvement in demand-driven transparency could be verified, and only three cases appeared to even address this type of transparency.<sup>483</sup>

While there is nothing inherently wrong with focusing on proactive government transparency, it is nevertheless important to point out that these types of reforms allow national governments to maintain discretion over the information the public sees, whereas demand-driven transparency ensures that the public gains access to official information deemed necessary to fully assess government performance (see Fox, 2007b, p. 665). Perhaps if public sector governance MSIs were able to facilitate greater demand-driven access to more relevant information about government decision-making and performance, it would help to broaden the coalition of civic actors motivated to push for greater government answerability and improved sanctioning mechanisms. Yet, without greater cross-case variation on either demand-driven

transparency or accountability outcomes, this proposition remains a speculative one. What is known for certain, however, is that public sector governance MSIs only rarely produce reforms that shift the national balance of power in favor of citizens' right to request information.

#### 9.1.2 Global Public Sector Governance MSIs and National Government Accountability

Global public sector governance MSIs help to increase proactive transparency by national governments, yet these initiatives aspire to do much more: EITI and CoST are intended to help reduce corruption, inefficiency, and poverty, and drive sustainable development. OGP seeks to improve public services, increase public integrity, more effectively manage public resources, create safer communities, and increase corporate accountability. Indeed, based on the goals articulated by these MSIs, the provision of government data should essentially be considered an output, rather than an outcome—intended to drive policy change and facilitate public debate within participating countries. Yet, beyond the disclosure of government data, participating countries still have relatively little to show for their implementation of global public sector governance MSIs.

Increased government accountability (i.e., the extent to which government officials are compelled to publicly explain their actions and/or face penalties or sanction for them) is anticipated to produce improvements in government performance, and ultimately lead to improvements in social, economic, or environmental conditions. However, a review of the existing literature on EITI, CoST, and OGP suggests that gains in government accountability remain quite rare. EITI helped to uncover over \$8 billion USD in missing extractive industry payments in Nigeria, but only a quarter of those funds were subsequently recovered.<sup>484</sup> Only Ghana has pursued sector-wide reforms beyond mandatory information disclosure, reforming its royalty and corporate tax code (Wilson & Van Alstine, 2014, p. 32). Similarly, while CoST

played a role in revisiting individual mismanaged projects in both Guatemala and Nigeria, only Malawi has passed broader reforms within the public construction sector (beyond mandatory disclosure), restructuring departments and empowering managers with new statutory powers (see CoST International Secretariat, 2012b; and Calland & Hawkins, 2012). Finally, with regard to OGP, with regard to OGP, while 34% of commitments have been assessed by the IRM to address government accountability, only 51% of these accountability commitments have been entirely or substantially completed. In other words, only 17% of all OGP commitments evaluated by the IRM are even on track to produce accountability gains.<sup>485</sup>

The nine cases of national MSI implementation assessed in depth confirm this general pattern. Only a single case of national MSI implementation—OGP in the Philippines—was found to have increased accountability within small areas of government activity and performance. Both the Citizens Participatory Audit (CPA) social auditing program, and the Bottom-Up Budgeting (BuB) local poverty reduction plans were judged to give local civil society more input on how the government spends public funds in each region, and more oversight to track whether those funds are well spent. In two additional cases—CoST in Guatemala and OGP in Tanzania—national MSI implementation was found to have compelled a public response by government officials in single occurrences only: the cancellation of the Belize bridge project in Guatemala, and the water mapping project in Tanzania.

While the flexibility of the OGP National Action Plan commitment process proved to be a weakness in terms of producing meaningful proactive transparency gains, it appears to be a potential strength with regard to accountability gains. Rather than assuming that a global standard for information disclosure and multi-stakeholder collaboration is the sole path to accountability, OGP allows participating countries to commit to a variety of different projects

intended to improve accountability. Notably, none of the OGP commitments that produced accountability gains relied on proactive government disclosure as a prerequisite. In Tanzania, citizens provided the underlying data on water access for the water-mapping project. In the Philippines, citizens provided the inputs for both the Citizens Participatory Audit (CPA) program, and the Bottom-Up Budgeting (BuB) program. However, for CoST in Guatemala, proactive disclosure of project data was necessary for the eventual cancellation of the Belize Bridge project. These findings suggest that proactive disclosure may be one path to accountability, but it is not the only one.

With respect to the relationship between proactive transparency and accountability, three cases—EITI in Tanzania, EITI in the Philippines, and CoST in Guatemala—clearly demonstrate that MSIs can help to produce significant gains in proactive transparency. Yet, in none of these cases did MSIs also produce notable gains in accountability. While it may be the case that public sector governance MSIs that focus on proactive transparency are, by themselves, inadequate for producing gains in accountability, two alternative explanations deserve careful consideration as well. First, it may be the case that greater transparency simply revealed no actionable deficiencies around which demands for greater accountability could be made. Second, it may be the case that simply not enough time had passed for newly released information to stimulate public debate, motivate public advocacy, and produce a government response.

In the case of EITI in the Philippines, the lack of accountability gains can be explained by either alternative explanation. PH-EITI is still fairly new, and (due at least in part to weaknesses in reporting during the production of the first and second reconciliation reports) few actionable deficiencies in the governance of the extractive sector have been uncovered thus far. However, neither of these alternative explanations accounts for the lack of accountability outcomes for

either EITI in Tanzania or CoST in Guatemala, where actionable deficiencies have indeed been uncovered, and national implementation had been underway for a number of years. Indeed, these two cases suggest that public sector governance MSIs that focus on proactive transparency are simply inadequate for producing gains in accountability.

More broadly, one can speculate that fairly limited interest and participation by both government and civil society actors may help to explain why public sector governance MSIs often fail to produce notable gains in accountability. While a lack of cross-case variation on accountability outcomes prevents a formal qualitative comparative analysis of potential explanatory factors, it is clear that the decision to participate in an MSI is often made by a small group of influential national actors (e.g., the president, the minister of finance, and the head of an influential NGO), with encouragement from international donors (e.g., DFID or the World Bank). As a result, these initiatives are expected to operate in countries where there may be little initial interest from either government agencies or civil society organizations.

While increases in proactive transparency require the coordinated efforts of a few government and nongovernment reformers, demands for greater government accountability represent a much more significant challenge to the status quo, and therefore require a much broader coalition of actors. Yet, the underlying challenge is a chicken-and-egg problem: Insofar as most MSI outputs (mainly information disclosure) have yet to be leveraged into more tangible accountability outcomes, many civil society organizations and government reformers remain wary of investing their limited political capital, time, and resources in global MSIs; yet, until national MSI coalitions broaden and strengthen their base, it will be difficult for them to amass the social and political clout necessary to demand more significant reforms to government accountability practices.



### 9.1.3 How Well Do Global Public Sector Governance MSIs Address Principal-Agent Problems?

Multi-stakeholder initiatives are intended to address problematic relationships between principals (e.g., citizens) and agents (e.g., elected officials, policymakers, and public service providers). However, the research presented here suggests that while the proactive transparency and multi-stakeholder collaboration strategies utilized by global public sector governance MSIs are adequate for addressing problems of information and communication, they are inadequate for addressing problems of power (see Table 9.2). In other words, public sector governance MSIs appear to have an underdeveloped theory of change for how their core activities are supposed to drive significant changes in national government behavior.

Public sector MSIs primarily address problems of information—where principals lack enough information about the behavior of agents to determine if their interests are being met—through the proactive disclosure of government data. For EITI and CoST, non-government actors are aided in their vetting of this newly disclosed data by a process of independent validation (i.e., reconciliation with private sector records in the case of EITI; review by independent assurance team experts in the case of CoST). MSIs also offer technical training to help participating CSOs make sense of newly disclosed data. Government representatives can be made to answer for data gaps or quality issues via the national multi-stakeholder groups in the case of EITI or CoST, or national steering committees in the case of at least some OGP countries.

Table 9.2. Mapping core global public sector governance MSI activities onto key transparency, participation, and accountability strategies that address principal-agent problems

	<b><u>Problems of information</u></b>	<b><u>Problems of communication</u></b>	<b><u>Problems of power</u></b>
<b><u>Transparency</u></b>	<p>Must be clear, not opaque; Can be proactive (i.e., discretionary release of government data) or demand-driven (i.e., increases in public access to government information upon request)</p> <p><i>EITI reporting; CoST disclosure; some OGP action plan commitments</i></p>	<p>Demand-driven transparency only (i.e., increases in public access to government information upon request)</p> <p><i>Some OGP action plan commitments promote FOI legislation</i></p>	<p>Demand-driven transparency only (i.e., increases in public access to government information upon request)</p> <p><i>Some OGP action plan commitments promote FOI legislation</i></p>
<b><u>Participation</u></b>	<p>Vet (i.e., receive information on government performance)</p> <p><i>EITI reporting; CoST assurance; some OGP action plan commitments; Technical training for participating CSOs</i></p>	<p>Voice (i.e., respond to government performance); Yelp (i.e., request services, report problems)</p> <p><i>EITI national multi-stakeholder group; CoST national multi-stakeholder group; OGP national steering committee (in some countries); Media and advocacy training for participating CSOs</i></p>	<p>Vote, Veto (i.e., influence government performance); Teeth (i.e., government responds to requests or problems)</p> <p><i>In a handful of countries, OGP has helped strengthen mechanisms for citizen voice that have produced action by government agencies (i.e., teeth), and EITI and CoST national MSGs have made recommendations for government policy changes or for the cancelation of existing projects, that have subsequently been enacted (i.e., veto; teeth)</i></p>
<b><u>Accountability</u></b>	<p>Answerability</p> <p><i>EITI national multi-stakeholder group; CoST national multi-stakeholder group; OGP national steering committee (in some countries)</i></p>	<p>Answerability</p> <p><i>EITI national multi-stakeholder group; CoST national multi-stakeholder group; OGP national steering committee (in some countries)</i></p>	<p>Enforceability</p> <p><i>EITI has forged links with the Economic and Financial Crimes Commission (EFCC) in Nigeria but no sanctions have been issued as of yet.</i></p>

Problems of communication—where agents lack information about the true preferences of principals, or receive incoherent instructions—are addressed primarily through national multi-stakeholder groups, which give nongovernment actors forum to voice their opinions about government policies, and make suggestions for improvements or reform. Through OGP only, participating countries can also attempt to address problems of communication by committing to

increase demand-driven transparency via passage or reform of FOI laws. Finally, MSIs also offer media and advocacy training to participating civil society organizations in order to help them develop strategies to mobilize the public and push for change.

However, since national governments choose to implement public sector governance MSIs voluntarily, these initiatives appear to struggle to directly address problems of power—where principals have limited means or opportunity to correct agent behavior. While achieving the ultimate goals of these initiatives (i.e., anti-corruption, increased public sector efficiency, sustainable development, etc.) will likely require significant public sector governance reform (e.g., strengthened independent oversight offices, new laws, regulations, and penalties for ethics violations), only marginal reforms are actually required for MSI membership (e.g., proactive information disclosure, establishment of a multi-stakeholder group). Consequently, national governments can fully and completely implement public sector governance MSIs while keeping them wholly separated from the actual levers of power.

Nevertheless, there are a handful of examples where public sector governance MSIs have—at least indirectly—challenged underlying national power dynamics. For example, OGP commitments that have resulted in the successful passage or reform of FOI laws provide national public interest groups with an increased legal right to access government information. In a few cases, OGP has also helped strengthen mechanisms for citizen voice that have produced tangible responses by government agencies. Similarly, in a few cases, EITI and CoST national multi-stakeholder groups have provided a platform for non-governmental actors to make recommendations for government policy changes (or for the cancellation of existing projects) that have subsequently been enacted. Since participation in MSIs is voluntary, these initiatives have no way to directly sanction bad behavior on the part of government officials; yet, in rare

instances, MSIs have also established ties with national independent oversight bodies (e.g. auditors, comptrollers). However, these types of outcomes remain fairly exceptional, occurring in perhaps less than 20% of implementing countries.<sup>486</sup>

The limited demand driven transparency and accountability gains observed thus far suggests that global public sector governance MSIs need to develop additional strategies and tools to understand and influence the distribution of power in participating countries. For example, as a first step, national multi-stakeholder groups could be encouraged to conduct a power analysis: How is each stakeholder group really organized? Who are the champions of governance reform in government, civil society, and the private sector, and who are the opponents? What are each actor's incentives for devoting time and resources to the work of an MSI? What are their existing capacities? Where are there points of opportunity and opposition for working more effectively with each group? Indeed, CoST has attempted to encourage precisely this type of thinking by requiring new members to complete a national scoping study providing details on political challenges and opportunities, key players in each sector, and existing institutions and initiatives that support transparency and good governance. However, to date, only a single country (Ukraine) has produced this analysis.<sup>487</sup> For these initiatives to have their desired effect on public sector governance, they must provide new points of leverage for reformers within the existing landscape of actors, institutions, and political dynamics.

## 9.2 The Consequences and Limits of Normative Soft Power

In the absence of more traditional forms of material, or even institutional, power (e.g., military force, economic sanctions, or international law), global MSIs rely predominately on normative soft power—efforts to regulate and reconstitute the interests of actors through co-option and attraction, rather than coercion (see Nye, 1990; 2004). Public sector governance MSIs

use the prospect of an enhanced global reputation (potentially increasing future opportunities for foreign aid and investment) to persuade national governments to comply with official rules for membership. Yet, while a variety of public and private sector actors have willingly joined and fully implemented a host of different global MSIs, the rules for participation in these initiatives remain intentionally minimal. As a result, it is also possible that global public sector governance MSIs are simply being used in an attempt to bolster the legitimacy of regimes that remain fundamentally closed and undemocratic. To what extent does compliance remain entirely superficial, and to what extent do sovereign national governments actually change their transparency and accountability practices as a result of MSI membership?

This research suggests that global public sector governance MSIs are indeed effective, if considerably limited, instruments of normative soft power. Voluntary participation in these initiatives produces meaningful increases in proactive transparency by national governments in the majority of cases, but demand-driven transparency and accountability gains remain largely out of reach.

Additionally, there appear to be slight differences in the efficacy of EITI, CoST, and OGP in facilitating proactive government transparency that likely relate to variations in normative soft power. Global MSIs seek to establish themselves as legitimate standard-setters via decision-making practices that are inclusive, transparent, and accountable (e.g., Schäferhoff, Campe, & Kaan, 2009; Peters, Köchlin, Förster, & Fenner, 2009; Dingwerth, 2011; Mena & Palazzo, 2012). All three MSIs derive their soft power from inclusive, multi-stakeholder decision-making practices at the global level, but only EITI and CoST require these practices to be mirrored at the national level, through the establishment of formal multi-stakeholder groups. OGP requires participating governments to consult with civil society, but in the absence of

formal requirements for the establishment of a multi-stakeholder steering committee, many countries have struggled to fulfill this requirement. It is perhaps unsurprising then, that OGP facilitated the fewest meaningful gains in proactive transparency across the three countries including in this study. Furthermore, only EITI publicly certifies the information disclosure and multi-stakeholder collaboration practices of its members. Since performance indicators are thought to be an especially effective strategy for wielding normative soft power (i.e., Davis et al., 2012; Kelley & Simmons, 2014), it is also unsurprising that EITI was found to have facilitated meaningful, sustainable proactive disclosure in all three countries. Nevertheless, it is also possible that these differences simply reflect that EITI is the oldest public sector governance MSI included in the study, and OGP the youngest. Either way, this research demonstrates that normative soft power approaches can have a measurable effect on the proactive transparency practices of sovereign states.

Conversely, however, this research also demonstrates that global public sector governance MSIs do not wield sufficient power to significantly alter the demand-driven transparency or accountability practices of participating governments. A review of the existing literature revealed only a handful of instances where MSIs had produced outcomes indicative of increased government accountability. Similarly, only one of the nine cases of MSI implementation reviewed in depth was found to have produced notable gains in accountability. Demand-driven transparency gains in the existing literature were limited to OGP only, and no such gains were found in any of the nine cases reviewed in depth.

These findings suggest that while national governments are willing to make some modifications to their governance practices, in exchange for the reputational benefits of membership in a global MSI, there are strict limits on these concessions. Information disclosure

must remain at the discretion of government officials (i.e., proactive transparency), rather than at the discretion of nongovernmental actors (i.e., demand-driven transparency). Civil society organizations are given a platform to provide feedback directly to government officials (i.e., the national multi-stakeholder group or action plan co-creation process), but government officials remain under no obligation to provide answers or enforce sanctions (i.e., accountability).

Furthermore, the evidence suggests that when increases in demand-driven transparency or accountability do occur within the framework of a global public sector governance MSI—as they do in a small number of cases—they are helped along by a broad coalition of actors pushing for reform outside the MSI framework. Public sector MSI processes and outputs may *support* such a coalition, but the evidence suggests that these initiatives cannot *trigger* these types of reforms on their own. For example, in the case of OGP in the Philippines, the Bottom Up Budgeting program relied on a coalition of local government actors and civil society organizations, as well as support from the central government, to be successfully implemented. OGP provided these reformers with additional political protection, access to a network of supporters, technical support and information about best practices, and new opportunities for monitoring progress (i.e., IRM reports). Yet, without the broader civic coalition (the bulk of whose members had never even heard of OGP) the resulting improvements in government accountability would not have occurred.

Here, it appears that the breadth of OGP’s focus, compared to either EITI or CoST, works to its advantage. While the reform coalitions that can be built around oil, mining, and gas, or public infrastructure may be limited to organizations with sufficient expertise or interest, along with communities that are directly affected by particular projects, OGP’s more flexible National Action Plan commitment process allows governments to make commitments in areas of public

policy where reform coalitions are already active. This may help to explain why notable accountability gains were found in one OGP case (the Philippines), and marginal gains in one other (Tanzania), while CoST was found to have produced marginal gains in only a single case (in Guatemala), and EITI was found to have produced none at all. Indeed, when it comes to public sector governance reform, global MSIs generate enough normative soft power to push sovereign states some of the way (i.e., proactive transparency), but broader advocacy coalitions are needed to push more significant reforms across the finish line.

Finally, while normative soft power has predominately been considered here in terms of its ability to reconstitute national power dynamics in favor of the powerless, soft power is quite often used to reinforce the authority of the powerful (i.e., the original use of the term “soft power” was in the context of US foreign policy, see Nye, 1990). Civil society organizations may find their interests becoming more closely aligned with the government’s priorities, rather than the opposite. (Nor is this risk unique to global public sector governance MSIs; civil society organizations seek to engage constructively with governments in a host of different local, national, and internal forums, utilizing a variety of strategies that unavoidably fall somewhere between confrontation and cooption.) While this study uncovered no definitive evidence that civil society organizations were being coopted by their closer ties to government actors via MSI participation, allegations to this effect were made in all three countries under study. In Tanzania, Twaweza was alleged to have become too friendly with the Kikwete Administration. In Guatemala, ICEFI accused Congreso Transparente of legitimizing the Pérez Administration. And in the Philippines, INCITEGov was accused of having disproportionate access to Aquino Administration compared to other CSOs. Intriguingly, allegations of cooption were more common in cases of OGP implementation, than either CoST or EITI, perhaps because the latter



have formal multi-stakeholder governance requirements that provide clearer expectations about the rights and duties of participants.<sup>488</sup>

### 9.2.1 Public Sector Governance MSIs and Openwashing

The current research suggests that some national governments are able to use global MSIs to project a public image of transparency and accountability, while maintaining questionable practices in these areas—a practice known as openwashing. These governments may reap reputational benefits from MSI membership, despite making little progress towards the ultimate goals of these initiatives. The case of OGP in Tanzania is particularly instructive: Despite only marginal gains in both proactive transparency and accountability, the Kikwete Administration reaped significant reputational benefits from OGP participation. On April 24, 2015, Secretary of State John Kerry stated that, “Tanzania is model in the region of good governance, democratic ideals and individual freedoms.” The UK Department for International Development (DFID) and the World Bank donated nearly USD \$4.8 million to the Tanzanian government for OGP implementation (Sperber, 2015, June 18; World Bank, 2015, June 23). Simultaneously, however, the Tanzanian government banned several newspapers that attempted to disclose salaries for public officials and, in 2015, passed two new laws—the Statistics Act and the Cybercrimes Act—that place new restrictions on freedom of speech. This examples serves to demonstrate that global public sector governance MSIs are, at least in some cases, being used to bolster the legitimacy of national regimes that remain principally closed and undemocratic.

Compelling evidence of openwashing—measured as notable discrepancies between government actions (or non-actions) since joining the MSI and the core values or principles that MSI members ostensibly endorse upon joining, combined with each government’s record on

transparency and accountability gains—was found in three out of the nine cases reviewed in depth—CoST in Tanzania, and OGP in Guatemala, and OGP in Tanzania. A fourth case—EITI in Guatemala—demonstrated significant discrepancies between government actions and EITI principles, but also achieved marginal gains in proactive transparency, putting it just outside the proxy measure for openwashing used in this research. Looking across cases where openwashing appears to have occurred, two patterns emerge. Most obviously, neither the Pérez Administration in Guatemala, nor the Kikwete Administration in Guatemala, appears to have been fully committed to public sector governance reform. Yet, the tendency to openwash also appears to vary by MSI (i.e., two clear OGP cases, one clear CoST case, and only one marginal EITI case). Indeed, while two of the three Tanzanian MSI cases clearly demonstrate openwashing, EITI was somehow able to achieve notable gains in proactive government transparency (albeit through a legislative process designed to limit public debate). Similarly, while both OGP and EITI have largely foundered in Guatemala, CoST continued to produce meaningful transparency reforms.

Nine cases do not offer sufficient statistical power to draw conclusions about main effects, or interaction effects. Nevertheless, there are two possible explanations for the observed results. First, EITI's relatively more stringent rules for membership may give it an advantage in terms of preventing openwashing, compared to CoST and especially OGP. However, while this explanation accounts for the pattern observed across MSIs, it does not explain why EITI does not outperform CoST in both countries where the government appears likely to openwash. Alternatively, it may not be the *rules* for MSI membership that best explain the observed pattern, but the *relevance* of the initiative within each country. Corruption in the construction sector is an issue of significant public concern in Guatemala, which may have helped CoST gain traction with civil society and the private sector, even as high-ranking Pérez Administration officials

sought to use global MSIs to hide their own illicit activities. Similarly, the perceived lack of benefits from a growing extractive sector is a highly salient issue in Tanzania. The Kikwete Administration may have felt pressure to deliver results via EITI, even as its broader attitude towards open government remained ambivalent. This explanation also helps to explain why OGP appears more likely to result in openwashing overall: Since OGP's scope is much broader than either EITI or CoST, it is more difficult to embed the initiative in existing national reform coalitions, which most often identify specific public sectors in need of improvement. Consequently, there is little civic pressure to counter a status-quo-minded government's intention to use OGP for openwashing.

Finally, it is critical to note that the proxy measurement for openwashing used in this research sets an especially low bar for participating countries. Notable discrepancies between government actions and MSI principles were observed in almost every case, but if even marginal gains in proactive transparency were observed, these cases were coded as displaying expected intra-government contestations over the appropriateness, pace, and scope of reform, rather than as examples of openwashing. Yet, limited gains in proactive transparency pose little threat to the status quo distribution of power (or at least, are believed to pose little threat). For most participating governments, the costs of proactive information disclosure appear to be negligible compared to the benefits of global MSI membership. However, were MSIs to ask participating governments to commit to more transformative public sector reforms—for example, passage or strengthening of FOI laws, strengthening of independent government oversight bodies, or increased penalties for public corruption—this calculation might change. It stands to reason that demand-driven transparency and accountability reforms would more directly impact “business as usual” within the government. As a result, commitments or activities in these areas would seem

more likely to be ignored or obstructed. In other words, if openwashing were to have been measured based solely on gains in demand-driven transparency or accountability, as opposed to gains in any of the three outcome metrics, including proactive transparency, two-thirds of the cases reviewed would have been evaluated as examples of openwashing.

In sum, the presence of clear-cut openwashing in several cases suggests that global public sector governance MSIs risk bolstering the legitimacy of national regimes that remain principally closed and undemocratic. Yet, MSI practitioners often acknowledge that their rules for membership are often just a “foot in the door” designed to provide national actors with new tools to push for reform over the long term. If this strategy is ultimately effective, the unearned reputational benefits accrued by participating countries will have been a small price to pay. However, the social accountability literature cautions that the pathway from multi-stakeholder collaboration and information disclosure to increased government accountability is an uncertain one (e.g., Bukenya et al., 2012; Gaventa & McGee, 2013; and O’Meally, 2013). Global public sector governance MSIs currently do little to build the types of national reform coalitions that are necessary to achieve their ultimate objectives.

### 9.3 Global MSIs: Social Accountability Strategy or Tactic?

Global public sector governance MSIs imagine themselves to be iterative, multi-level, multi-actor projects that disseminate actionable information, enable collective action, influence government incentives, and alter underlying national power dynamics. However, when observed from the national level, it becomes clear that these initiatives are far more bounded. Indeed, the lack of accountability outcomes observed across eight of the nine cases of national MSI implementation reviewed in depth calls into question two key assumptions underlying these

initiatives: First, that information disclosure will automatically trigger collective action. Second, that multi-stakeholder collaboration is sufficient to improve government responsiveness.

In practice, social accountability researchers argue that information needs translation, aggregation, benchmarks, and simplification in order to be useful to potential users (Fung et al., 2007; Fox 2007). Indeed, the data being disclosed through public sector governance MSIs is often too technical to be comprehensible by citizens without additional efforts on the part of civil society or media organizations. Public sector MSIs—particularly EITI—have made a concerted effort to recruit and train organizations to serve as “info-mediaries,” but these efforts have thus far failed to improve accountability outcomes, suggesting once again that problems of information and communication are perhaps easier to solve than underlying problems of power.

Additionally, collective action by actors with diverse interests can be extremely difficult (Fox, 2010; Persson, Rothstein, & Teorell, 2013). MSIs currently do little to ensure that their processes for civil society consultation and participation expand beyond political and economic centers. Consequently, their national agendas may fail to resonate with broad civic and social constituencies. Additionally, MSIs often struggle to embed newly released information on government activities into existing channels of public discourse and decision-making, further limiting opportunities for generating collective action.

Finally, citizen voice may simply not be an effective channel for changing the incentives of public sector actors, or for gaining greater influence over public resource allocation, unless these voice platforms are linked to existing government accountability institutions (Peruzzotti & Smulovitz, 2006; Fox, 2015; Peixoto & Fox, 2016). With a few notable exceptions (e.g., EITI in Nigeria), public sector governance MSIs have done little to link their work to existing domestic accountability institutions (e.g., auditors, comptrollers, legislatures, and courts).

Fox (2015) distinguishes between *strategic* social accountability interventions that disseminate actionable information in coordination with measures that enable collective action and influence service provider incentives and/or power over resource allocation, and *tactical* interventions that assume information disclosure will automatically trigger collective action and that citizen voice is sufficient to trigger public sector responsiveness, concluding that the former are far more likely to produce their desired outcomes. The current research clearly demonstrates that global public sector governance MSIs remain tactical interventions that are rarely linked to broader social accountability strategies within participating countries.

#### 9.4 Recommendations for Public Sector Governance MSI Stakeholders<sup>489</sup>

For global public sector governance MSIs to transcend their status as bounded, tactical interventions, MSI activities and outputs must be embedded within existing national pro-accountability coalitions. Pro-reform actors (i.e., national and local civil society groups, government reformers, and international NGOs) should expand processes for civil society consultation and participation beyond political and economic centers, customize national MSI agendas so that they resonate with broad civic and social constituencies, petition formal domestic accountability institutions to provide “teeth” to MSI processes, and embed newly released information on government activities into existing channels of public discourse and decision-making. MSI secretariats, boards, and participating national governments can support this process by developing and supporting broad coalitions of government reformers, and by encouraging developed countries to “practice what they preach” by implementing these initiatives. MSI funders can also aid in these efforts by providing direct support to diverse national civil society actors, including rural communities and indigenous peoples that may not otherwise have the opportunity to contribute to MSI planning and implementation, and by

investing in “info-mediaries”—organizations that can translate highly technical MSI outputs into relevant and actionable information.

#### 9.4.1 Recommendations for Pro-reform Actors

Public governance MSIs exist to give pro-reform actors—national and local civil society groups, government reformers, and international NGOs—new tools to push for greater transparency, participation, and accountability in the public sector, within a collaborative space that has been legitimated by global actors. Ultimately, the effectiveness (i.e., the extent to which these MSIs have helped to change government policy or facilitate public debate in participating countries) and impact (i.e., the extent to which these debates and policy changes have had measurable effects on the social, economic, or environmental conditions within or across participating countries) of these initiatives will depend on the extent to which pro-reform actors are able to successfully embed MSI activities and outputs within broader national accountability coalitions. To accomplish this, pro-reform actors should first seek to broaden MSI processes for civil society consultation and participation beyond political and economic centers. While it is often easier for MSI secretariats and national governments to work with highly specialized NGOs operating in capital cities, sustainable governance reform will require that MSIs build the trust and enthusiasm of rural communities, indigenous peoples’ organizations, and other highly vulnerable or disproportionately affected groups.

Second, pro reform actors should seek to customize national MSI agendas as much as possible, so that they resonate with broad civic and social constituencies. In OGP, this might mean insisting on National Action Plan commitments that address issues of pressing public concern. In CoST, it might mean pushing for disclosure on highly visible projects that capture the public’s interest and disseminating this information in ways that make it understandable and

actionable. In EITI, it might mean expanding the work of the national MSG beyond the official EITI Standard, to cover additional links in the extractive industries' value chain or additional sectors. Indeed, with the 2013 and 2016 revisions to the EITI Standard, it appears that the International EITI Board is hoping to push national participants in precisely this direction.

Third, since global public sector governance MSIs—by virtue of their voluntary nature—are inherently limited in their ability to directly address problems of power, national pro-reform actors should also petition national institutions to reinforce national MSI implementation with hard national law. This might include the passage of mandatory disclosure laws, like in the case of EITI in Tanzania or CoST in Guatemala; but more importantly, it should include working to educate independent audit institutions, ombudsmen, courts, and parliaments on the work of MSIs. Reformers can directly petition these institutions to monitor and support compliance with MSI guidelines, and respond with inquiries and sanctions when problems are uncovered through these processes.

Finally, once MSIs facilitate the release of information on public infrastructure contracts, revenues, expenditures, or other government activities, pro-reform actors should work to embed this information into existing channels of public discourse and decision-making. Pro-reform actors at the national and local level possess the cultural knowledge and homegrown connections necessary to facilitate this process. For example, in the Philippines, the Bantay Kita civil society network has used EITI report data to stimulate debate around mining payments to indigenous groups and the elimination of certain tax incentives.<sup>490</sup> Pro-reform actors should develop clear communication and advocacy strategies that maximize their ability to link MSI outputs to broader national narratives.



#### 9.4.2 Recommendations for MSI Secretariats, Boards, and Participating Governments

Public sector MSIs can improve their odds of achieving meaningful governance reform by developing and supporting broad coalitions of government reformers that can effectively oversee national MSI implementation. These coalitions can be strengthened in several ways. First, MSIs should work to generate interest and secure commitments from parliaments, supreme audit institutions, and a broad base of executive branch ministries. For example, the EITI International Secretariat recommends that national multi-stakeholder groups prepare extractive industry information packets for use by members of parliament, and the OGP Support Unit works to encourage National Action Plan commitments that are housed outside of the executive branch.<sup>491</sup> By building a broad coalition of supporters throughout the government, MSIs can protect momentum across elections and other shifts in priorities.

Second, MSIs should facilitate opportunities for government participants from different countries to meet one another and share strategies and concerns. While representatives of civil society usually have no shortage of opportunities to speak openly and freely about their work with MSIs, stakeholders report that government reformers are often willing to do so only in private.<sup>492</sup> By creating opportunities for honest, off-the-record conversations between government officials, MSIs can build a network of reformers who can offer support, and share tips for success. While MSIs do provide opportunities for peer learning, these efforts focus on providing technical assistance. Rakesh Rajani, former OGP civil society co-chair, suggests that greater attention needs to be paid to “relationship-building.”<sup>493</sup> Indeed, by helping government participants to establish a new, collective identity as globally empowered agents of reform, public sector governance MSIs could significantly increase their normative soft power.

Finally, Secretariats and Boards might also increase the transnational legitimacy—and therefore, normative soft power—of global public sector governance MSIs by encouraging

OECD governments to implement them (rather than simply funding them). Thus far, uptake by developed countries has been mixed. While OGP was originally designed to promote parity among implementing countries and has a significant number of develop country members, EITI makes a distinction between “implementing” and “supporting” countries, the latter of which is comprised of a group of funder countries that do not have to comply with the EITI Standard. This distinction is slowly being set aside, as Norway has fully implemented EITI, and Germany, the US, and UK are in the process of implementation.<sup>494</sup> The UK is also a founding member of CoST, but other developed countries have yet to join the initiative. Ultimately, developed countries should practice what they preach, if they truly wish to advance transparent, participatory, and accountable governance as a global norm.

#### 9.4.3 Recommendations for MSI Funders

This research demonstrates that there is no more important causal condition for the successful implementation of public sector governance MSIs than the participation of skilled, well-funded civil society organizations. Yet, MSI stakeholders report that it can be challenging to sustain participation from diverse civil society actors—including rural communities and indigenous peoples— that may not have the resources to attend regular meetings or otherwise contribute to MSI planning and implementation. MSI Funders can help by providing direct support to national-level civil society organizations that wish to participate in these activities. Special priority should be given to organizations with existing ties to national pro-accountability coalitions, in order to ensure that national MSI activities and outputs directly address notable public priorities.

Funders should also invest in national-level “info-mediaries” who can translate highly technical MSI outputs into relevant and actionable information (McGee, 2013). Early enthusiasm

for MSIs is often lost because pro-reform actors are unable to use newly disclosed information to draw clear conclusions about public governance or make targeted demands for improvement (e.g., O’Sullivan, 2013). Funders can help sustain public interest by supporting national actors with the technical capacity and cultural familiarity to turn raw government data into useful knowledge about government performance.

#### 9.5 Strengths, Limitations and Areas for Future Research

This study is the first to examine whether and how global public sector governance MSIs lead to improvements in transparency and accountability by looking simultaneously across several different global initiatives (i.e., EITI, CoST, and OGP), as well as within several different national contexts (i.e., Guatemala, the Philippines, and Tanzania). Previous research on global public sector governance MSIs has either privileged the analysis of transnational structures, decision-making processes, and rules for membership, without examining whether compliance with these rules is actually having the intended effect on transparency and accountability by national governments; or privileged the analysis of a single case of national MSI implementation, without offering any sense for whether these findings are representative of other participating countries, let alone other public sector governance MSIs. By simultaneously exploring both how global MSIs differ from one another, as well as how each initiative is implemented in several different participating countries, I am able to build a detailed, middle-range theory of public sector governance MSI effectiveness that is broadly applicable across different initiatives and different national contexts. The inclusion of multiple global initiatives gives the study breadth. The inclusion of multiple national case studies within each global initiative gives the study depth.

Yet, when one considers the broader universe of transnational multi-stakeholder initiatives, government performance initiatives, and social accountability initiatives from which these three multi-stakeholders were selected, it becomes clear that this study's focus on global, public sector-oriented initiatives with formal and independent multi-stakeholder governance structures is only one way to slice the pie. Researchers may find it equally useful to compare these initiatives to other transnational multi-stakeholder initiatives (e.g., private sector MSIs), social accountability projects with a more bounded scope (e.g., regional, national, or local initiatives), or global transparency initiatives with less formal requirements for independent multi-stakeholder governance (e.g., GIFT, GPSA, OCP) or independent performance evaluation (e.g., MeTA, IATI). EITI may benefit from comparisons to private sector MSIs in the extractive industries, like the Kimberly Process or the Wolfsberg Principles. Similarly, OGP may benefit from comparisons to governance-related multilateral institutions like the Copenhagen Accords or the African Peer Review Mechanism.

While the current research establishes that global MSIs have tangible, but limited, impacts on national governments, comparisons with other types of soft and hard power strategies are necessary to determine whether global MSIs are *more* effective than other approaches. For example, all global public sector governance MSIs take a “big tent” approach to membership: the guiding principle being that poor performers should be recruited, and then given the tools and support necessary to improve, rather than being left out. However, a “big tent” is also a “low bar.” Thus far, poorly performing governments have been allowed to reap the reputational and financial benefits of MSI membership, while doing very little to implement public sector governance reforms with the potential to improve the lives of their citizens. Additional research is needed to clarify whether and how a “big tent” approach is preferable to imposing stricter rules

and sanctions. Likewise, since this study primarily sought to explore whether and how MSIs can serve as a catalyst for reform in participating countries, it does not test whether countries that do *not* join MSIs can achieve similar outcomes through alternative means. Additional research comparing participating countries to matched non-participating countries could be instructive in that regard (although this study's assumption of equifinality means that similar outcomes would be expected through a variety of causal paths).

This study is also the first to call attention to the distinction between proactive transparency (i.e., the discretionary release of government data), and demand driven transparency (i.e., reforms that increase public access to government information upon request), with regard to the assessment of global public sector governance MSI outcomes. While most public sector governance MSIs have privileged an understanding of transparency as proactive government disclosure, it is worth considering whether public sector governance reform is more likely to be achieved if the provision of information a one-way process, or a dialogue between information users and information providers (i.e., Fox, 2007; Kosack & Fung, 2014; McCarthy & Fluck, 2016). Additional research is needed to explore the extent to which proactive and demand-driven transparency reforms provide different, but mutually reinforcing, paths to public sector governance reform. Recently, Vadlamannati & Cooray (2016) found that the passage of FOI laws is correlated with increases in the perception of corruption in countries where there is also a higher degree of media freedom, presence of NGO activism, and political competition. This finding suggest that, like proactive transparency, demand driven transparency is unlikely to drive reform without being embedded into existing channels of public discourse and decision-making. However, Vadlamannati & Cooray (2016) also found that the longer FOI laws are in

place, the more perceptions of corruption scores decrease; ostensibly, because the problems being uncovered are being addressed.

Finally, this study is also the first to assess the evidence for openwashing by governments participating in global public sector governance MSIs. While MSI researchers have previously noted that private and government sector actors have considerable advantages in terms of both resources and capacity, compared to the civil society actors that are expected to monitor and influence their behavior (e.g., Bäckstrand, 2006; Buse & Harmer, 2007; Böstrom & Garsten, 2008), this research definitively demonstrates that some national governments seek to reap the normative benefits of MSI membership, while maintaining questionable practices in the areas of transparency and accountability. Future researchers may seek to build on this initial finding, which confirms the *presence* of openwashing, by more carefully specifying the intra-governmental *dynamics* of openwashing. Given the relatively broad scope of this research (i.e., three global MSIs, implemented in three countries), the proxy measure used to detect openwashing by national governments did not attempt to distinguish between potential openwashers and genuine reformers within these governments (although it did allow for the possibility of intra-governmental contestations as an alternative explanation for discrepancies between MSI principles and government actions). Nevertheless, there are likely to be political, institutional, and even interpersonal dynamics within national governments that help to explain when potential openwashers are able to capture the MSI implementation process, and when genuine reformers are able to effectively leverage MSIs to work towards their goals. Additional research is needed in order to gain insight into how these struggles unfold.

## 9.6 Coda

Public sector multi-stakeholder initiatives are still relatively new contributors to global governance. While these initiatives have made notable progress towards their goals of promoting multi-stakeholder collaboration and information disclosure by national governments, the evidence does not yet confirm a core proposition underlying the theory of change at the heart of these initiatives: that global MSIs are an especially effective channel for converting transparency into accountability.

The nine cases of national MSI implementation presented here suggest that global public sector governance MSIs can facilitate meaningful improvements in proactive transparency by national governments when rules for multi-stakeholder participation and regular, independent performance review are followed, when the national government provides visible, political support, and when there is relatively broad and sustained involvement by skilled, well-funded civil society organizations. However, these cases also demonstrate that these same conditions are insufficient to produce increases in either demand-driven transparency or government accountability. Moreover, membership in these initiatives gives national governments an opportunity to “openwash,” by projecting a public image of transparency and accountability, while maintaining questionable practices in these areas.

Still, there are reasons to be optimistic about what global public sector governance MSIs might accomplish in the coming years. These initiatives facilitate new forms of collaboration and consensus building between government and civil society, and provide access to information that can, in the right circumstances, empower national reformers. Yet, participation in public sector governance MSIs also involves risks. They can overwhelm actors in both government and civil society, prioritize and legitimate shallow reforms, and reproduce existing power imbalances. While it may be years before these MSIs can accurately assess their deeper impacts on the public

sector, future progress is likely to depend on their capacity to overcome opposition by broadening and strengthening their national coalitions for reform.



APPENDIX A

MSI COUNTRY MEMBERSHIP AS OF JULY 2016

<u>Country</u>	<u>CoST</u>	<u>EITI</u>	<u>OGP</u>
Afghanistan	*	X	
Albania		X	X
Argentina			X
Armenia			X
Australia			*
Azerbaijan		X	X
Bosnia and Herzegovina			*
Botswana	*		
Brazil			X
Bulgaria			X
Burkina Faso		X	
Cabo Verde			*
Cameroon		X	
Canada			X
Central African Republic		X	
Chad		X	
Chile			X
Colombia		X	X
Costa Rica			X
Côte d'Ivoire		X	*
Croatia			X
Czech Republic			X
DRC		X	
Denmark			X
DR		*	X
El Salvador	*		X
Estonia			X
Ethiopia	X	X	
Finland			X
France			*
Georgia			X
Germany		*	
Ghana		X	X
Greece			X
<b>Guatemala</b>	<b>X</b>	<b>X</b>	<b>X</b>

<u>Country</u>	<u>CoST</u>	<u>EITI</u>	<u>OGP</u>
Guinea		X	
Honduras	X	X	X
Hungary			X
Indonesia		X	X
Iraq		X	
Ireland			X
Israel			X
Italy			X
Jordan			X
Kazakhstan		X	
Kenya			X
Kyrgyz Republic		X	
Latvia			X
Liberia		X	X
Lithuania			X
Macedonia			X
Madagascar		X	
Malawi	X	*	*
Mali		X	
Malta			X
Mauritania		X	
Mexico			X
Moldova			X
Mongolia		X	X
Montenegro			X
Mozambique		X	
Myanmar		X	
Niger		X	
Nigeria		X	*
Nepal			
Netherlands			X
New Zealand			X
Norway		X	X
Panama			X
Papua New Guinea		X	*
Paraguay			X

<u>Country</u>	<u>CoST</u>	<u>EITI</u>	<u>OGP</u>
Peru		X	X
<b>Philippines</b>	<b>X</b>	<b>X</b>	<b>X</b>
Rep. of Congo		X	
Romania			X
São Tomé and Príncipe		X	
Senegal		X	
Seychelles		X	
Serbia			X
Sierra Leone		X	X
Slovak Republic			X
Solomon Islands		X	
South Africa			X
South Korea			X
Spain			X
Sri Lanka			*
Sweden			X
Tajikistan		X	
<b>Tanzania</b>	<b>X</b>	<b>X</b>	<b>X</b>
Thailand	*		

<u>Country</u>	<u>CoST</u>	<u>EITI</u>	<u>OGP</u>
Timor-Leste		X	
Togo		X	
Trinidad and Tobago		X	X
Tunisia			X
Turkey			X
Uganda	*		
Ukraine	*	X	X
UK	X	X	X
USA		X	X
Uruguay			X
Vietnam	X		
Yemen		X	
Zambia	X	X	

X = Participating in MSI (includes implementing, compliant, and suspended countries for EITI)

\* = Participating in MSI, but has yet to produce any reports.

## APPENDIX B

### DOCUMENT COLLECTION AND ASSESSMENT METHODOLOGY

#### Document Collection

Document collection proceeded in six steps. First, I performed a thorough search of each MSI's official website. Next, I conducted Google Scholar and JSTOR searches to identify academic work on each MSI. I also built custom search engines for each of the three MSIs, designed to return results from the websites of partner and funder organizations. I also conducted a standard Google search for each MSI to identify blog posts, investigative journalism, and outsider reports of interest. Finally, during subsequent stakeholder interviews, I inquired about evaluations that may not have been made public. Ultimately, this process returned 376 documents.

Once the documents were collected, they were vetted for their relevance to the goals of the Stage 1 large-N literature review: First, to identify evidence for transparency and accountability outcomes. Second, to identify any causal factors identified by practitioners and researchers as key drivers of these outcomes. Eighty-one documents were discarded because they did not provide any relevant information on the achievements related to the three MSIs of interest. Finally, 42 documents were set aside for inclusion in Stage 2, because they contained studies of national MSI implementation in Guatemala, the Philippines, or Tanzania. In order for Stage 2 to function as a proper test of the causal hypotheses generated in Stage 1, evidence for these causal processes needs to be found in cases outside the original large N evidence base. This left 253 documents to be reviewed in-depth as the final evidence base for the Stage 1 large-N literature review (See Figure B.1). Around half of these documents focus on OGP (N = 127) or EITI (N = 104), with far fewer discussing CoST (N = 16) (See Figure B.2).

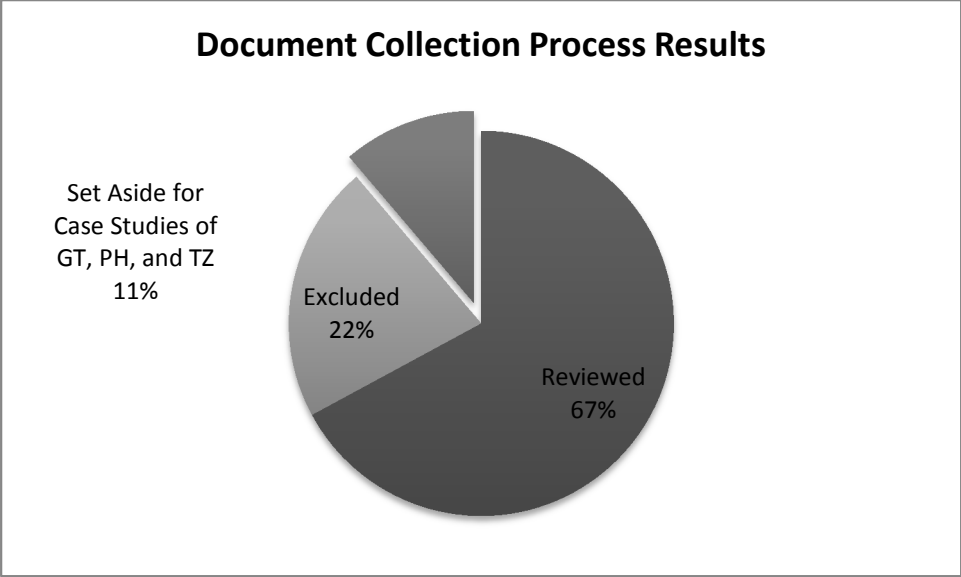


Figure B.1. Of the 376 documents that were initially collected, 253 were found to be relevant to goals of the comprehensive literature review, and 42 were set aside for case studies.

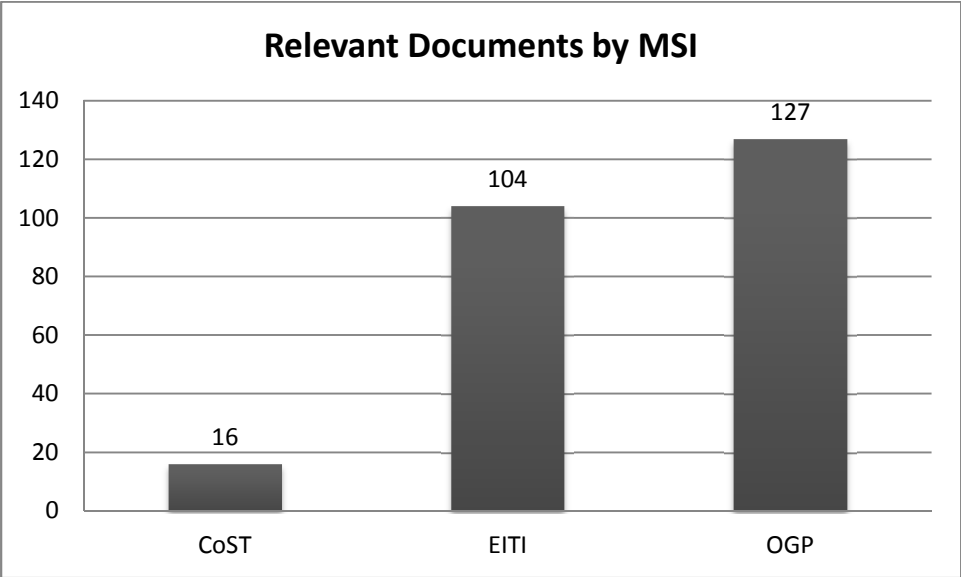


Figure B.2. Of the 253 documents included in the comprehensive literature review, 127 focus on OGP, 104 focus on EITI, and 16 focus on CoST. (Note: Some documents address more than one MSI.)

### Types of Documentary Evidence

The literature review revealed that there are many different types of documents that contain evidence on public sector governance MSI outcomes. An MSI may release a report that chronicles recent achievements for public consumption, an NGO may release a report bringing attention to the patchy implementation of an MSI across a number of different countries, or an

academic may try to develop a statistical model of the relationship between MSI membership and macro-level social or economic changes. The documents reviewed as part of this study can be divided into five categories:

### 1. MSI strategy documents

Documents produced by each MSI—intended for either an internal or external audience—often contain anecdotal evidence for outcomes in handful of implementing countries. Examples of this type of document include the OGP’s *A Forward-Looking Research Agenda* (2014) or the EITI’s *Report from the Working Group on Theory of Change* (2012). Strategy documents can tell the researcher a great deal about explicit or implicit theories of change.

### 2. Single-country studies

Single-country studies make up nearly half of all documents collected. These documents take a variety of forms, including internal MSI compliance reviews (e.g. OGP-IRM reports), internal informal MSI case studies (e.g., OGP’s “Inspiring Stories” series, “EITI stories” documents, and some CoST briefing notes), civil society reports (e.g., OGP-Hub Civil Society progress reports), academic articles and books, news articles, and blog posts. Single-country studies pertaining to Guatemala, the Philippines, or Tanzania were set aside for analysis as part of Stage 2’s in-depth case studies

While numerous single-country studies were collected and reviewed as part of Stage 1, it is important to distinguish this review from a true meta-analysis of all single-country studies of MSI implementation. The document collection process was designed to capture evidence for outcomes from each MSI as a whole, rather than for each unique participating country. Consequently, it is highly probable that not all single country studies of MSI implementation were captured or reviewed. Nevertheless, this limitation is offset at least to some degree by the

original, in-depth analysis of nine cases of national MSI implementation undertaken during Stage 2.

### 3. Multi-country studies

These documents report or evaluate progress across a number of participating countries, and draw broader conclusions about the initiative as a whole across these cases. Multi-country studies can be found in internally produced reports, including EITI's *Progress report* (2014) and CoST's *Report on information disclosure and assurance team findings* (2011). They can also be found in research commissioned by the MSIs, including Scanteam's *Achievements and Strategic Options: Evaluation of the EITI* (2011), and in independently produced reports, like the Inter-American Development Bank's *Civic Participation in Latin American OGP Commitments* (2014), the International Institute for Environment and Development report *EITI and Sustainable Development: Lessons from the Caspian Region* (2013), and the Publish What You Pay/Revenue Watch Institute joint report, *Eye on EITI: Civil society perspectives and recommendations on the Extractive Industries Transparency Initiative* (2006). Finally, they can also be found in academic research papers, for example, Etter's (2014) "Breaking the resource curse: Transparency in the natural resource sector and the Extractive Industries Transparency Initiative" or Aaronson & Brinkerhoff's (2011) "Limited partnership: Business, government, civil society and the public in the Extractive Industries Transparency Initiative."

Multi-country studies can provide a deeper understanding of implementation at the national level, including what has been successful across countries and what has not. However, given the significant variety of multi-country documents included in this study, it is worth noting that many do not provide a methodological rationale for the specific country cases included in

their assessment. As a result, the external validity of these documents' findings (i.e., their relevance for other participating countries) should be taken with a grain of salt.

#### 4. Large-N quantitative studies

A handful of documents included in this review examine the impact of MSIs in the aggregate, using statistical correlation or regression techniques to explore relationships between MSI participation and various outcome measures. While the bulk of these studies are found in peer-reviewed academic journals, large-N statistical studies have also been produced by MSIs, including OGP's *Technical Report 1* (2014) and by NGOs, including the Bank Information Center's *Survey of civil society participation in EITI* (2010). Large-N studies can provide a sense for whether MSI participation has any relationship to changes in social and economic conditions at the macro level.

#### 5. Cross-initiative studies

The smallest category of documents reviewed as part of this study seeks to draw conclusions about MSI best practices by reviewing several different transnational multi-stakeholder initiatives. These include the Open Knowledge Foundation's *Joined-up data: Building blocks for common standards: A cross-initiative scoping study* (2013) and the Overseas Development Institute's *The possible shape of a land transparency initiative: Lessons from other transparency initiatives* (2013). Cross-initiative studies, though rare, can be especially helpful for identifying common MSI structures and causal processes.

### Document Assessment

Each document in the evidence base was assessed using a framework that first sought to draw clear distinctions between several stages of results—inputs, outputs, outcomes, and impacts—and two levels of analysis—transnational and national. Evidence presented in each

document was then categorized into one of the resulting eight cells (see Table B.1). Inputs at both the transnational and national levels can provide important information about whether the structures and processes of an MSI are considered legitimate by key actors. Outputs, especially at the national level, are key for evaluating the extent to which national governments are complying with MSI rules. Given the objective of this research to consider whether and how MSIs contribute to national transparency and accountability outcomes, special attention was paid to assessing the evidence for these outcomes. Finally, little evidence for broader impacts was anticipated, given the relatively recent start date for all three public sector governance MSIs.

Table B.1. MSI document assessment framework

	<b><u>Inputs</u></b>	<b><u>Outputs</u></b>	<b><u>Outcomes</u></b>	<b><u>Impacts</u></b>
<b><u>Transnational</u></b>	<u>Examples:</u> Which national governments, INGOs, private companies, and multilateral organizations participate? What are the rules for decision-making?	<u>Examples:</u> Does the MSI facilitate learning exchanges? How is evidence for national level compliance collected, aggregated, and presented to the public? Does it update the rules in response to changing conditions on the ground? How is additional funding secured?	<u>Examples:</u> How are national level outcomes measured, standardized, aggregated, and presented to the public? Are there broader normative or regulatory effects?	<u>Examples:</u> Is there evidence linking MSI participation to improved scores on social, economic, or environmental metrics?
<b><u>National</u></b>	<u>Examples:</u> Which government, CSOs, and private sector interests participate? How often? How are they selected? What are the rules for decision-making?	<u>Examples:</u> Do national actors follow the rules for MSI participation? Is the required data disclosed? Is data validation/reconciliation taking place?	<u>Examples:</u> How does the MSI contribute to improvements in transparency, participation, and accountability practices by the national government?	<u>Examples:</u> Are national MSI outcomes credited with contributing to broader social, economic, or environmental changes?

Table B.1. Documents were assessed by first distinguishing between several stages of results—inputs, outputs, outcomes, and impacts—and two levels of analysis—transnational and national. Special attention was paid to evidence for national outcomes.

Once evidence for national outcomes was distinguished from other types of evidence, documents were further reviewed for causal processes identified as key for successful national implementation. In other words, what assumptions explain how compliance with MSI rules contributes to improvements in transparency and accountability practices? Frequently cited



causal processes were further validated via stakeholder interviews, refined during Stage 2's in-depth case studies of national MSI implementation, and tested during Stage 3's fuzzy set qualitative comparative analysis.

### Categorizing the Evidence

While MSIs may differ in their activities and intended goals, the results chain of any MSI can nonetheless be divided into inputs, outputs, intermediate outcomes and longer-term impacts.<sup>495</sup> These links in the results chain differ from one another in two ways. First, they differ temporally, such that “outcomes”—the extent to which MSIs have helped to change public governance in participating countries—occur before “impacts”—the extent to which these governance changes have had measurable effects on the social, economic, or environmental conditions. Second, these concepts differ in the extent to which they reflect internal and external influences during the change process.<sup>496</sup> While “outputs” are dependent on processes and actors that are largely internal to an MSI, “outcomes” are contingent on a mix of MSI activities and external context, and “impacts” are largely dependent on factors beyond the direct control of the MSI. The increasing influence of external factors as the projected change process moves forward means that an MSI could have impeccable internal processes (i.e., inputs) and high levels of compliance (i.e., outputs), but still fail to be effective at achieving its goals or generating intended impacts. Alternatively, an MSI could find that while it is indeed effective at achieving its goals, these improvements to governance practices are not sufficient to trigger broader social, economic, or environmental benefits.

In order to assess the documentary evidence, each link in the results chain must first be clearly defined so that evidence for outcomes can be distinguished from earlier outputs on one side, and from longer-term impacts on the other. The academic literature on global MSIs

provides numerous suggestions for how one might choose to identify MSI inputs and outputs. Inputs of possible interest include measures of inclusiveness (e.g., scope and quality of participation), transparency (e.g., media access; records availability), and accountability within MSI decision-making bodies (e.g., procedural fairness; monitoring and grievance mechanisms), because these features are believed to contribute to the legitimacy of—and ultimately compliance with—the initiative.<sup>497</sup> Outputs of possible interest include measures of institutional effectiveness (e.g., leadership, goal formation, and policy coherence), the number of countries or private firms that agree to participate in the MSI, and compliance with the rules or standards of the MSI (see Bäckstrand, 2006; Schäferhoff et al., 2009; and Mena & Palazzo, 2012). Examples of evaluations that consider MSI inputs and outputs include the Jackson School of International Studies task force report, *Review of Best Practices for Multi-Stakeholder Initiatives* (2012), MSI Integrity’s study of the EITI, *Protecting the Cornerstone* (2015), and the OGP’s Independent Reporting Mechanism (IRM) country progress reports (<http://www.opengovpartnership.org/independent-reporting-mechanism>).

The global MSI literature also provides some guidance on assessing intermediate and long-term outcomes, but these scholars tend to focus on the *breadth* of an MSI’s achievements across countries, rather than their *depth* in individual countries. For example, scholars have suggested looking at coverage (i.e., the number of firms or countries per industry or region), additionality (i.e. the extent to which new funding is generated for additional activities), and institutionalization (i.e., links between MSI goals and changes to multilateral agreements and national laws).<sup>498</sup> These types of outcome metrics are often used in official MSI progress reports, such as the OGP’s *Annual Report 2014* or the EITI’s *Progress Report 2014: Making transparency matter*.

Yet, transnational-level metrics are often too broad to address questions that are vitally important to good governance practitioners: Does the availability of additional information about government practice and the creation of additional opportunities for stakeholders to participate in dialogue and decision-making help citizens to demand better policies? How do these initiatives contribute to broader national efforts to promote more accountable governance? Do participating governments respond with tangible efforts to reduce the discrepancies and inefficiencies that these processes may reveal? And do these policy improvements actually lead to better social, economic, or environmental conditions?

One key reason for the discrepancy between global governance metrics often used to assess MSIs, and the practical considerations of good governance actors seeking to leverage them, is that these initiatives operate at both the transnational and national level. At the transnational level, MSIs seek to convince governments, multilateral organizations, multinational corporations, and transnational civil society coalitions to support their agenda. At the national level, MSIs involve ongoing negotiations between domestic interest groups, as well as the technical implementation of a customized and shifting agenda. As a result, many of the metrics used to assess MSIs at the transnational level—membership tallies, communication statistics, and fundraising goals—are not directly relevant to national implementation.

Consequently, this research further distinguishes between transnational-level and national-level inputs, outputs, outcomes, and impacts. In fact, one stakeholder's "output" can be another stakeholder's "input." For example, one noteworthy "output" of CoST at the transnational level is the successful completion of assurance reports that provide findings on each construction project reviewed in each participating country. However, for the members of the national multi-stakeholder group, that same assurance report is an "input" that requires

further translation, dissemination, and discussion amongst networks of national and local actors. Similarly, OGP's Independent Reporting Mechanism produces progress reports on National Action Plan implementation. For the OGP as a global MSI, these reports are outputs, while for participating national CSOs and governments, these reports are inputs – intended to highlight reform progress, to identify implementation bottlenecks and to inform future National Action Plans.

Considering both stages of the results change and levels of analysis yields a 4 x 2 matrix into which documentary evidence can be categorized (see Table B.1, above). Inputs at both the transnational and national levels can provide important information about whether the structures and processes of an MSI are considered legitimate by key actors (see Dingwerth, 2005; and Mena & Palazzo, 2012). These can include measures of inclusiveness (e.g., Schäferhoff et al., 2009) and accountability (e.g., Keohane, 2006; Gulbrandsen, 2008). At the transnational level, inputs of interest might include knowing which national governments, INGOs, private companies, and multilateral organizations participate and how they were selected or vetted. At the national level, inputs of interest would include knowing which government, CSOs, and private sector actors participate regularly in MSI activities. How are the official representatives of each sector selected? At both levels, what are the rules for multi-stakeholder decision-making?

Outputs, especially at the national level, are key for evaluating the extent to which national governments are following the rules of MSI membership. Is the required data being disclosed? Is it reliable? Are agreed upon procedures for reconciliation or independent assessment taking place? These outputs include EITI validation reports, CoST assurance reports, and OGP National Action Plans, self-assessments, and IRM reports. Outputs at the transnational level are largely geared towards augmenting the capacity of national-level actors. These might

include learning exchanges or technical assistance. Additionally, transnational actors are responsible for collecting, aggregating, and reporting national outputs to the public, and for updating the rules for participation in response to changing conditions on the ground.

## APPENDIX C

### STAKEHOLDER INTERVIEWS

#### Stage 1 Interviews

Between January and March of 2015, 38 individuals in 12 countries were contacted in order to request a 40-60 minute interview on behalf of the Transparency and Accountability Initiative (T/AI), a consortium of international development donors, as part of a broader research project on the effectiveness and impact of five public-governance oriented MSIs (CoST, EITI, GIFT, OCP, and OGP). The Transparency and Accountability Initiative (T/AI) selected these individuals for their expertise as MSI board members and secretariat staff, MSI donors, or country-level MSI stakeholders representing government, civil society, and the private sector. These interviews were intended to explore MSI theories of change and existing mechanisms for monitoring and evaluation, uncover additional sources of evidence, identify key factors believed to help or hinder each initiative, and discuss shared challenges and research gaps. Participants were informed that the primary investigator for the T/AI project was also conducting doctoral research on public sector governance MSIs, and given the option for their comments to be used solely for the T/AI research, the dissertation research, neither, or both.

Twenty-seven participants were eventually interviewed via phone, Skype, or in person (71% success rate). Interview participants were selected based on their representation of one of several types of MSI stakeholder: MSI secretariat staff (N = 10), MSI advisory board members (N = 5), international NGOs (N = 3), funders (N = 4), independent researchers (N = 1) and country-level stakeholders from the government (N = 1), civil society (N = 2), or private sector (N = 1) (See Figure C.1). However, significant overlaps exist between these categories that is not captured by these numerical breakouts. MSI advisory board members represent NGOs and funders, secretariat staff often have ties to NGOs and funder organizations, and several country-

level stakeholders have also worked closely with the international secretariats. Reasonably balanced gender representation was achieved across stakeholder categories, with 59% men and 41% women.

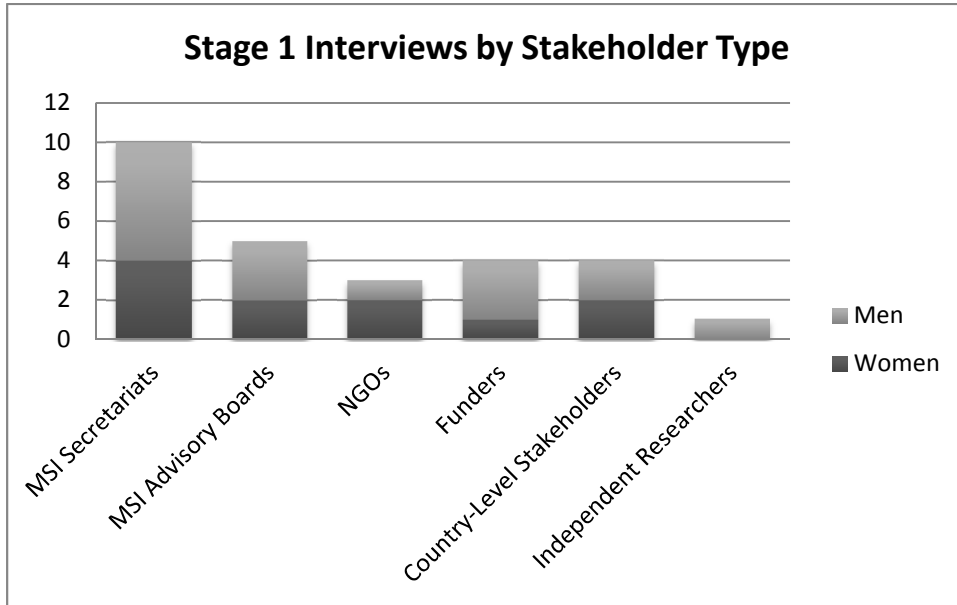


Figure C.1. Interviews were conducted with 27 stakeholders representing MSI secretariats, advisory boards, NGOs, funders, and country-level government, private sector, and civil society representatives. Reasonably balanced gender representation was achieved across stakeholder categories.

Of those interview participants with official ties to specific multi-stakeholder initiatives, pluralities represented OGP (N = 7) and CoST (N = 5) while fewer participants represented EITI (N = 2) (See Figure C.2). Fortunately, the wealth of EITI documents collected and reviewed as part of this research helps to partially assuage any concern that this shortage of interviews might limit Stage 1's findings and conclusions about EITI outcomes.

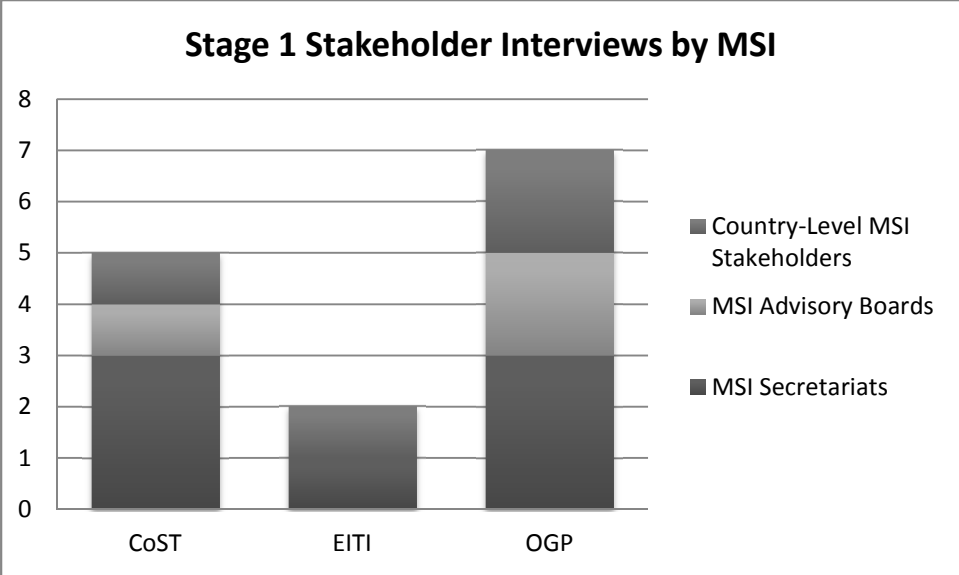


Figure C.2. In Stage 1, interviews were conducted with international MSI secretariat staff, advisory board members, and country level stakeholders.

Stage 2 Interviews

Between April and August of 2015, 124 individuals in Guatemala, the Philippines, and Tanzania were contacted in order to request a 40-60 minute semi-structured interview on the effectiveness and impact of CoST, EITI, and OGP (see Appendix D). Participants were informed that these interviews were being conducted as part of a doctoral research project on public sector governance MSIs, and given a consent form to review and sign (see Appendix E). The consent form gave participants the option to opt out of having their interview recorded, as well as the option to speak off the record. In Guatemala, where English is not an official language, the consent form and interview questions were also provided in Spanish (see Appendix F).

In total, 48 stakeholders were interviewed during Stage 2, including eight government officials, five representatives of private sector industry, 28 participants from various civil society organizations, four from multilateral organizations, and three dedicated MSI staff members (see Figure C.3). Interview participants were predominately male (71%), making up the majority of interview participants in Tanzania (79%) and Guatemala (82%), but not in the Philippines (42%).



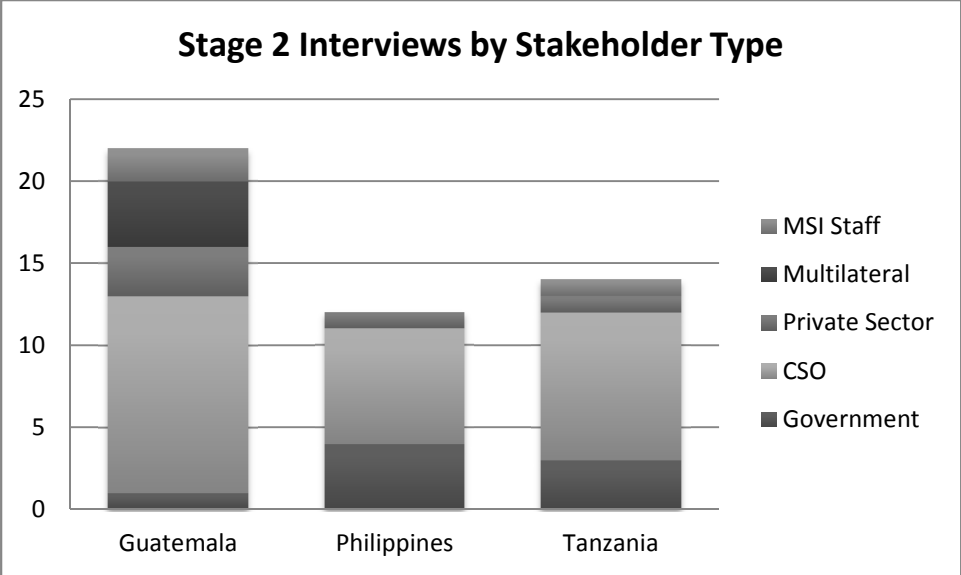


Figure C.3. In Stage 2, 48 interviews were conducted with government officials, representatives of private sector industry, participants from various civil society organizations and multilateral organizations, and dedicated MSI staff.

A relatively equal number of interviews addressed EITI (N = 15), CoST (N = 14), and OGP (N = 13) (see Figure C.4).<sup>499</sup> A handful of interviews (N = 9) were also conducted with parties not participating in national MSI implementation, in order to consider multiple perspectives on these initiatives, as well as gathering additional information about broader sociopolitical context.

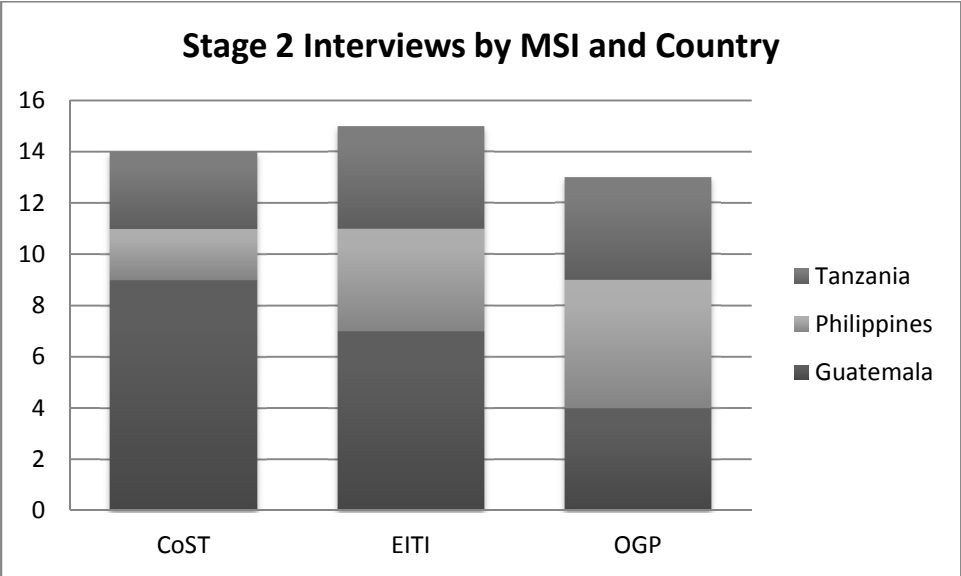


Figure C.4. A relatively equal number of Stage 2 interviews addressed each of the three public sector governance MSIs in each country.

## Interviews in Tanzania

Outreach to 43 potential interview participants in Tanzania began in April 2015. Interviews were scheduled to take place during the second half of May, during and following the OGP Africa Regional meeting in Dar es Salaam. Between May 18 and May 31, 2015, 14 people were interviewed (33% success rate). Each interview lasted approximately 40-90 minutes. All interviews were conducted in English. While English and Swahili are the two official government languages in Tanzania, the majority of Tanzanians speak a local Bantu, Cushitic, Nilotic, or Khoisan dialect as a first language, along with Swahili as a second language. English is used in foreign trade, diplomacy, law, and as the language of instruction in secondary and higher education (Ulrich, Dittmar & Mattheier, 2006, p. 1967). Consequently, these interview participants are assumed to represent an educated, elite subset of the population.

The majority of participants were drawn from civil society organizations (N = 9), but interviews were also conducted with government officials (N = 3), private sector representatives (N = 1), and dedicated MSI staff (N = 1). Interviews were evenly distributed across CoST (N = 3), EITI (N = 4), and OGP (N = 4), with a handful of interviews (N = 3) providing additional sociopolitical background.

## Interviews in Philippines

Outreach to 27 potential interview participants in the Philippines also began in April 2015. Interviews were scheduled to take place during the first half of June, during and after the EITI Asia regional workshop and PH-EITI multi-stakeholder group meeting in Metro Manila. Between June 1 and June 13, 2015, 12 people were interviewed (44% success rate). Each interview lasted approximately 40-90 minutes. All interviews were conducted in English. English and Filipino are the two official languages of the Philippines, although 19 additional

regional languages are officially recognized as well (Constitution of the Republic of the Philippines, Article XIV, Section 7). While both Filipino and English are used in government, education, print, broadcast media, and business, only Filipinos with upper secondary or college education typically speak English. Consequently, it should be assumed that interview participants represent an educated, elite subset of the population.

The majority of participants were drawn from civil society organizations (N = 7), but interviews were also conducted with government officials (N = 4) and private sector representatives (N = 1). Interviews were evenly distributed between EITI (N = 4) and OGP (N = 5), with slightly fewer interviews addressing CoST (N = 2). One additional interview provided general sociopolitical context.

#### Interviews in Guatemala

Outreach to 54 potential interview participants in Guatemala began in August 2015. Interviews were scheduled to take place during the second half of September, between the first and second round of voting in the 2015 General Election, in Guatemala City. Between September 13 and September 27, 2015, 17 people were interviewed in English and two people were interviewed in Spanish. Four additional participants later provided written responses to interview questions in Spanish (41% success rate). Spanish is Guatemala's sole official language, spoken by 93 percent of the population as either a first or second language, although twenty-three indigenous languages are also spoken throughout the country (see Congreso de la República de Guatemala, Decreto Número 19-2003, *Ley de Idiomas Nacionales*). While the primary investigator's moderate facility with Spanish helped to widen the scope of participation somewhat, it must still be assumed that the majority of interview participants represent a particularly elite subset of the population that speaks conversational English.

The majority of interview participants were drawn from civil society organizations (N = 12), but interviews were also conducted with government officials (N = 1), and private sector representatives (N = 3), as well as with representatives of multilateral organizations (N = 4) and dedicated MSI staff (N = 2). Interviews were evenly distributed between CoST (N = 9) and EITI (N = 7), with fewer interviews addressing OGP (N = 4). Several additional interviews (N = 5) provided sociopolitical background information.

## APPENDIX D

### SEMI-STRUCTURED INTERVIEW TEMPLATE

#### I. Background and Design

- a. In your view, how is the [MSI] approach different from other efforts to promote transparency and good governance in [Country]?
- b. Can you tell me a little bit about how your organization participates in [MSI]?
  - i. What were your goals when you decided to participate?
- c. What do you see as [MSI]'s theory of change? In other words, how do the national-level activities of [MSI] lead to results for [Country]? Walk me through how compliance with the [MSI] process leads to improvements in good governance and accountability for citizens.
- d. What does "success" look like for [MSI] in [Country]? How would you know it when you see it?

#### II. Implementation

- a. Where do you see the most tangible progress in [Country] to date?
  - i. What were the key factors that contributed to this progress?
- b. Have there been any notable limitations or bottlenecks that you think the national participants in [MSI] have learned from (or can learn from)?
  - i. What were the main obstacles to progress in these cases?
- c. Have there been any unexpected outcomes from participating in [MSI] so far?
- d. Can you tell me a little about the roles of the various other stakeholders in [Country]? What role has the government played? What role have civil society groups and citizens played?
- e. What role have international [MSI] staff or other international actors played in the work thus far?

#### III. Assessment

- a. Do you think the [MSI] international secretariat has an accurate sense for whether [Country] is making progress on the goals of the initiatives?
  - i. Ask about existing effectiveness and impact documents
- b. What are some things you would like to know about the performance of [MSI] that you do not already know? What are the barriers to collecting that evidence?

- c. Do you think that international donors and [MSI] staff know if compliance with [MSI] rules leads to improvements in governance and accountability to citizens?
- d. How do you see the work of [MSI] fit into broader efforts to promote good governance and accountability in [Country]?
- e. Thinking back to the reasons you decided to participate in [MSI], do you feel that your hopes are reflected in the progress thus far?
- f. Is there anything you would like to see improved in the way [MSI] functions?

## APPENDIX E

### CONSENT FORM

#### CONSENT TO PARTICIPATE IN INTERVIEW

##### **Global Standards in National Context: Transnational Multi-Stakeholder Initiatives and Public Accountability**

You have been asked to participate in a research project conducted by Brandon Brockmyer from the School of International Service at American University (AU). The goal of the study is to learn whether and how voluntary information disclosure standards lead to greater public accountability by states and corporations. This project will examine the standard-setting processes of different transnational multi-stakeholder initiatives and track their implementation and usage within different national contexts. The results of this study will be included in Brandon Brockmyer's doctoral dissertation. You were selected as a possible participant in this study because of your organization's involvement with the design, implementation, and/or use of a multi-stakeholder initiative. You should read the information below, and ask questions about anything you do not understand, before deciding whether or not to participate.

- This interview is voluntary. You have the right not to answer any question, and to stop the interview at any time or for any reason. I expect that the interview will take about 40 minutes.
- You will not be compensated for this interview.
- Unless you give me permission to use your name, title, and / or quote you in any publications that may result from this research, the information you tell me will be confidential.
- I would like to record this interview so that I can use it for reference while proceeding with this study. I will not record this interview without your permission. If you do grant permission for this conversation to be recorded, you have the right to revoke recording permission and/or end the interview at any time.

This project will be completed by December 2015. All interview recordings will be stored in a secure work space until 3 years after that date. The tapes will then be destroyed.

I understand the procedures described above. My questions have been answered to my satisfaction, and I agree to participate in this study. I have been given a copy of this form.

*(Please check all that apply)*

I give permission for this interview to be recorded.

I give permission for the following information to be included in publications resulting from this study:

my name    my title    direct quotes from this interview

Name of Participant:

Signature of Participant \_\_\_\_\_ Date \_\_\_\_\_

Signature of Investigator \_\_\_\_\_ Date \_\_\_\_\_

Please contact Brandon Brockmyer at 1-512-636-8563 or [bbrockmyer@gmail.com](mailto:bbrockmyer@gmail.com) with any questions or concerns.

If you feel you have been treated unfairly, or you have questions regarding your rights as a research subject, you may contact the American University Institutional Review Board. Address: 4200 Wisconsin Ave, NW, Room 201 Washington, DC 20016 Phone: 202-885-3447 Email: [irb@american.edu](mailto:irb@american.edu).

## APPENDIX F

### SPANISH LANGUAGE MATERIALS

Solicitud por una entrevista academica re: MSIs en Guatemala

Apreciado Sr. o Sra.,

Mi nombre es Brandon Brockmyer y soy un investigador de la American University en Washington DC. Estoy realizando un estudio de "multi-stakeholder initiatives" que son implementado por el gobierno de Guatemala - por ejemplo, la Iniciativa de Transparencia en el Sector de la Construcción (CoST), la Iniciativa de Transparencia de Industrias Extractivas (EITI), y la Alianza para el Gobierno Abierto (OGP) - con el fin de saber si y cómo estas iniciativas ayudan a mejorar la transparencia, la participación y la rendición de cuentas. Debido a su pericia, yo esperaba que usted o uno de sus colegas podría proporcionar algunas respuestas por algunas preguntas en escrito en Español.

Idealmente, me gustaría ser capaz de atribuir sus comentarios, pero si prefiere escribir "off the record," estoy feliz de excluir toda información de identificación en mis notas y utilizar un identificador general en vez (por ejemplo, "un funcionario del gobierno / industria / sociedad civil "). También estoy encantado de proporcionarle más información sobre este proyecto, si lo desea.

Gracias por su ayuda en este asunto.

Atentamente,

Brandon Brockmyer  
Global Governance Research Consultant  
[bbrockmyer@gmail.com](mailto:bbrockmyer@gmail.com)  
+001-512-636-8563  
Skype: brandon.brockmyer



## CONSENTIMIENTO PARA PARTICIPAR

Nombre de la Estudia: "Estándares Globales en Contexto Nacional: Transnacionales de múltiples partes interesadas Iniciativas y rendición de cuentas públicas"

Se le ha pedido a participar en un proyecto de investigación llevado a cabo por Brandon Brockmyer de la Escuela de Servicio Internacional de la American University (AU). El objetivo del estudio es conocer si y cómo la revelación de información voluntaria normas conducen a una mayor rendición pública de cuentas de los gobiernos. Este proyecto examinará los procesos de establecimiento de normas en las iniciativas diferentes y monitor su aplicación y uso en contextos nacionales diferentes. Los resultados de este estudio se incluirán en la tesis doctoral de Brandon Brockmyer. Usted ha sido seleccionado como posible participante en este estudio debido a la participación de su organización en el diseño, implementación o el uso de una iniciativa de múltiples partes interesadas. Usted debe leer la siguiente información, y hacer preguntas sobre cualquier cosa que usted no entiende, antes de decidir si participar o no.

- Este cuestionario es voluntaria. Usted tiene el derecho a no responder a cualquier pregunta.
- Usted no va a ser compensado por completar este questionnaire.
- A menos que usted le da permiso para usar su nombre, cargo y / o citas directas en cualquier publicación que pueda resultar de esta investigación, la información será confidencial.
- Si lo hace dar respuestas a estas preguntas, usted tiene el derecho de revocar el permiso en cualquier momento.
- Este proyecto se completará en diciembre de 2015. Todos los materiales se almacenarán en un espacio de trabajo seguro hasta 3 años después de esa fecha.

Entiendo los procedimientos descritos anteriormente. Mis preguntas han sido contestadas a mi satisfacción, y estoy de acuerdo en participar en este estudio. Se me ha dado una copia de este formulario.

Por favor marque todo lo que corresponda con una "X":

Doy mi consentimiento para participar en este estudio.

Doy permiso para que la siguiente información que debe incluirse en cualquier publicaciones resultantes de este estudio:

Mi nombre  mi título  Citas directas de mis respuestas

Nombre:

Signatura: \_\_\_\_\_ Fecha: \_\_\_\_\_

Por favor, póngase en contacto con Brandon Brockmyer al 1-512-636-8563 o [bbrockmyer@gmail.com](mailto:bbrockmyer@gmail.com) con cualquier pregunta o preocupación.

Si usted siente que ha sido tratado injustamente, o si tiene preguntas acerca de sus derechos como sujeto de investigación, puede comunicarse con la Junta de Revisión Institucional de la Universidad Americana. Dirección: 4200 Wisconsin Ave, NW, Room 201 Washington, DC 20016 Teléfono: 202-885-3447 Correo electrónico: [irb@american.edu](mailto:irb@american.edu).

## **Preguntas de investigación**

### [CoST/EITI/OGP] Antecedentes \ Historia

- a. ¿Cómo [CoST/EITI/OGP] es diferente de los otros esfuerzos para promover la transparencia?
- b. ¿Cuáles eran sus objetivos cuando usted decidieron a participar?
- c. ¿Qué ves como el "teoría del cambio" del [CoST/EITI/OGP]? En otras palabras, ¿cómo hacer las actividades de plomo [CoST/EITI/OGP] para mejores resultados?
- d. ¿Qué significa "éxito" se parece al [CoST/EITI/OGP] en Guatemala? ¿Cómo lo sabes cuando lo ves?

### [CoST/EITI/OGP] Implementación

- a. ¿Dónde se ve el progreso más tangible en Guatemala hasta la fecha? ¿Cuáles fueron los factores clave que han contribuido a este progreso?
- b. ¿Ha habido alguna limitación o desafíos notables que usted piensa que el [CoST/EITI/OGP] “multi-stakeholder group” (MSG) ha aprendido? ¿Cuáles fueron los principales obstáculos para el progreso en estos casos?
- c. ¿Qué te ha sorprendido más sobre cómo participar en [CoST/EITI/OGP]?
- d. ¿Me puede decir acerca de tus experiencias de trabajo con los diferentes grupos interesados en [CoST/EITI/OGP]? ¿Qué responsabilidades tienen los representantes de los gobiernos? ¿Qué responsabilidades tienen los grupos de la sociedad civil?
- e. ¿Cómo ha la secretaría Internacional de [CoST/EITI/OGP] ayudó con tu trabajo hasta el momento? ¿Cómo han ONG internacionales y otros financiadores ayudó con tu trabajo hasta el momento?

### [CoST/EITI/OGP] Valoración

- a. ¿Crees que la secretaría de [CoST/EITI/OGP] tiene información exacto sobre si Guatemala está avanzando en los objetivos de la iniciativa?
- b. ¿Cuáles son algunas cosas que le gustaría saber sobre el desempeño de [CoST/EITI/OGP] que usted no sabe ya? ¿Cuáles son las barreras para la recopilación de esa evidencia?
- c. ¿Crees que los donantes internacionales y las personal de [CoST/EITI/OGP] saben si el cumplimiento de la información del proyecto de divulgación lleva a mejoras en el buen gobierno y la rendición de cuentas a los ciudadanos?
- d. ¿Cómo ve el trabajo de [CoST/EITI/OGP] encajar en esfuerzos más amplios para promover la

governabilidad y la rendición de cuentas en Guatemala?

e. Si ustedes pensar en las razones por las que decidieron participar en [CoST/EITI/OGP], ¿sientes que sus esperanzas se reflejan en el progreso hasta el momento?

f. ¿Hay algo que le gustaría ver mejorado en las funciones internal de [CoST/EITI/OGP]?

## APPENDIX G

### PARTICIPANT OBSERVATION

#### TAI/World Bank/Carnegie meetings, Washington, DC

February 11-12 of 2015, the Transparency and Accountability Initiative (T/AI) organized a workshop on public sector governance MSIs sponsored by the World Bank and held at the W Hotel in Washington DC. Approximately 70 MSI stakeholders, including international secretariat staff and advisory board members from CoST, EITI, and OGP, multilateral and nongovernmental partners, and country-level stakeholders from the government, civil society, and private sectors, attended the workshop. The goals of the workshop were to “understand the ‘state of evidence’ of MSI effectiveness and impact,” to “share insights and learning to inform funding and practice,” and to “identify knowledge gaps and the learning and research required to meet these” (Transparency and Accountability Initiative, September 2, 2015). Preliminary findings were presented from the comprehensive literature review of evidence for MSI outcomes (see Chapter 4), in order to solicit feedback from stakeholders. The workshop also proved useful for identifying potential interview participants in Guatemala, the Philippines, and Tanzania.

On October 5, 2015, the Carnegie Endowment for International Peace hosted a research roundtable where the final results of Stage 1 of the current research were presented and discussed with 30 MSI observers and stakeholders, including academics, bilateral and multilateral development agency staff, and representatives of various international NGOs and MSIs. This roundtable discussion provided yet another opportunity to assess the external validity of the research findings.

### OGP Africa Regional Summit, Dar es Salaam

May 19-21, 2015, Tanzania hosted the OGP Africa Regional Meeting at the Julius Nyerere International Convention Center in Dar es Salaam.<sup>500</sup> Government and civil society representatives from ten African countries—some OGP members, some non-members—attended the meeting, along with representatives of the OGP Support and IRM units. The meeting followed directly on the heels of President Kikwete signing two controversial bills—the Statistics Act and the Cybercrime Act—into law. Two additional bills—the Media Bill and the Access to Information Bill—were being hotly debated. On May 19, civil society organizations met privately to share their experiences and strategies for working within the OGP framework. I was able to observe as African civil society organizations drafted a statement calling for greater protection, promotion and consolidation of civic space in Africa, and criticizing various African government actions, including the passage of Tanzania’s Statistics and Cybercrime Acts (for the final version of the statement issued by participating African civil society organizations, see Open Government Partnership, 2015, May 19).

Throughout the official OGP meeting, May 20-21, I observed discussions between Tanzanian government officials and civil society representatives that informed my analyses of both OGP and EITI implementation in Tanzania. Also on May 20, the international NGO Global Integrity held a research workshop at the Holiday Inn in Dar es Salaam to discuss pending comparative case study research on OGP outcomes in Albania, Costa Rica, Mexico, the Philippines, and Tanzania. I had the opportunity to learn more about each country case directly from researchers based in each country.

### EITI Regional and National Meetings, Metro Manila

Several EITI events coincided with my field research in the Philippines. On June 2, 2015 EITI held a Legislator's forum at the Sofitel Hotel in Pasay City.<sup>501</sup> The forum provided an opportunity to observe both executive and legislative branch officials discussing EITI's progress in the Philippines, as well as fielding challenging questions from civil society organizations and the media. Later that evening, at the Marco Polo Hotel in the Ortigas Center of Metro Manila, I attended a dinner with EITI Chair Claire Short and government, civil society, and private sector members of the PH-EITI national multi-stakeholder group. This direct and unfiltered access to both international and national EITI stakeholders provided an excellent opportunity to discuss both the successes and challenges the initiative faces going forward, both in the Philippines and globally.

On June 3, I attended the PH-EITI pre-validation workshop at the Hotel Jen in Pasay City. During this meeting, EITI international secretariat staff reviewed ongoing work on the second PH-EITI reconciliation report and discussed the impending EITI validation process with members of the national MSG. These discussions revealed the fruitful multi-stakeholder working relationships in PH-EITI, but also exposed tensions between the information that national stakeholders judge to be most important and the information required for EITI validation.

Finally, on June 8-9, I attended portions of both the EITI Asia Regional Meeting and the "Data Visualization Bootcamp" at the Intercontinental Hotel in Makati.<sup>502</sup> Government, civil society, and private sector representatives from seven Asian countries attended the regional meeting, along with representatives of the EITI International Secretariat and the World Bank. The regional meeting provided an opportunity for stakeholders to share best practices, review recent changes to EITI reporting and validation requirements, and discuss upcoming Board changes scheduled for February 2016. The Data Visualization Bootcamp was especially

intriguing to observe, because graphic designers and EITI communications officers from throughout the region competed to use EITI report data to create relevant, salient data visualizations. The results demonstrated the difficulty in translating EITI data into compelling, actionable information.

#### CoST Participant Observation Attempts in Tanzania and Guatemala

Although I was able to engage in participant observation during EITI and OGP events, I was not able to attend any CoST events, despite multiple attempts to do so. I was scheduled to attend a May 29-30, 2015 CoST workshop in Dar es Salaam. However, due to several key government champions being called away to the capital city of Dodoma, the meeting was cancelled the week prior. I was also scheduled to attend a July 24-25, 2015 CoST workshop in Antigua. Due to travel disruptions, however, I was not able to reach the meeting in time.

## APPENDIX H

### fsQCA CODING AND CASE SUMMARY SET CALIBRATION TABLES

Fuzzy set qualitative comparative analysis (fsQCA) was used to compare across nine cases of MSI implementation in order to identify necessary, sufficient, and INUS (insufficient but necessary components of an unnecessary but sufficient set) conditions leading to improvements in government transparency and accountability. The fsQCA procedures detailed below follow those laid out by Ragin (2000; 2008), but also owe a debt to Ryan & Smith's (2012) demonstration of how to use fsQCA to evaluate participatory budgeting cases, to the APSA's Spring 2015 Symposium on Qualitative and Multi-Method Research (i.e., Buthe et al. 2015), which highlighted best practices for reporting fsQCA procedures and results, and to Stedman-Bryce et al. (2015), who used fsQCA to evaluate outcomes from three countries participating in the Medicines Transparency Alliance (MeTA).

In this first section of this appendix, definitions for each causal condition set are provided, along with the eight set membership values used to calibrate each set. Calibration relied on case knowledge acquired via nine field studies of MSI implementation presented in detail in Chapters 4-6. A "fuzzy map" of each causal condition set is presented to show how the nine coded cases are distributed. Next, definitions, set membership values, and fuzzy maps are presented for the outcome conditions. Finally, detailed explanations drawn from Chapters 4-6 are provided for each set membership value assigned to each case.

Seven causal conditions, grouped into four broader categories (preexisting political conditions, MSI structures and processes, Government support, and CSO support), were coded for each of the nine cases. The necessity and sufficiency of all seven causal conditions was examined in relation to three outcome conditions, proactive transparency, demand-driven



transparency, and accountability. The two transparency sets were also investigated as potential causal conditions for the accountability outcome set (see Figure H.1).

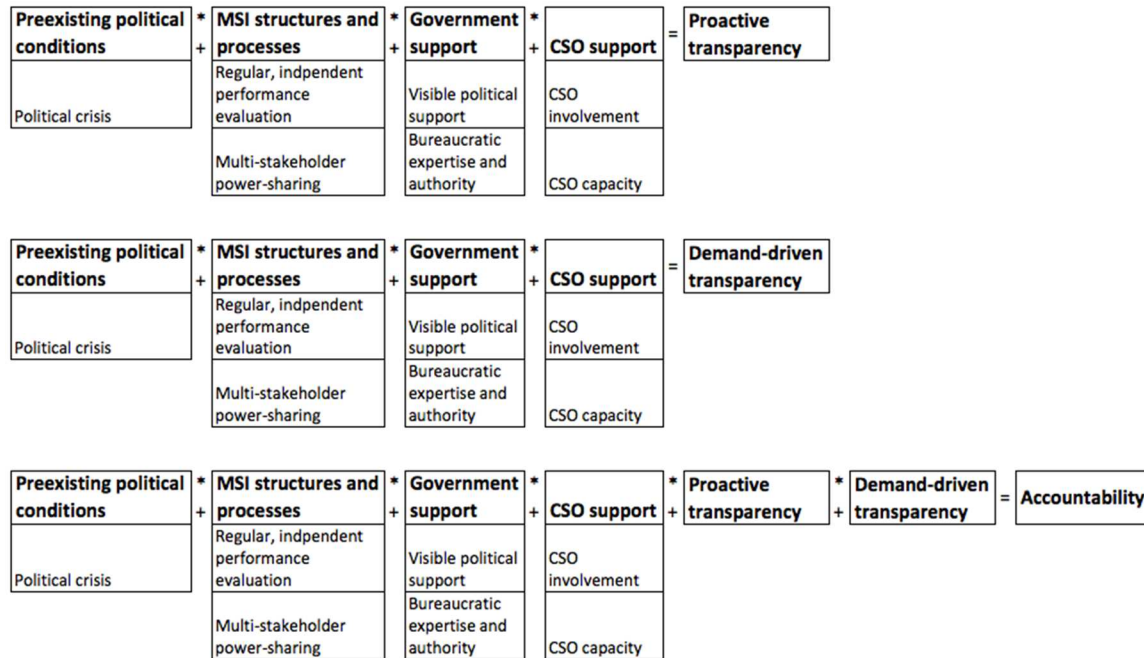


Figure H.1. In a fuzzy set qualitative comparative analysis (fsQCA) of nine cases of MSI implementation, set relations between seven hypothesized causal conditions and three outcome conditions are explored.

### Causal condition sets

#### Preexisting political conditions

CRISIS (*Political Crisis*) – A set of cases where MSI implementation took place following a period of national political conflict.

Some MSI practitioners (e.g., Rich & Moberg, 2015) hypothesize that significant tension between the government (and/or the private sector) and sizeable/notable segments of civil society may be precondition for MSI-led reform. As such, I include preexisting political crisis as one possible causal condition that could either inhibit or aid MSI progress towards transparency and accountability outcomes.

#### Set Membership Values

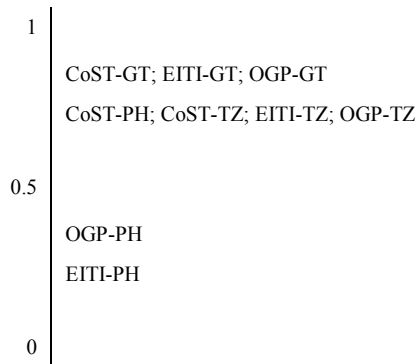
- 1.0 - ‘Fully in’ the set – Prior to MSI membership, the country experienced a period of significant national political crisis, marked by widespread protests and resignations/indictments of numerous high-ranking government officials (e.g., Presidents, Ministers, etc.).
- 0.83 - ‘mostly but not fully in’ - Prior to MSI membership, the country experienced a period of national political crisis, marked by multiple scandals and indictments of some high-ranking government officials.
- 0.67 - ‘more or less in’ - Prior to MSI membership, the country experienced a period of endemic mistrust in government institutions, marked by scandals involving high-ranking officials and ongoing media and civil society criticism.
- 0.52 - ‘marginally more in’ – Prior to MSI membership, the country experienced a single high profile corruption scandal involving one or more high-ranking government officials.
- 0.48 - ‘marginally more out’ – Prior to MSI membership, no high profile members of the government had been indicted for corruption, although corruption continues to exist throughout government institutions.

0.33 - 'more or less out' - Prior to MSI membership, and in the absence of scandals, the government took proactive steps to address public sector corruption and improve governance.

0.17 - 'mostly but not fully out' - Prior to MSI membership, the country experienced a period of moderate citizen satisfaction with government performance.

0 - 'fully out' - Prior to MSI membership, the country experienced a period of high citizen satisfaction with government performance.

'Fuzzy map' of case membership



### MSI structures and processes

RIPE (*Regular, independent performance evaluation*): A set of cases where regular, independent performance evaluation of implementation efforts took place.

There are inherent differences in set membership between MSIs—EITI requires both independent reconciliation of annual extractive payments, and independent validation of compliance with all EITI rules every 3-5 years, OGP conducts independent reviews of NAP implementation both during and following every two-year action plan cycle, CoST Assurance reports are supposed to be completed by independent experts, but not on any given timetable—but there are also set membership differences between countries, such that not all reviews are completed on time or released to the public.

Set Membership Values

1.0 - 'Fully in' the set - Independent performance evaluation reports are timely, publicly available, and of the highest quality.

0.83 - 'mostly but not fully in' - Independent performance evaluation reports are timely and publicly available. Although they may contain some notable weaknesses, they are linked—via stakeholder interviews and primary source documents—to improvements in subsequent MSI implementation (e.g., for CoST or EITI, the provision of additional data, disaggregation, or context; for OGP, new or modified commitments that are more specific, measurable, attributable, realistic and time-based; for all three MSIs, new activities or rules designed to increase the scope or quality of multi-stakeholder participation).

0.67 - 'more or less in' - Independent performance evaluation reports are regularly produced and made publicly available, but not always completed in a timely fashion. Nevertheless, stakeholders still regard the reports as useful.

0.52 - 'marginally more in' - Independent performance evaluation reports are regularly produced and publicly available, but not always completed in a timely fashion. Stakeholders regard the reports as largely inessential.

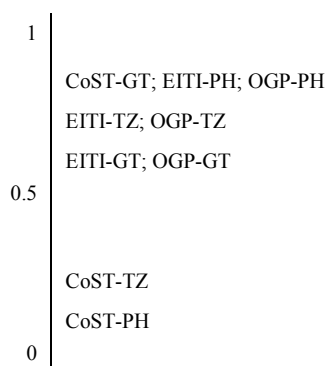
0.48 - 'marginally more out' - Independent performance evaluation reports are only occasionally produced.

0.33 - 'more or less out' - A single independent performance evaluation has taken place and was released to the public.

0.17 - 'mostly but not fully out' - A single independent performance evaluation has taken place, but was never released to the public.

0 - 'fully out' - No independent performance evaluation has ever taken place.

'Fuzzy map' of case membership



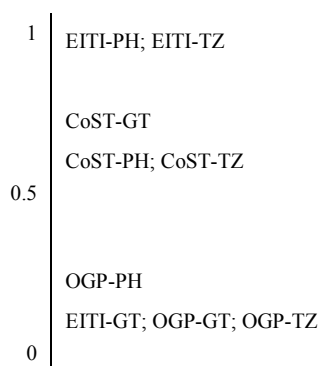
**MSPS** (*Multi-stakeholder power-sharing*) – A set of cases where non-governmental actors (i.e., civil society and the private sector) were treated as full and equal partners in MSI decision-making and implementation (analogous to global MSI shared governance).

Ostensibly, there should be systematic differences in set membership between MSIs, because EITI and CoST require formal national multi-stakeholder groups while OGP does not. Nevertheless, the nine case studies explored here demonstrate at least as many differences within each MSI as they do between them, suggesting that set membership is equally a function of national context.

Set Membership Values

- 1.0 - 'Fully in' the set – National MSI decision-making and implementation is judged by stakeholders to be a fully participatory and inclusive process. The authority of the national MSG to oversee implementation is recognized in national law.
- 0.83 - 'mostly but not fully in' - National MSI decision-making and implementation is judged by stakeholders to be a fully participatory and inclusive process. The authority of the national MSG is not officially recognized in national law.
- 0.67 - 'more or less in' - National MSI decision-making and implementation has generally been participatory and inclusive, but with some notable exceptions where the government has acted unilaterally.
- 0.52 - 'marginally more in' – National MSI membership rules establish the full and equal participation of non-government actors, but the government is able to exert greater control through institutional means (e.g., through control of national MSI finances).
- 0.48 - 'marginally more out' - National MSI membership rules do not protect the full and equal participation of non-government actors, but the MSG operates with a collaborative and egalitarian spirit.
- 0.33 - 'more or less out' - Non-government actors participate in the MSG, but the government makes all final decisions.
- 0.17 - 'mostly but not fully out' – Non-government actors are excluded from significant aspects of MSI decision-making and implementation.
- 0 - 'fully out' – Only government actors participate in national MSI decision making and implementation

'Fuzzy map' of case membership



## Government Support

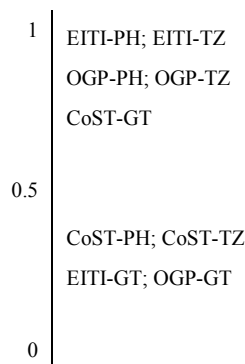
VPS (*Visible political support for the MSI from the government*) – A set of cases where high-ranking political officials (e.g., executive branch or legislative leadership) offered at least symbolic political support to an MSI through public statements and actions (e.g., positioning of national secretariats/steering committees, attending MSI events or meetings).

There are no inherent differences in set membership between MSIs. Set membership is expected to be national context dependent.

### Set Membership Values

- 1.0 - 'Fully in' the set – Political officials from both the executive and legislative branches of government have offered public support to the MSI by attending events or proposing legislation;
- 0.83 - 'mostly but not fully in' - Political officials from one branch of government have offered public support to the MSI by attending events or proposing legislation
- 0.67 - 'more or less in' – Visible support from political officials was occasionally interrupted by the election cycle.
- 0.52 - 'marginally more in' – The MSI has secured a single high-level political official to serve as its government champion, but this official does not regularly attend MSI meetings.
- 0.48 - 'marginally more out' - Initial high-level political support was not sustained over time.
- 0.33 - 'more or less out' - The MSI struggled to secure a high-level champion in government.
- 0.17 - 'mostly but not fully out' – High ranking political officials have ignored MSI implementation.
- 0 - 'fully out' – High-ranking political officials have come out in opposition to MSI membership.

### 'Fuzzy map' of case membership



BEA (*Bureaucratic expertise and authority*) – A set of cases where government bureaucrats had appropriate expertise and authority to oversee MSI implementation.

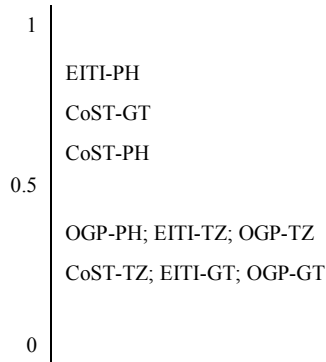
There are perhaps slight inherent differences in set membership between MSIs, simply because OGP implementation often requires significant breadth of expertise and authority compared to EITI or CoST. Nevertheless, national context is expected to be the primary driver of set membership.

### Set Membership Values

- 1.0 - 'Fully in' the set – Government bureaucrats assigned to promote implementation of the MSI are considered by other national stakeholders to be highly skilled and influential within all requisite levels and branches of government.
- 0.83 - 'mostly but not fully in' - Government bureaucrats assigned to promote implementation of the MSI are considered to be highly skilled and influential within all requisite agencies of the national executive branch, with limited influence over other levels or branches of government.
- 0.67 - 'more or less in' - Government bureaucrats assigned to promote implementation of the MSI are considered to be highly skilled and influential within some of the requisite agencies of the national executive branch.

0.52 - 'marginally more in' – Government bureaucrats assigned to promote implementation of the MSI are considered to be highly skilled and influential within an agency responsible for significant portions of implementation, but with limited influence over other important areas.  
 0.48 - 'marginally more out' - Government bureaucrats assigned to promote implementation of the MSI have somewhat limited authority to compel cooperation by other government offices (e.g., they are too junior, or work within a special office or commission with no clear lines of authority over other parts of government).  
 0.33 - 'more or less out' - Government bureaucrats assigned to promote implementation of the MSI have negligible authority to compel cooperation by other government offices and are largely limited to what they are able to achieve internally.  
 0.17 - 'mostly but not fully out' - Government bureaucrats assigned to promote implementation of the MSI have negligible authority to compel cooperation by other government offices and are limited to basic oversight functions.  
 0 - 'fully out' – Government bureaucrats assigned to promote implementation of the MSI are considered by other national stakeholders to be incapable of performing even basic oversight functions.

'Fuzzy map' of case membership



CSO support

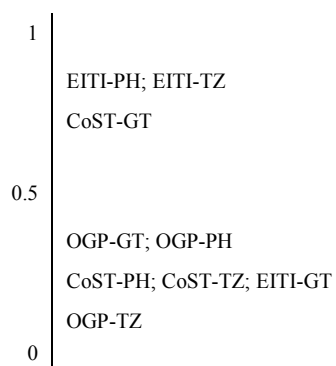
CSINV (*Civil society involvement*) – A set of cases where broad cross-sections of civil society participated in national MSI stakeholder groups.

Since all MSIs are intended to encourage civil society involvement, set membership is presumed to be a function of national context.

Set Membership Values

1.0 - 'Fully in' the set – Sustained involvement by consolidated, credible CSOs that represent geographically and topically diverse interest groups in the national MSI stakeholder group.  
 0.83 - 'mostly but not fully in' - Sustained involvement by consolidated, credible CSOs that represent geographically and topically diverse interest groups in the national MSI stakeholder group. However, processes for establishing CSO representation remain somewhat contested.  
 0.67 - 'more or less in' - Sustained involvement by credible CSOs that represent limited geographic or topical diversity.  
 0.52 - 'marginally more in' – Sustained involvement by some CSOs in the national MSI stakeholder group  
 0.48 - 'marginally more out' – Initially limited CSO involvement in the national MSI stakeholder group increases over time  
 0.33 - 'more or less out' – Continuously limited CSO involvement in the national MSI stakeholder group  
 0.17 - 'mostly but not fully out' – Initially limited CSO involvement in the national MSI stakeholder group decreases over time.  
 0 - 'fully out' – No civil society groups regularly participate in the national MSI stakeholder group.

'Fuzzy map' of case membership



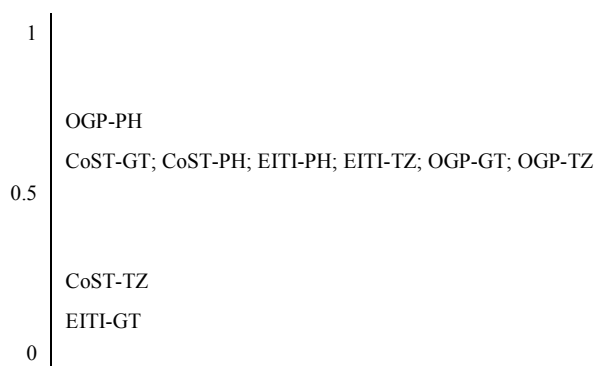
CSCAP (*Civil society capacity*) – A set of cases where participating civil society organizations had the resources to regularly attend meetings and the technical expertise to interpret MSI outputs and utilize them in their own work.

Set membership is presumed to be a function of national context, because there are no inherent differences in the level of capacity required for civil society organizations to participate in CoST, EITI, or OGP. At a minimum, participation in each MSI requires the resources and availability to attend meetings. For each MSI, some familiarity with the subject matter (i.e., public infrastructure, extractive revenues, and a variety of national OGP commitments) increases capacity.

Set Membership Values

- 1.0 - 'Fully in' the set – All participating CSOs possess the technical and financial capacity to participate regularly and meaningfully in MSI activities and there have been consistent opportunities to utilize this capacity during MSI implementation.
- 0.83 - 'mostly but not fully in' - All participating CSOs possess the technical and financial capacity to participate regularly and meaningfully in MSI activities and there have been occasional opportunities to utilize this capacity during MSI implementation.
- 0.67 - 'more or less in' – All participating CSOs possess the technical and financial capacity to participate regularly and meaningfully, however there have been only limited opportunities to utilize this capacity.
- 0.52 - 'marginally more in' – Some CSOs possess the technical and financial capacity to participate regularly and meaningfully in MSI activities and outputs, while others have capacity shortages that limit their participation.
- 0.48 - 'marginally more out' – Few CSOs possess the technical and financial capacity to participate regularly and meaningfully in MSI activities and outputs, but the overall capacity of participating CSOs has improved over time.
- 0.33 - 'more or less out' – Few CSOs possess the technical and financial capacity to participate regularly and meaningfully in MSI activities and outputs. The overall capacity of participating CSOs has remained stagnant.
- 0.17 - 'mostly but not fully out' – Few CSOs possess the technical and financial capacity to participate regularly and meaningfully in MSI activities and outputs. The overall capacity of participating CSOs has decreased.
- 0 - 'fully out' – No civil society organizations possess the technical and financial capacity to participate regularly and meaningfully in MSI activities and outputs.

'Fuzzy map' of case membership



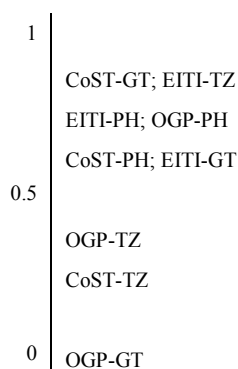
Outcome condition sets

**PTRAN (*Proactive Transparency*)** – A set of cases where MSIs facilitate reforms that increase the amount of relevant information that is proactively released by the government.

Set Membership Values

- 1.0 - 'Fully in' the set – MSI facilitated significant improvements in the release of information about relevant government activities and performance by passing a mandatory information disclosure law with no significant loopholes or data quality issues.
- 0.83 - 'mostly but not fully in' - MSI facilitated significant improvements in the release of information about relevant government activities and performance by passing a mandatory information disclosure, although additional steps are needed to address loopholes and/or data quality issues.
- 0.67 - 'more or less in' - MSI facilitated regular release of information about some government activities and performance that was not available to the public before but these changes have not been encoded in formal laws and rely on continued government largess. Laws supporting mandatory disclosure have been proposed, but not passed.
- 0.52 - 'marginally more in' – MSI facilitated regular release of information about some government activities and performance that was not available to the public before via changes to government practice. These changes have not been encoded in formal laws, and rely on continued government largess.
- 0.48 - 'marginally more out' - MSI initially facilitated regular release of information via informal changes to government practice. These changes have not been encoded in formal laws, and some data updates appear to have already slowed or stopped.
- 0.33 - 'more or less out' - MSI facilitated a temporary (i.e., one-time) increase in the provision of information about government activities and performance.
- 0.17 - 'mostly but not fully out' – MSI facilitated the release of government information that was already available elsewhere.
- 0 - 'fully out' – No increase in the provision of information about government activities and performance.

'Fuzzy map' of case membership

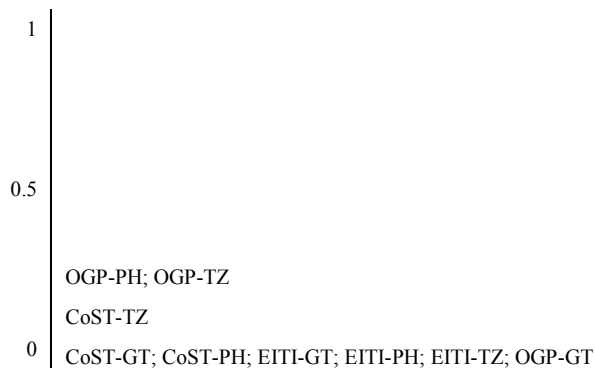


**DTRAN (*Demand-Driven Transparency*)**– A set of cases where MSIs facilitated reforms that increase public access to government information upon request.

Set Membership Values

- 1.0 - ‘Fully in’ the set – MSI facilitated significant change to laws or policies governing access/right to information and there is evidence that these changes are being implemented
- 0.83 - ‘mostly but not fully in’ – MSI facilitated significant change to laws or policies governing access/right to information, covering most areas of government activity and performance
- 0.67 - ‘more or less in’ - MSI facilitated significant change to laws or policies governing access/right to information within specific agencies or ministries.
- 0.52 - ‘marginally more in’ – MSI facilitated limited-scope changes to law or policy that enable citizens to access information upon request within small areas of government activity and performance
- 0.48 - ‘marginally more out’ - MSI facilitated legislation proposing changes to law or policy governing access/right to information. The proposal received a full floor vote by the national legislature, but did not pass.
- 0.33 - ‘more or less out’ - MSI facilitated government exploration of changes to existing laws or policies governing access/right to information that led to the proposal of specific legislation, but the bill never received a full vote by the legislature.
- 0.17 - ‘mostly but not fully out’ – MSI facilitated government exploration of changes to existing laws or policies governing access/right to information, but no specific proposals were ever put forward.
- 0 - ‘fully out’ – No change to laws or policies governing access/right to information

‘Fuzzy map’ of case membership



*ACCT (Accountability)* – A set of cases where MSIs facilitated public discussion of (non-transparency-related) governance deficits (i.e., in national media, civil society publications, or other forums) that compelled government officials to publicly explain or modify related policies (i.e., “soft accountability”). While voluntary MSIs cannot directly sanction national actors (i.e., “hard accountability”), MSI activities and outputs strengthened national mechanisms with the power to sanction (e.g., the Auditor General or Comptroller).

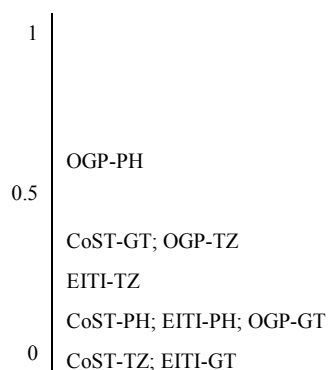
This is a purposefully broad membership set, in order to account for differences across countries—including specific national goals and years of MSI membership—and MSIs—including initiative age and specificity of goals.

Set Membership Values

- 1.0 - ‘Fully in’ the set – MSI facilitated an increase in public awareness of existing governance deficiencies, and strengthened national mechanisms that allow for the sanctioning of government officials or other actors, as a result of these deficiencies. These mechanisms have been regularly activated.
- 0.83 - ‘mostly but not fully in’ - MSI facilitated an increase in public awareness of existing governance deficiencies, and strengthened national mechanisms that compel regular public explanation of these deficiencies by government officials. These mechanisms have been regularly activated.
- 0.67 - ‘more or less in’
- 0.52 - ‘marginally more in’ - MSI facilitated an increase in public awareness of existing governance deficiencies that compelled a public response by government officials within small areas of government activity and performance
- 0.48 - ‘marginally more out’ – MSI facilitated an increase in public awareness of existing governance deficiencies that compelled a public response by government officials in a single instance
- 0.33 - ‘more or less out’ - MSI facilitated an increase in public awareness of existing governance deficiencies, but there was no public response by government officials
- 0.17 - ‘mostly but not fully out’ – MSI facilitated internal technical improvements to government systems only
- 0 - ‘fully out’ – No change in existing mechanisms that compel government officials to explain their actions to the public, or sanction actors found to be responsible for these deficiencies.



'Fuzzy map' of case membership



Case summary set calibration tables

CoST implementation in Guatemala

<b>Condition</b>	<b>Score</b>	<b>Justification</b>
CRISIS: <i>Political Crisis</i>	.83	Prior to CoST membership, public infrastructure in Guatemala was widely considered to function under a cartel system, with ties to organized crime and “narcotraficantes.” In 2009, President Colom was accused of a money laundering and embezzlement scheme run through Banrural, the Guatemalan rural development bank. Although the scandal was likely a hoax, two of Colom’s Ministers of the Interior were indicted for corruption, and four consecutive heads of the national police were dismissed, indicted, or jailed.
RIPE: <i>Regular, independent performance evaluation</i>	.83	CoST Guatemala has produced five Assurance reports from 2011 to 2015. These reports are posted online and contain recommendations for how to improve disclosure by procuring entities. Over time, disclosure has improved via CoST-recommended upgrades to the Guatecompras reporting system, however many non-technical challenges highlighted by these Assurance reports have not yet been addressed.
MSPS: <i>Multi-stakeholder power-sharing</i>	.67	The national MSG consists of two members from each sector and its decisions are reached by consensus. Relations between sectors were extremely productive under the Colom administration, but under the Pérez administration, COPRET took a more heavy-handed approach towards CoST, making decisions unilaterally. Ultimately, the other two sectors were able to push back and reassert their right to equal participation.
VPS: <i>Visible political support</i>	.67	CoST implementation proceeded rapidly under the Colom administration, with support from both the Ministry of Public Finance and the Ministry of Communications, Infrastructure, and Housing, the largest procuring agency in government also support CoST. After taking office in 2012, the Pérez administration initially withheld support for eight months. Ultimately, the CoST secretariat was placed under the auspices of the Office of the Vice President, but the Ministry

		of Public Finance handled much of the implementation. CoST was also included in the first and second OGP National Action Plans.
BEA: Bureaucratic expertise and authority	.67	The Ministry of Public Finance’s ICT office has been particularly instrumental to CoST’s success. The ICT team decided to prioritize CoST-Guatecompras integration over other projects. However, COPRET, which oversees the technical secretariat, had no regular budget, and its employees have limited clout within government.
CSINV: <i>Civil society involvement</i>	.67	Two CSOs—Acción Ciudadana and Guate Cívica—regularly participate in CoST. Both have networks of NGO affiliates across the country, although there is some question as to whether there is broad interest in CoST beyond highly specialized NGOs. Furthermore, when COPRET overreached in 2014, both Acción Ciudadana and Guate Cívica temporarily withdrew support for the initiative until late 2015.
CSCAP: <i>Civil society capacity</i>	.52	The Architecture Faculty at the University of San Carlos had expertise interpreting procurement and project data, but their recent participation appears to have been limited. Accion Ciudadana and Guate Cívica have only limited technical expertise to interpret infrastructure data released through Guatecompras.
PTRAN: <i>Proactive Transparency</i>	.83	In December 2013, with the enactment of Acuerdo Gubernativo 540-2013, regulating the Ley Orgánica del Presupuesto (organic budget law), Guatemala became the first CoST country to make it mandatory for public works projects to report all information required under the CoST data standard. To facilitate this new volume of disclosure, the Ministry of Public Finance also passed Resolución 01-2014, which requires that Guatecompras, the country’s online transparency portal, be updated to include 31 of the 40 indicators required under the CoST data standard. Acuerdo Gubernativo 540-2013 significantly increased the amount of information made available on public infrastructure projects via Guatecompras. However, significant loopholes remain that allow many projects to circumvent these new requirements. Full compliance also remains problematic for projects that are required to report under the new law.
DTRAN: <i>Demand-Driven Transparency</i>	0	CoST has not facilitated any change in laws or policies governing demand-driven access to information.
ACCT: <i>Accountability</i>	.48	CoST facilitated an increase in public awareness of existing governance deficiencies that compelled a public response by government officials in a single instance: The CoST Assurance process revealed that the contracting process for the Belice bridge project was improperly conducted under “emergency procedures.” The work being proposed was not necessary and would have actually made the bridge less safe. After these facts came to light, the contract was cancelled. While the International Secretariat also claims that CoST facilitated legislation requiring budgets to be in place prior to the awarding of contracts, effective implementation of this law could be independently verified.

## CoST implementation in the Philippines

<b>Condition</b>	<b>Score</b>	<b>Justification</b>
CRISIS: <i>Political Crisis</i>	.67	Prior to joining CoST, the Arroyo Administration experienced several high-profile scandals. In 2007, President Arroyo was forced to cancel a US \$329 million contract with the Chinese company ZTE to build a national broadband network, after a bribery scandal implicated the DOTC, the Chairmen of the Commission on Elections, the Socioeconomic Planning Secretary, and the president's own husband, Mike Arroyo. During the fallout from what became known as the "NBN-ZTE" deal, protestors and prominent Filipino politicians alike called for Arroyo to resign. In 2009, following an infrastructure loan scandal, the World Bank debarred several construction firms from doing business with it, because of suspected collusion.
RIPE: <i>Regular, independent performance evaluation</i>	.17	CoST Philippines produced a single Assurance report during the pilot phase. The results were never released to the public. CoST Phils does not support the CoST Assurance process, arguing that quality control should be handled by an existing government oversight agency (e.g., the COA).
MSPS: <i>Multi-stakeholder power-sharing</i>	.52	The national MSG has five seats for five sectors (government, industry, civil society, academia, and multilateral aid organizations). There are no formal procedures to select these representatives, raising concerns that government or private sector actors might control access to the MSG. CoST Phils was legally established as a nonprofit organization, but it has not been granted any legal authority by the government.
VPS: <i>Visible political support</i>	.48	CoST was one of many government initiatives intended to address infrastructure corruption at the end of the Arroyo Administration. CoST Phils was set up as a non-profit organization, so that it could manage funds without government involvement. Rather than setting up a technical secretariat, the Committee on Audit was tasked with the Assurance process. Support for an independent CoST has waned even further under the Aquino Administration. The government champion in the Committee on Audit is no longer involved in the project and there is no support for the Assurance process. However, there is still support for incorporating the CoST data standard into the PhilGEPs reporting system.
BEA: <i>Bureaucratic expertise and authority</i>	.52	During the pilot phase, CoST Phils worked with the Department of Budget and Management to improve agency compliance with PhilGEPs reporting requirements, and worked with engineers employed by the Committee on Audit to complete the Assurance report. Since the end of the pilot, however, there has been no involvement by COA engineers.
CSINV: <i>Civil society involvement</i>	.33	The national MSG has only one seat per stakeholder group, significantly limiting the participation of civil society. Meetings have been increasingly infrequent in recent years and Bantay Lansangan, which represented a broader network of civil society groups on the MSG, is no longer active.
CSCAP: <i>Civil society capacity</i>	.52	Bantay Lansangan specialized in providing community

		oversight on public infrastructure projects. However, they were the only civil society organization participating in CoST.
PTRAN: <i>Proactive Transparency</i>	.52	No aspects of CoST have been encoded into formal law, although the CoST Infrastructure Data Standard (CIDS) is being used to guide expansion of mandatory PhilGEPS reporting requirements. Findings from the sole CoST Assurance report, which revealed causes for concern in two out of ten projects reviewed, were never released to the public.
DTRAN: <i>Demand-Driven Transparency</i>	0	CoST has not facilitated any change in laws or policies governing demand-driven access to information.
ACCT: <i>Accountability</i>	.17	CoST has facilitated internal technical improvements to the PhilGEPS reporting system. However, neither the release of raw data nor the production of an unpublished Assurance report have increased public awareness of public infrastructure deficiencies or increased answerability or sanction.

### CoST implementation in Tanzania

<b>Condition</b>	<b>Score</b>	<b>Justification</b>
CRISIS: <i>Political Crisis</i>	.67	Tanzania joined CoST in 2007, following several notable public procurement scandals. In 2006, special auditors found that the Bank of Tanzania had improperly paid around US \$62 million to local companies during FY2005/06. Later that same year, it was revealed that the construction costs of the Bank of Tanzania's new "twin towers" headquarter building were inflated by US \$103.6 million. In 2008, Prime Minister Edward Lowassa resigned after being implicated in an energy procurement scandal that cost the country around US \$80 million.
RIPE: <i>Regular, independent performance evaluation</i>	.33	CoST Tanzania produced a single Assurance report during the pilot phase. The report was released to the public, but only after a delay to ensure it did not precede the 2010 national election. Efforts have been made to produce a second Assurance report, but they have stalled due to data access issues.
MSPS: <i>Multi-stakeholder power-sharing</i>	.52	CoST-Tanzania is set up as member association. Members meet annually to elect representatives to 12 of the 15 seats on the Multi-Stakeholder Group, which functions as the Executive Committee. There are three permanent government seats on the MSG, held by the National Construction Council (NCC), the Public Procurement Regulatory Authority (PPRA), and the Prevention and Combating Corruption Bureau (PCCB). A collegiate voting system is used to ensure that each of the three stakeholder groups have equitable representation in the remaining seats.
VPS: <i>Visible political support</i>	.48	Tanzania was one of the first countries to sign up to participate in CoST. In 2007, an Interim Working Group was established under the leadership of the National Construction Council (NCC), the official regulatory body for the construction sector. The Minister of Good Governance

		served as the CoST champion and the Public Procurement Regulatory Authority (PPRA) signed a memorandum of understanding in order to facilitate the Assurance process during the pilot phase. However, since 2010, CoST has struggled to maintain support within the government. The Minister of Good Governance has not been an effective champion, and the PPRA has been hesitant to collaborate with CoST in implementing the 2013 Public Procurement Act reporting requirements. CoST has essentially no public profile in Tanzania.
BEA: Bureaucratic expertise and authority	.33	During the pilot phase, procuring agencies were unwilling to collaborate with CoST, so the PPRA was enlisted to compel them to release data. Since the end of the pilot, PPRA has been unwilling to continue this arrangement. The national CoST secretariat attempted to obtain project data from DFID's "Improving Rural Access in Tanzania" (IRAT) projects in order to complete a second Assurance report, but to little avail. With little political support for CoST, there has been little call for bureaucratic expertise in its implementation.
CSINV: <i>Civil society involvement</i>	.33	There is little interest or awareness in CoST beyond Dar-based development and anti-corruption NGOs and workers unions. Turnover among CSO participants on the MSG has been high and meetings have been held irregularly.
CSCAP: <i>Civil society capacity</i>	.33	Most CSO that participate on the national MSG do not have the technical proficiency necessary to analyze or interpret public infrastructure data. As CoST has stagnated, there has been little effort made to increase the capacity of these groups
PTRAN: <i>Proactive Transparency</i>	.33	Through the first Assurance report, CoST facilitated a one-time increase in the provision of information about public infrastructure. During the pilot phase, CoST and the Public Procurement Regulatory Authority (PPRA) signed a memorandum of understanding in order to facilitate the Assurance process. CoST has struggled to compel disclosure by any government agency since the end of the pilot.
DTRAN: <i>Demand-Driven Transparency</i>	.17	The 2011 Procurement Act does require the government to release information if a complaint about a specific project is required, but claims that the CoST MSG influenced this law could not be verified.
ACCT: <i>Accountability</i>	0	CoST has not produced any improvements to mechanisms that improve answerability or sanction. Indeed, CoST's Infrastructure Data Standard has even been rejected by PPRA as a guide for implementing reporting requirements under the 2013 Procurement Act.

### EITI implementation in Guatemala

<b>Condition</b>	<b>Score</b>	<b>Justification</b>
CRISIS: <i>Political Crisis</i>	.83	The extractive sector has been a source of significant conflict within Guatemala. A number of mines have come under public scrutiny for environmental and human rights violations. Two of President Colom's Ministers of the

		Interior were indicted for corruption and four consecutive heads of the national police were dismissed, indicted, or jailed.
RIPE: <i>Regular, independent performance evaluation</i>	.52	Guatemala has produced reconciled extractive industry data for four years (2010-2013) and was certified as EITI compliant in 2014. . All reports are available online. The government was briefly suspended in 2015 for failing to produce the reconciliation report for 2012 in a timely fashion and reports are regarded as inessential by civil society observers.
MSPS: <i>Multi-stakeholder power-sharing</i>	.17	EITI-Guatemala has never had true multi-stakeholder governance. Government Resolution 96-2012, which authorized the creation of the Comisión Nacional de Trabajo de la EITI (CNT), recognizes only government officials as members. Article 2 of the Commission’s internal rules grants representatives of civil society and industry the right to speak and vote as “permanent special guests.” The government justified this structure by explaining that they cannot legally require private citizens to participate in a public commission. However, since civil society and the private sector participate as “guests” of the government, attendance by organizations representing these sectors has been by government invitation only. Additionally, the CNT governs by majority, rather than consensus, and each stakeholder group (i.e., government, private sector, and civil society) gets a single vote. In practice, this means that civil society is consistently marginalized, as government and industry tend to vote together.
VPS: <i>Visible political support</i>	.33	Although the Colom Administration agreed to participate in EITI in 2010, at the urging of Acción Ciudadana, implementation moved very slowly. Guatemala was accepted as a candidate country a full year later. After the Pérez Administration took power, EITI was placed under the auspices of Vice President Baldetti in 2012 and included in Guatemala’s first (and second) OGP action plan. While some observers hoped these moves would lead to a higher profile, turf battles between COPRET and the Ministry of Energy and Mines continued to hinder implementation. Furthermore, other government agencies that had at one time shown interest in EITI (e.g., the Ministry of Finance, the Vice Ministry of Local Affairs) were marginalized. While government officials regularly attended national MSG meetings, the public visibility of the initiative remained quite low, even among Guatemala City-based pro-transparency organizations.
BEA: <i>Bureaucratic expertise and authority</i>	.33	Despite the vice president’s insistence that COPRET oversee implementation, stakeholders from civil society and the international donor community report that COPRET staff actually had very little leverage over other ministries to compel greater coordination or information sharing. Most of the actual work to produce EITI reports was conducted by the technical secretariat, housed within the Ministry of Energy and Mines. The technical secretariat was able to continue its work completing the most recent two reports, despite significant political turmoil.
CSINV: <i>Civil society involvement</i>	.33	Initially, national MSG meetings were attended by Acción

		Ciudadana, the Asociación de Desarrollo Integral Comunitario Indígena (AIDIC), Madre Selva, the Kab'awil indigenous group, and other CSOs that represented geographically and topically diverse interest groups. However, Acción Ciudadana and Madre Selva withdrew from participation in 2014. COPRET attempted to recruit new civil society organizations to participate, but these efforts only served to intensify opposition to EITI from several influential CSOs, including the Instituto Centroamericano de Estudios Fiscales (ICEFI). Polarization and fragmentation within Guatemalan civil society had resulted in contestations over the legitimacy of actors.
CSCAP: <i>Civil society capacity</i>	.17	While some of the initial CSO participants, like Acción Ciudadana, were adequately funded and capacitated to participate in EITI, the organizations recruited following their exit have neither the technical expertise, nor the resources to participate fully in the work. These organizations compete with each other over the limited resources provided for civil society participation in EITI (i.e., travel funds).
PTRAN: <i>Proactive Transparency</i>	.52	While the release of four EITI reports has technically increased the amount of data about the extractive sector available to the public, Article 24 of the Guatemalan Constitution prevents the government from disclosing tax data. As a result, companies continue to disclose information to EITI-Guatemala on a voluntary basis.
DTRAN: <i>Demand-Driven Transparency</i>	0	EITI has not facilitated any change in laws or policies governing demand-driven access to information in Guatemala.
ACCT: <i>Accountability</i>	0	EITI has not produced any improvements to mechanisms that improve answerability or sanction within the extractive sector. There is no evidence that internal government reporting or reconciliation systems have been notably improved.

### EITI implementation in the Philippines

<b>Condition</b>	<b>Score</b>	<b>Justification</b>
CRISIS: <i>Political Crisis</i>	.33	The Aquino Administration had taken steps to address public corruption prior to joining EITI in 2012. A year after taking office, as part of his “Social Contract with the Filipino People,” the president reorganized his cabinet into several thematic working groups. Aquino personally chairs the working group on Good Governance and Anti-Corruption and helped to found the Open Government Partnership in 2011.
RIPE: <i>Regular, independent performance evaluation</i>	.83	PH-EITI produced their first reconciliation report in 2015, which included an entire second volume of contextual information about the extractive sector. The report made a number of useful recommendations for improving the EITI disclosure process. A second reconciliation report that addresses many of these concerns was released in early 2016, although some data quality issues remain. Both reports are

		available online. EITI validation has not yet taken place, but is scheduled for 2016.
MSPS: <i>Multi-stakeholder power-sharing</i>	1	Executive Order 147 clearly committed PH-EITI to multi-stakeholder governance. Each stakeholder group would have 5 members on the MSG. Non-government stakeholders are empowered to select their own members. The MSG requires a quorum of at least 3 representatives from each sector for meetings to take place. All MSG decisions are made by consensus. EO147 also specifies that all MSG representatives shall serve for 3-year terms. However, the term for the first MSG was extended in order to complete the second report on time.
VPS: <i>Visible political support</i>	1	In July 2012, President Aquino signed Executive Order 79, which committed the government to improving transparency in the mining sector by joining the EITI. EITI was also included in second and third OGP National Action Plan. Executive and legislative branch officials have attended national EITI events and are actively involved in agenda setting. The Assistant Secretary of the Department of Finance oversees implementation of EITI. The government supported an ambitious agenda for disclosure, including information on contracts, payments to indigenous groups, environmental impacts, and expenditures.
BEA: Bureaucratic expertise and authority	.83	PH-EITI is fully empowered to compel disclosure and cooperation from other government agencies. Their first report contained detailed contextual information about the extractive industries, legal and regulatory framework, maps of extractive operations, examples of mining operating agreements (MOAs), and an assessment of existing MOAs with indigenous communities, along with payment reconciliation. However, issues with data quality and data gaps suggest record keeping at the subnational level could be improved. PH-EITI has worked to address some of these data gaps in the second report.
CSINV: <i>Civil society involvement</i>	.83	Bantay Kita—a broad network of national civil society groups, including anti-mining groups and pro-transparency groups, and affiliated with the international Publish What You Pay coalition—organized the CSO selection process. While all representatives were required to have an existing affiliation with Bantay Kita, they also select participants to represent geographic diversity (i.e., one representative from each of the three island clusters, Luzon, Visaya, and Mindanao), and to complement government agency expertise (i.e., two representatives from Metro Manila-based NGOs). Stakeholders report that the most challenging constituencies to fully represent are the geographically and culturally diverse indigenous communities. While they are currently represented by GITIB, Inc., an indigenous advocacy organization, some in government have expressed skepticism that the groups claiming to represent the interests of indigenous communities in PH-EITI are “legitimate.”
CSCAP: <i>Civil society capacity</i>	.52	Bantay Kita has both the technical expertise and the resources to participate in EITI, having learned a great deal about extractive industries and having developed good working relationships with government and private sector actors. However, many of their local affiliates and



		indigenous groups have little understanding of EITI. While Bantay Kita and the Aquino Administration have worked to educate local groups about the extractive industries, there is great skepticism about their capacity to participate in EI decision-making.
PTRAN: <i>Proactive Transparency</i>	.67	PH-EITI has released two high-quality EITI reports that have dramatically increased the amount of data about the extractive sector available to the public. However, notable gaps within the industry (e.g., the coal company Semirara) and subnational data quality issues remain to be addressed. There is currently no law requiring disclosure, so companies must opt in to EITI. An EITI bill that would have compelled disclosure was introduced during the 2015 legislative session, but it never came to the floor for a vote.
DTRAN: <i>Demand-Driven Transparency</i>	0	EITI has not facilitated any change in laws or policies governing demand-driven access to information in the Philippines.
ACCT: <i>Accountability</i>	.17	Although EITI has not yet produced any improvements in answerability or sanction within the extractive sector, the process of producing EITI reports has helped to improve internal government tracking and reporting systems and improved the quality of EI data.

### EITI implementation in Tanzania

<b><u>Condition</u></b>	<b><u>Score</u></b>	<b><u>Justification</u></b>
CRISIS: <i>Political Crisis</i>	.67	In 2008, Tanzanians have yet to see any tangible benefits from the extractive sector despite a decade of favorable terms for extractive companies. The lack of EI benefits, combined with three high-profile government corruption scandals in 2006 and 2008, resulted in a period of endemic mistrust in government institutions prior to the Kikwete Administration's decision to join EITI.
RIPE: <i>Regular, independent performance evaluation</i>	.67	TEITI has produced EITI reports detailing six years of extractive revenues (2009-2014) and was certified as EITI compliant in 2012. All reports are available online and stakeholders have used them to produce their own analyses of the existing fiscal regime. However, the government was briefly suspended in 2015 for failing to produce the reconciliation report for 2013 in a timely fashion.
MSPS: <i>Multi-stakeholder power-sharing</i>	.67	The national MSG consists of five representatives each from government, civil society and the private sector. Each sector elects its own representatives and decisions are made by consensus. The EI(TA) Act of 2015 recognizes the national MSG as the legal entity in charge of EITI implementation, but as part of the Ministry of Energy and Mines, TEITI lacks the legal status to sue other parts of the government that refuse to comply with disclosure requirements. Due to government procurement rules, non-government stakeholders are unable to fund time-sensitive outreach and education efforts, particularly in rural communities.
VPS: <i>Visible political support</i>	1	President Kikwete ran on a platform of good governance of the extractive industry in 2005. In 2008, he announced that

		Tanzania would join EITI. The TEITI technical secretariat was set up within the Ministry of Energy and Mines, with the Ministry of Finance and Economic Affairs, Tanzania Revenue Authority, Tanzania Petroleum Development Corporation, and the Prime Minister's Office for Regional Administration and Local Government all participating in the national MSG. The National Assembly supported making EITI disclosure mandatory in 2015. The government even volunteered to be part of an EITI pilot project to disclose beneficial ownership information.
BEA: Bureaucratic expertise and authority	.48	Government officials who regularly attended EITI meetings were too junior to make any real decisions, or compel higher-ranking officials to aid in the disclosure and reconciliation process. The government was also notorious for working in silos, which made intra-government coordination difficult. Existing policies and laws initially prevented the government from sharing information on Mining Development Agreements (MDAs) and Production Sharing Agreements (PSAs). Government bureaucrats were unable to overcome these challenges in time for the scheduled EITI Validation. Public procurement rules also slowed the process for selecting a firm to complete the 5 <sup>th</sup> report, resulting in a brief suspension from EITI.
CSINV: <i>Civil society involvement</i>	.83	CSO regularly participate in the MSG meetings. However, the process of selecting only 5 representatives from civil society has proved challenging and contentious. While the Revenue Watch Institute suggested that representatives should come from organizations with expertise and experience working on extractive issues and those with constituencies clearly impacted by the extractive sector, CSOs voted to distribute the seats across a wider range of groups, including faith-based and disabled persons organizations.
CSCAP: <i>Civil society capacity</i>	.52	Only one MSG seat is held by an organization with deep expertise in the extractive sector (i.e., Haki Madini). TEITI would like to conduct more training and outreach, but has struggled to access government funding. In the meantime, NREGI conducts some education and training sessions for civil society organizations.
PTRAN: <i>Proactive Transparency</i>	.83	The EI(TA) Act of 2015 makes the disclosure of all new payments, contracts, and licenses relating to the extractive industries mandatory. However, the law is not retroactive, meaning the terms of many existing contracts will remain hidden from public view. There are also remaining data quality issues to address.
DTRAN: <i>Demand-Driven Transparency</i>	0	EITI has not facilitated any change in laws or policies governing demand-driven access to information in Tanzania.
ACCT: <i>Accountability</i>	.33	EITI report data has been used by civil society advocacy groups to highlight weaknesses in the current fiscal regime governing the extractive sector. Neither the government nor private sector actors have not responded directly to these claims.

## OGP implementation in Guatemala

<b>Condition</b>	<b>Score</b>	<b>Justification</b>
CRISIS: <i>Political Crisis</i>	.83	Prior to Guatemala joining OGP in 2011, the Colom Administration had suffered through a series of high profile corruption scandals and indictments. In 2010, Interior Minister Raúl Velásquez had been removed from office following accusations that he had laundered more than \$2 million in payments to the energy company Maskana. Later that year, the Constitutional Court removed Attorney General Conrado Reyes from office for obstruction of justice. Four consecutive heads of the national police were also dismissed, indicted, or jailed.
RIPE: <i>Regular, independent performance evaluation</i>	.52	Guatemala has produced two National Action Plans. Progress on the first plan was assessed by the OGP-IRM in 2013. However, there is little evidence that this evaluation was used to improve the second National Action Plan. Both NAPs and the IRM report are available online.
MSPS: <i>Multi-stakeholder power-sharing</i>	.17	The first NAP was completed without civil society input. Rather than forming a multi-stakeholder steering committee, COPRET organized three working groups, one for civil society organizations, one for various executive branch ministries, and one for academics. Participation in these working groups was by invitation only. Multi-stakeholder consultation improved during NAP2, but Acción Ciudadana, a major supporter of OGP, was banned from participating. Although civil society submitted commitments to NAP2, they were listed separately from the government's official commitments.
VPS: <i>Visible political support</i>	.33	The Colom Administration joined OGP shortly before leaving office. As a result, implementation fell to the Pérez Administration. Vice President Baldetti took charge of the initiative, but sent her personal secretary, Juan Carlos Monzón, to speak at the OGP summit where Guatemala would officially become a member. Monzón said he had only recently learned about OGP and was therefore not prepared to provide any specific comments. Executive branch ministries were not given any role in drafting the first National Action Plan and were reluctant to assist with the second. Similarly, while the legislature has technically been assigned a few commitments in NAP2, they have not actively implemented them.
BEA: <i>Bureaucratic expertise and authority</i>	.33	While mid-level COPRET staffer were praised for their commitment to open government, the office struggled to get other agencies or branches of government involved in implementing OGP commitments. As a result, COPRET had limited ability to affect change, beyond technical fixes. As a result, most OGP commitments were technical in nature, but with little relevant to OGP values. COPRET also failed to increase participation by civil society. While there was some improvement in the waning days of Perez administration, this was due largely to increasing political pressure on high-ranking government officials.
CSINV: <i>Civil society involvement</i>	.48	Despite supporting OGP, civil society was not involved in

		the process until NAP 1 was already being implemented. The government invited around 16 civil society organizations to participate and around ten organizations participated in at least one meeting. Civil society involvement in NAP2 was greater, but the process was contentious, and far from inclusive. Acción Ciudadana was banned from participating, and ICEFI and Congreso Transparente sparred over how confrontational to be with the government. Ultimately, commitments suggested by civil society were relegated to a separate list.
CSCAP: <i>Civil society capacity</i>	.52	Civil society input into NAP2 fell to five organizations: ICEFI, Congreso Transparente, Guatecívica, the Guatemalan Institute for Independent Research and Analysis (INAIG), the Popular Research Center, and the Guatemalan Development Fund (FUNDESA). Of these organizations, the first two—ICEFI, a regional NGO with deep fiscal and economic expertise and offices throughout Central America, and Congreso Transparente— a small NGO founded by law students and committed to making the legislative process more transparent, appear to have played the most central role, proposing 28 commitments.
PTRAN: <i>Proactive Transparency</i>	0	NAP1 and NAP2 committed Guatemala to implementing CoST and to improving Guatecompras. Yet, it is unclear what, if any, contribution OGP made to CoST implementation or to the passage of either Acuerdo Gubernativo 540-2013 or Resolución 01-2014. The two government agencies responsible for the greatest share of public procurement are the Ministry of Finance and the Ministry of Communications, Infrastructure, and Housing. These ministries appear to have played no role in crafting either OGP action plan, nor is it clear that influential representatives from either regularly attended OGP implementation meetings. There is no evidence that OGP commitment created greater political leverage for CoST in Guatemala, nor is there any evidence that OGP helped CoST to secure additional resources for its work. While national stakeholders anticipate that OGP will have demonstrated at least some additional transparency gains when the second IRM review is released, these gains have not yet been verified. Additionally, many of the commitments in NAP2 were inward-facing improvements to government systems.
DTRAN: <i>Demand-Driven Transparency</i>	0	OGP has not facilitated any change in laws or policies governing demand-driven access to information in Guatemala
ACCT: <i>Accountability</i>	.17	While COPRET's central role in OGP implementation gave them an opportunity to improve a variety of internal government reporting and reconciliation systems, there is no evidence these changes resulted in increased public awareness of government deficiencies, answerability, or sanction. To be sure, these outcomes did occur, but as the result of CICIG and public protest, not OGP.

## OGP implementation in the Philippines

<b>Condition</b>	<b>Score</b>	<b>Justification</b>
CRISIS: <i>Political Crisis</i>	.48	The Aquino Administration came to power in 2010 on a platform of reform, following a period of endemic corruption under the prior administration of Gloria Macapagal-Arroyo—who was arrested for electoral fraud and misuse of state funds after leaving office. A year later, Aquino cofounded the OGP and reorganized his cabinet into thematic working groups—including one on Good Governance and Anti-Corruption that he personally chairs—as part of his “Social Contract with the Filipino People.”
RIPE: <i>Regular, independent performance evaluation</i>	.83	The Philippines has produced three National Action Plans. Progress on the first and second plan was assessed by the OGP-IRM in 2013 and 2015, respectively. All NAPs and IRM reports are available online. Seven of the nine commitments in NAP 2 were evaluated to be substantially or completely implemented, and five were evaluated to have the potential to have moderate or transformative impacts. This marked a notable improvement over NAP1, where half of commitments were not completed. Nevertheless, the IRM criticized NAP2 for a lack of benchmarks and unclear definitions of “success” for some indicators.
MSPS: <i>Multi-stakeholder power-sharing</i>	.33	The Philippines has struggled to achieve meaningful multi-stakeholder participation in OGP. There was no consultation with civil society on the design of NAP1, and little consultation during its implementation. While consultation improved slightly during NAP2 (a steering committee was formed and civil society was allowed to elect its own three members), all 9 commitments were drawn from a preexisting GGACC plan. OGP/GGACC outreach events continued to be invitation-only. There was additional improvement in consultation during the planning process for NAP3. In addition to the regional good governance dialogues held in 2014, GGACC/OGP held a series of regional CSO meetings to allow actors outside Manila to weigh in. While consultation with non-government actors has slowly improved (four NAP3 commitments fall outside of GGACC’s pre-existing good governance plan, and private and civil society sector stakeholders have been given clear roles in implementation) the government still holds final say over OGP commitments.
VPS: <i>Visible political support</i>	.83	The Philippines was a founding member of OGP under President Aquino. President Aquino personally chairs the Good Governance and Anti-Corruption Cluster (GGACC) that oversees OGP implementation. Responsibility for implementing the bulk of NAP commitments fell to the Department of Budget and Management, with the Department of Interior and Local Government, the Department of Social Welfare and Development, the Committee on Audit, and the Presidential Communications Development and Strategic Planning Office also tasked with implementing some commitments. In an attempt to incentivize implementation of OGP commitments, the

		secretariat reports that GGACC agency performance bonuses were tied to OGP commitments being met. The Aquino Administration also became a government co-chair of OGP in 2014. However, the legislative branch has had limited involvement with OGP.
BEA: Bureaucratic expertise and authority	.48	The GGACC/OGP secretariat did not have the power to carry out the reforms promised in NAP2. The Department of Budget and Management is one of several “pockets of activism” within the executive branch. However, there is little enthusiasm for OGP elsewhere in the government. The secretariat was described by as young and well meaning, but with very little clout. While they can provide oversight on implementation, they do not have sufficient influence within government agencies to push the work forward. The secretariat also acknowledged that it has limited capacity to track OGP outcomes. Even the more technical commitments proved difficult to implement, since government staff had limited ICT expertise. GGACC did try to raise awareness and increase civil society participation in their projects, however little distinction was drawn between OGP and the broader GGACC agenda.
CSINV: <i>Civil society involvement</i>	.48	Civil society was not involved in the design or implementation of NAP1. Beginning with NAP2, the steering committee was comprised of the Right to Now Right Know Coalition (R2KRN), a coalition of 160 civil society organizations, the International Center for Innovation, Transformation, and Excellence in Governance (INCITEGov), a Metro Manila-based NGO, and the Philippines Partnership for the Development of Human Resources in Rural Areas (PhilDHRRA), a network of 65 non-government organizations. ANSA-EAP, a regional NGO, has also been involved in OGP. When the government attempted to expand CSO interest in OGP beyond groups with an interest in budgetary issues for NAP3, they met with little success.
CSCAP: <i>Civil society capacity</i>	.67	R2KRN, INCITEGov, PhilDHRRA, and ANSA-EAP are all adequately capacitated to participate in OGP. However, since all the OGP commitments were government-led until NAP3, these organizations played a limited role in implementation.
PTRAN: <i>Proactive Transparency</i>	.67	OGP has facilitated improvements in the release of government information, including the online publication of executive agency budgets, the Budget ng Bayan website, the data.gov.ph information portal, improvements to PhilGEPs, and EITI reporting. However, in some cases, the information being released has not been validated for completeness or integrity. Government agencies changed current practice to facilitate implementation of several OGP commitments, including participatory budgeting, local government compliance with the Seal of Good Housekeeping, a new results-based performance management system (RBPMS), improving the national Ease of Doing Business score, citizen audits, and a new data portal.
DTRAN: <i>Demand-Driven Transparency</i>	.33	OGP encouraged the government to exploration passage of an FOI law. In 2014, the Filipino Senate passed their version of an FOI law, but the House of Representatives version stalled before a vote could be held. The bill was declared

		“dead” by R2KRN in 2015.
ACCT: <i>Accountability</i>	.52	Both the Citizens Participatory Audit (CPA) social auditing program, and the Bottom-Up Budgeting (BuB) local poverty reduction plans have been highly touted as innovative mechanisms for giving local civil society more input on how the government spends public funds in each region, and more oversight to track whether those funds are well spent. CPA was acknowledged internationally with an OGP “Bright Spot” award in 2013, and is being expanded to audit the implementation of farm-to-market roads nationwide as part of NAP3. BuB was awarded a 3 <sup>rd</sup> place Gold Award at the inaugural OGP Open Government Awards in 2014, and was expanded from covering 595 cities and municipalities in 2013 to more than 1,500 local governments in 2015.

### OGP implementation in Tanzania

<b>Condition</b>	<b>Score</b>	<b>Justification</b>
CRISIS: <i>Political Crisis</i>	.67	The Kikwete Administration joined OGP following a period of endemic mistrust in government institutions, marked by high-profile scandals. In 2006, special auditors found that the Bank of Tanzania had improperly paid around US \$62 million to local companies during FY2005/06. Later that same year, it was revealed that the construction costs of the Bank of Tanzania’s new “twin towers” headquarter building were inflated by US \$103.6 million. In 2008, Prime Minister Edward Lowassa resigned after being implicated in an energy procurement scandal that cost the country around US \$80 million.
RIPE: <i>Regular, independent performance evaluation</i>	.67	Tanzania has produced two National Action Plans. Progress on the first plan was assessed by the OGP-IRM in 2013. Both NAPs and the IRM report are available online. Only 20% of NAP 1 commitments were evaluated to be both relevant to OGP values and substantially or completely implemented. While there is some evidence to suggest the IRM evaluation helped to improve the design of NAP2, it remains to be seen whether improved design translates into greater implementation.
MSPS: <i>Multi-stakeholder power-sharing</i>	.17	There are no rules preventing the OGP Steering Committee from meeting without civil society members in attendance, nor are civil society members given the opportunity to review all steering committee materials. According to the IRM’s report on NAP1 implementation, civil society organizations felt that their suggestions for NAP commitments were either ignored, or largely diluted. Additionally, the IRM noted that about half of the NAP1 commitments were “supply side” projects, intended to reform internal government processes for the discretionary provision of information, rather than “demand driven” or “user-focused” projects that would make the government more responsive to citizens. During implementation, irregular meeting schedules (held at the convenience of the GGCU chair) and a lack of adequate notification (a week

		before the meeting) served to further frustrate CSO participation.
VPS: <i>Visible political support</i>	.83	Tanzania was the first African country to join OGP. President Kikwete announced his intention to join at the official OGP launch in 2011. Implementation was placed under the auspices of the State House (i.e., the President’s Office), in the Good Governance Coordination Unit (GGCU). The Kikwete government also joined the OGP’s international steering committee and hosted the 2015 Africa Regional Meeting. Although ministers and legislators attended the meeting, interest in OGP has been more muted outside the President’s Office. Neither the National Assembly nor the Controller Auditor General (CAG) participate in OGP.
BEA: Bureaucratic expertise and authority	.48	Although the GGCU had a mandate to monitor progress on OGP commitments, the GGCU has very little political clout to actually compel or improve their implementation. Government officials’ level and seriousness of face-to-face participation in the OGP steering committee waned with each passing meeting. Indeed, one of the IRM’s interview participants described the spirit of these steering committee meetings as “more of a ‘rubber stamping’ exercise than a ‘change-driven’ opportunity for the government to widen and fast-track governance reforms in the country.” To their credit, GGCU attempted to raise awareness and increase civil society participation in OGP, but with little success.
CSINV: <i>Civil society involvement</i>	.17	GGCU invited a handful of civil society organizations—Twaweza, Research on Poverty in Africa (REPOA), the Foundation for Civil Society, the Media Council of Tanzania, and the Policy Forum—to provide input on the first National Action Plan. By the end of the first NAP cycle, only two CSOs— Twaweza and REPOA—were still participating. 70 civil society organizations were invited to discuss NAP2, but despite these efforts, only one CSO— Twaweza—regularly attended Steering Committee meetings during NAP2. They considered withdrawing in 2015. Additionally, as Tanzanian civil society organizations competing for increasingly scarce donor dollars following the Great Recession, solidarity among them has decreased.
CSCAP: <i>Civil society capacity</i>	.52	Twaweza is a well-funded regional advocacy organization with strong ties to the OGP international governing body. They are well-capacitated to participate, although the extent to which they represent a clear national constituency has been called into question. REPOA and Policy Forum are also adequately capacitated to participate, but they have stopped attending OGP meetings.
PTRAN: <i>Proactive Transparency</i>	.48	Many OGP commitments resulted in the release of information about government activities and performance in specific sectors that was not available to the public before. The GGCU changed current government practice to facilitate the OGP dashboard, open forums to discuss OGP commitments, the water mapping project, the Nifanyeje “How do I?” website, and the publication of datasets and tools from the health, education, and water ministries. However, these changes were not encoded in formal laws or policies. Indeed, some of these new data portals have already



		been taken offline.
DTRAN: <i>Demand-Driven Transparency</i>	.33	OGP has encouraged the government to exploration passage of an ATI law, but the bill that was eventually presented was roundly criticized by civil society organizations and did not pass.
ACCT: <i>Accountability</i>	.48	The Ministry of Water reports that it incorporated the information gathered from the water-mapping project to improve its budgeting process. (The “Nifanyeje”/“How do I?” web content may also improve government accountability, but only if citizens actually use it to more efficiently access government services.)

APPENDIX I

fsQCA RAW DATA TABLE

<u>Case</u>	<u>CRISIS</u>	<u>RIPE</u>	<u>MSPS</u>	<u>VPS</u>	<u>BEA</u>	<u>CSINV</u>	<u>CSCAP</u>	<u>PTRAN</u>	<u>DTRAN</u>	<u>ACCT</u>
CoST-GT	0.83	0.83	0.67	0.67	0.67	0.67	0.52	0.83	0	0.48
CoST-PH	0.67	0.17	0.52	0.48	0.52	0.33	0.52	0.52	0	0.17
CoST-TZ	0.67	0.33	0.52	0.48	0.33	0.33	0.33	0.33	0.17	0
EITI-GT	0.83	0.52	0.17	0.33	0.33	0.33	0.17	0.52	0	0
EITI-PH	0.33	0.83	1	1	0.83	0.83	0.52	0.67	0	0.17
EITI-TZ	0.67	0.67	1	1	0.48	0.83	0.52	0.83	0	0.33
OGP-GT	0.83	0.52	0.17	0.33	0.33	0.48	0.52	0	0	0.17
OGP-PH	0.48	0.83	0.33	0.83	0.48	0.48	0.67	0.67	0.33	0.52
OGP-TZ	0.67	0.67	0.17	0.83	0.48	0.17	0.52	0.48	0.33	0.48

## APPENDIX J

### EITI INTERNATIONAL BOARD MEMBERS AND PRINCIPAL FUNDERS

#### EITI Board 2016-2019

##### *Implementing Countries*

- Olga Bielkova, Member of Parliament, Ukraine
- Montty Girianna, President, EITI National Committee, Indonesia
- Ms. Zainab Ahmed, Federal Minister of State Ministry of Budget and National Planning, Nigeria
- Mr. Didier Vincent Kokou Agbemadon, National Coordinator, Togo
- Mr. Jeremy Mack Dumba, National Coordinator, Democratic Republic of Congo
- Mr. Victor Hart, Chair of TTEITI, Trinidad and Tobago

##### *Supporting Countries*

- Mary Warlick, Principal Deputy Assistant Secretary of State, Bureau of Energy Resources, State Department, USA
- Nico Van Dijck, Advisor, Office of Economic Interests, Directorate-General for Bilateral Affairs, Ministry of Foreign Affairs, Belgium
- Marine de Carne de Trécesson, Ambassador, Corporate Social Responsibility, Ministry of Foreign Affairs, France

##### *Civil society organizations*

- Daniel Kaufmann, President, Natural Resource Governance Institute (NRGI)
- Gubad Ibadoglu, Senior Researcher, Economic Research Center, Azerbaijan
- Faith Nwadishi, Executive Director, Koyenum Immalah Foundation/National Coordinator Publish What You Pay, Nigeria
- Ana Carolina González Espinosa, Universidad Externado de Colombia, Colombia
- Cielo Magno, Bantay Kita, School of Economics, University of the Philippines Diliman, Philippines

##### *Private sector*

- Stuart Brooks, Manager, International Relations, Chevron
- Dominic Emery, Vice-President, Long-Term Planning, BP
- Laurel Green, Group Executive, Legal & External Affairs, Rio Tinto
- Carine Smith Ihenacho, Vice President Legal, Statoil
- Jim Miller, Vice President, Environmental Affairs, Freeport-McMoRan, Copper and Gold Inc.
- Sasja Beslik, Head of Responsible Investments, Nordea Asset Management

EITI Principal Funders (> \$100,000 USD) as of March 2015

- Government of Norway
- UK Department for International Development (DFID)
- Other supporting countries (e.g., Australia, Denmark, Germany, Netherlands, Sweden, and Switzerland)
- International Council on Mining and Metals (ICMM)\*
- World Bank

\*ICMM Member Companies: African Rainbow, Anglo American, AngloGold Ashanti, Antofagasta, Areva, Barrick, BHB Billiton, Codelco, Freeport-McMoRan, Glencore, Goldcorp, Gold Fields, Hydro, JX Nippon, Lonmin, Mitsubishi, MMG, Newmont, Rio Tinto, Sumitomo Metal, and Teck.

## APPENDIX K

### CoST INTERNATIONAL BOARD MEMBERS AND PRINCIPAL FUNDERS

#### CoST Board as of December 2015

- Christiaan Poortman - Chair of the CoST Board  
Previously: Transparency International; World Bank
- George Ofori - Deputy Chair  
Professor at the National University of Singapore
- Vincent Lazatin - Civil Society Representative  
Chairman of the Philippines CoST Multi-Stakeholder Group; Executive Director of the Transparency and Accountability Network (TAN)
- Per Nielsen - Industry Representative  
Previously: Nordic Construction Company (NCC)
- Alfredo Cantero – Government Representative  
Government of Honduras, Previously: CoST National Multi-Stakeholder Group
- Petter Matthews - International Secretariat representative  
Engineers Against Poverty

#### CoST Principal Funders (> \$100,000 USD)

- UK Department for International Development (DFID)
- World Bank
- Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
- Dutch Ministry of Foreign Affairs

## APPENDIX L

### OGP INTERNATIONAL STEERING COMMITTEE MEMBERS AND PRINCIPAL FUNDERS

#### OGP Steering Committee as of May 2016

##### *Government*

- Deputy Minister Ayanda Dlodlo - Government of South Africa (Lead Chair)
- Secretary Jean-Vincent Placé - Government of France (Support Chair)
- Minister Luiz Navarro - Government of Brazil
- Minister Nicolás Eyzaguirre - Government of Chile
- TBC - Government of Croatia
- Minister Tea Tsulukiani - Government of Georgia
- Minister Sofyan Djalil - Government of Indonesia
- Alejandra Lagunes - Government of Mexico
- Radu Puchiu - Government of Romania
- Minister Matthew Hancock - Government of the United Kingdom
- Assistant Secretary of State Tom Malinowski - Government of the United States

##### *Civil society\**

- Alejandro Gonzalez – Gestión Social y Cooperación (GESOC) (Lead Chair)
- Manish Bapna - World Resources Institute (WRI) (Support Chair)
- Veronica Cretu - Open Government Institute
- Nathaniel Heller - Results for Development
- Sugeng Bahagijo - International NGO Forum on Indonesian Development (INFID)
- Martin Tisné - Transparency and Accountability Initiative
- Suneeta Kaimal - Natural Resource Governance Institute (NRGI)
- Warren Krafchik - International Budget Partnership
- Mukelani Dimba - Open Democracy Advice Centre (ODAC)

*\*Two civil society seats are currently vacant*

#### OGP Principal Funders (> \$100,000 USD) as of May 2016

- Omidyar Network
- UK Department for International Development (DFID)
- Hewlett Foundation
- Open Society Foundation
- Ford Foundation
- United States Agency for International Development (USAID)
- Hivos International
- Governments of Bulgaria, Denmark, France, Indonesia, Israel, Mexico, the Netherlands, New Zealand, Norway, the Philippines, and South Africa

## APPENDIX M

### TEITI NATIONAL MULTI-STAKEHOLDER GROUP MEMBERS AS OF DECEMBER 2015

#### Government

- Ministry of Energy and Mines
- Ministry of Finance
- Tanzania Revenue Authority
- Tanzania Petroleum Development Corporation
- Prime Minister's Office for Regional Administration and Local Government

#### Private sector organizations

- Tanzania Chamber of Minerals and Energy
- Oil and Gas Association of Tanzania
- Mr. Alfred Mwaswenya (representing small-scale mining companies)

#### Civil society organizations

- For Development in Africa/Publish What You Pay Coalition
- Haki Madini
- Disabled Organization for Legal Affairs and Social Economic Development,
- Rev. Dr. Stephen Munga (representing faith-based organizations)
- Architects' Association of Tanzania (AAT)

## APPENDIX N

### LA COMISIÓN DE TRABAJO PARA LA IMPLEMENTACIÓN DE EITI EN GUATEMALA (CNT) MEMBERS AS OF DECEMBER 2015

#### Government Agencies

- Office of the Vice President
- Minister of Finance
- Minister of Energy and Mines
- Minister of Environment and Natural Resources
- Presidential Commission for Transparency and Electronic Government (COPRET)

#### Private sector organizations\*

- Perenco (oil and gas)
- Union of Extractive Industries (GREMIEX) (minerals)

#### Civil society organizations\*

- Acción Ciudadana
- Consejo Nacional de Desarrollo Urbano y Rural (CONADUR)
- Guatecívica
- Coordinadora de Organizaciones No Gubernamentales de Alta Verapaz
- Acción y Propuesta

\*CNT's internal rules grants representatives of civil society and industry the right to speak and vote as "permanent special guests," so no official list of non-government members is available. These organizations were recognized as "present" at the December 17, 2105 meeting (Comisión Nacional de Trabajo de la Iniciativa para la Transparencia de las Industrias Extractivas. (2015, December 17).



## APPENDIX O

### PH-EITI NATIONAL MULTI-STAKEHOLDER GROUP MEMBERS AS OF MARCH 2016

#### Government Agencies

- Department of Finance
- Department of the Interior and Local Government (DILG)
- Department of Environment and Natural Resources (MGB-DENR)
- Union of Local Authorities of the Philippines (ULAP)
- Department of Energy (DOE)
- Bureau of Internal Revenue (BIR)

#### Private sector organizations

- Chamber of Mines of the Philippines (CoMP)
- Nickel Asia Corporation
- Shell Oil

#### Civil society organizations

- Bantay Kita
- University of the Philippines, College of Law
- Institute for Strategic Research and Development Studies (ISRDS)
- Philippines Rural Reconstruction Movement (PRRM)-Nueva Vizcaya

APPENDIX P

EITI NATIONAL MULTI-STAKEHOLDER GOVERNANCE RULES AND PRACTICES

	<u>Seats</u>	<u>Member selection process</u>	<u>Decision-making process</u>	<u>Frequency of meetings</u>
<u>Guatemala</u>	5 government seats (civil society and private industry participate as “permanent special guests”)	Government invitation	Majority rules	Monthly (until the second half of 2015, when meetings ceased from July to November)
<u>Philippines</u>	15 seats (5 govt; 5 civil society; 5 private sector)	Each stakeholder group empowered to select their own members	Consensus	Monthly
<u>Tanzania</u>	15 seats (5 govt; 5 civil society; 5 private sector)	Each stakeholder group empowered to select their own members	Consensus	Monthly*

\* Meeting minutes files posted in an unreadable electronic file format after February 2014.

## APPENDIX Q

### COST-TANZANIA NATIONAL MULTI-STAKEHOLDER GROUP MEMBERS AS OF 2014

#### Permanent Government Seats

- National Construction Council (NCC)
- Public Procurement Regulatory Authority (PPRA)
- Prevention and Combating Corruption Bureau (PCCB)

#### Elected government seats

- Office of the President
- National Housing Corporation

#### Private sector organizations

- Tanzanian Civil Engineering Contractors Association (TACECA)
- four unidentified private sector firms companies

#### Civil society organizations

- Concern for Development Initiatives in Africa (ForDIA)
- Ardhi University
- Front Against Corrupt Elements in Tanzania (FACEIT),
- Architects Association of Tanzania (AAT)
- Tanzania Mines, Energy, Construction & Allied Workers Union (TAMICO)

## APPENDIX R

### COST-GUATEMALA NATIONAL MULTI-STAKEHOLDER GROUP MEMBERS AS OF 2015

#### Government Agencies

- Presidential Commission for Transparency and Electronic Government (COPRET)
- Ministry of Communications, Infrastructure and Housing (CIV)

#### Private sector organizations

- Guatemala Chamber of Construction
- Guatemala Chamber of Industry

#### Civil society organizations

- Acción Ciudadana
- Guate Cívica

#### Technical assistance observers

- World Bank
- German Organization for International Development (GIZ)

## APPENDIX S

### COST-PHILIPPINES NATIONAL MULTI-STAKEHOLDER GROUP MEMBERS AS OF 2014

#### Government Agencies

- Department of Public Works and Highways (DPWH)

#### Private sector organizations

- Philippine Constructors' Association

#### Civil society organizations

- Bantay Lansangan (Road Watch)

#### Academia

- University of Manila

#### International Development Community

- World Bank

APPENDIX T

COST NATIONAL MULTI-STAKEHOLDER GOVERNANCE RULES AND PRACTICES

	<u>Seats</u>	<u>Member selection process</u>	<u>Decision-making process</u>	<u>Frequency of meetings</u>
<u>Guatemala</u>	6 (2 govt; 2 private; 2 cso) and two non-voting observers)	government invitation	consensus (but government-dictated during the latter half of the Pérez Administration)	monthly
<u>Philippines</u>	5 (1 govt, 1 private, 1 cso, 1 academic, 1 donor)	government invitation	unknown (non-transparent)	monthly during the pilot; infrequent since 2012*
<u>Tanzania</u>	15 (5 govt; 5 private; 5 cso)	3 permanent government representatives, 12 elected via multi-stakeholder forum	unknown (non-transparent)	irregularly (roughly quarterly)*

\* Meeting notes are not available online

APPENDIX U

PHILIPPINES OGP NATIONAL ACTION PLAN COMMITMENTS, 2011-2017

National Action Plan 1 (2011-2013)

<b>Thematic Cluster</b>	<b>Commitment Short Name and Synopsis</b>
Improving Compliance with Transparency	1. Disclose Executive Budgets: Disclose 100% of executive funds and annual procurement plans.
	2. Access to Information Initiative: Review, improve, and rectify current policies on citizen access to information, including Freedom of Information Act.
	3. Broader Civil Society Organization (CSO) Engagement: Include regional and local organizations, business, and academia in a Philippine Partnership for Open Governance.
Deepening Citizen Participation	4. Participatory Budget Roadmap: In consultation with CSOs, expand coverage of participatory budget preparation.
	5. Local Poverty Reduction: Collaborate with local governments and community organizations to develop at least 300 local poverty reduction action plans.
	6. Empowerment Fund: Support capacity development of projects to empower citizens to demand better services and governance.
	7. Social Audit: Craft a roadmap to institutionalize social audits for public works and agricultural infrastructure projects.
Escalating Accountability	8. Results-Based Performance: Increase compliance with Seal of Good Housekeeping to 70% by 2016, and link to grants.
	9. Harmonized Performance-Based Management Systems: Harmonize current monitoring and reporting systems into a single results-based performance management system (RBPMS).
	10. Citizen's Charters: In consultation with CSOs, ensure that 100% of government agencies publish a Citizen Charter.
	11. Internal Audit: Issue a Philippine Government Internal Manual (PGIAM) in 90 days, and, within 360 days, roll out the PGIAM and National Guidelines on Internal Control System (NGICS) in nine critical departments.
Technology and Innovation	12. Single Portal for Information: With CSOs, craft a roadmap for a single government information portal.
	13. Integrated Financial Management System: Develop a pilot within 360 days to be used by government oversight agencies. Complete system due by 2016.
	14. Electronic Bidding: In 360 days, enable online bid submission, a CSO monitoring module, an e-payment fee feature, an expanded supplier registry, and a module for agency procurement plans.
	15. Procurement Cards: In 180 days pilot procurement cards to replace cash advances.
	16. Manpower Information System: Complete and develop a central payroll system in 360 days.
	17. Expand the National Household Targeting System: Expand coverage to other poor sectors, such as rural or informal sectors, and indigenous peoples.
	18. e-TAILS: Expand the Electronic Transparency and Accountability Initiative for Lump-Sum Funds to include other funds and enable citizen reportage.
	19. Budget ng Bayan: Launch the People's Budget website as an interactive platform.

Source: Adapted from Mangahas, M. (2013). *Independent reporting mechanism: The Philippines progress report 2011-2013*.

### National Action Plan 2 (2013-2015)

<b><u>Commitment Short Name</u></b>
1. Transparency in national government plans and budgets
2. Support legislation on access to information and whistleblower protection
3. Engage civil society in public audit
4. Enhance performance benchmarks for local governance
5. Enhance government procurement system (PHILGEPS)
6. Strengthen grassroots participation in local planning and budgeting
7. Provide government data in single portal and open format
8. Initiative fiscal transparency in the extractive industry
9. Improve the ease of doing business

Source: Adapted from Mangahas, M. (2015). *Independent reporting mechanism: The Philippines progress report 2013–2015*.

### National Action Plan 3 (2015-2017)

<b><u>Commitment Short Name/Synopsis</u></b>
1. Passage of legislation on access to information (Freedom of Information Act)
2. Sustain transparency in local government plans and budgets (Full Disclosure Policy)
3. Proactively release government data in open ũ formats through the Open Data portal
4. Attain EITI-Compliance (PH-EITI)
5. Engage civil society in public audit (Citizens Participatory Audit)
6. Strengthen community participation in local planning and budgeting (Bottom-up Budgeting and National Community Driven Development Program)
7. Improve public service delivery through an effective government feedback and monitoring mechanism (Anti-Red Tape Act Program)
8. Enhance performance benchmarks for local governance (Seal of Good Local Governance)
9. Improve the ease of doing business (Ease of Doing Business)
10. Improve local government competitiveness (Cities and Municipalities Competitiveness Index)
11. Institutionalize public-private consultation and dialogues for sustained and inclusive economic growth (Public and Private Sector High-level Dialogues)
12. Improve corporate accountability (Integrity Initiative)

Source: Adapted from Republic of the Philippines, Cabinet Cluster on Good Governance and Anti-Corruption, Philippine OGP Steering Committee. (2015). *Shared commitments for better outcomes: The Philippine Open Government Partnership National Action Plan 2015-2017*.



## APPENDIX V

### OGP PHILIPPINES NATIONAL MULTI-STAKEHOLDER GROUP MEMBERS (2011-2015)\*

#### Government Agencies

- Department of Budget and Management (2013-2015)
- Department of the Interior and Local Government (2013-2015)
- Department of Social Welfare and Development (2013-2015)

#### Private sector organizations

- Integrity Initiative Project, Makati Business Club (2013-2015)
- National Competitiveness Council (2013-2015)

#### Civil society organizations\*

- Right to Now Right Know Coalition (R2KRN) (2013-2015)
- Social Watch (2013)
- People Power Volunteer for Reforms (2013)
- International Center for Innovation, Transformation, and Excellence in Governance (INCITEGov) (2014-2015)
- Philippines Partnership for the Development of Human Resources in Rural Areas (PhilDHRRA) (2014-2015)
  
- Union of Local Authorities of the Philippines (ULAP) (2014-2015)

\* A full steering committee meeting did not take place until 2013.

APPENDIX W

GUATEMALA OGP NATIONAL ACTION PLAN COMMITMENTS, 2011-2016

National Action Plan 1 (2011-2013)

<b>Basic commitment</b>	<b>Action</b>
1. Results Based Management Evaluation System	1.1. Expediting administrative processes.
	1.2. Progressive eradication of secrecy in the awarding of goods, services, and public works.
	1.3. Disclosure of results through the media and websites.
	1.4. Regulation to eradicate waste.
	1.5. Regulation of the contracting of permanent, advisory, and consulting personnel.
	1.6. Regulation of an effective, timely acquisitions plan.
	1.7. Regulation of excess expenses.
2. Strengthening of Public Credit Controls	2.1. Pay consultants for productions of goods on intermediate basis.
	2.2. Regulate resource expenditures.
	2.3. Make available information on public funds.
	2.4. Promote expedited execution to reduce interest payments.
3. Continuation of Control and Transparency efforts	3.1. Construction Sector Transparency Initiative - COST.
	3.2. Extractive Industries Transparency Initiative - EITI.
	3.3. Stolen Asset Recovery Initiative - STAR.

Source: Adapted from Pinto, R.A., Rodas, J.L., & Jiménez, J.G. (2013). *Mecanismo de Revisión Independiente: Guatemala: Informe de Avance 2012–2013*. (Unofficial English Version).

## National Action Plan 2 (2014-2016)

<b>Basic commitment</b>	<b>Action</b>
<i>Commitments by the government</i>	
Increase in public resources	1. Effectiveness of information included in the web portal of Executive Branch institutions.
	2. Implementation of Open Budgeting in all web portals
	3. Implementation of a specific Open Data web page in Executive Branch institutions
	4. Online Citizen Services
	5. Dissemination of results through communications media, institutional web portals.
Transparency and Citizen Participation	6. Implementation of the Transparency School
	7. Raise awareness among the population in issues of transparency and the fight against corruption; and create spaces for citizen participation in decision making
	8. Technical working groups with Civil Society, Academic Sector, Business Sector, and Open Government
	9. Dissemination of actions included in the Open Government Action Plan through forums, conferences, and technical working groups.
Increase in Public Integrity and Accountability	10. Implementation of interoperability
	11. Executive Branch alerts on possible acts of corruption
	12. Gradual eradication of secrecy in awarding of assets, services, and public works
	13. Make more transparent the progresses made regarding loans and donations by organization, counterpart, and component.
	14. Implementation and follow-up of the CoST initiative
Improvement in Public Services	15. Implementation and follow-up of the EITI initiative
	16. Creation of a national catalog of electronic services posted on the web portals of ministries and their corresponding executing units, and consolidation in a single source of information to allow a fast and effective search by citizens.
	17. Streamlining of value processes in each Ministry through the use of technology.
	18. Identify corruption foci in the administrative and operative processes of the different ministries and increase data openness in these processes as part of the accountability that institutions need to have.
	19. Promote technological talent through workshops with the academic and private sectors, developing applications with geospatial data or open data techniques for the benefit of citizens and government.
Natural Resources Governance	20. Creation of a single web portal (UNIportal) that includes each electronic service provided in institutional web pages, by Ministry, and with brief, simple, and easy-to-understand descriptions. This single portal will not replace institutional web pages, but gather together all services provided by the Government.
	21. To promote transparency and accountability in the management of Natural Resources in order to guarantee that revenues from extractive industries be used to generate social wellbeing.
Natural Resources Governance	22. To make sure that resources earmarked to repair damages caused by natural disasters are used with strict transparency and accountability criteria.
	<i>Commitments proposed by the civil society</i>
Transparency and Citizen Participation	1. Improve levels of Transparency and Access to Information
	2. Promote informed citizen participation and surveillance, and issue alerts
Increase in Public Integrity and Accountability	3. Increase Public Integrity
	4. Standardization of public data publication
	5. Strengthen the institution in charge of coordinating the Open Government National Plan
	6. Complementary legislation to guarantee the right to free access to public information
Improvement in Public Services	7. Design and implement manuals, guidelines, and technical provisions for accountability
	8. Expansion of informed participation in the existing spaces through community mapping

9. Active promotion of digital inclusion at national level
10. Institutionalize the first level of health assistance
11. Full compliance with the new Fiscal Transparency Code and Manual of the International Monetary Fund.
12. Publication of all budget-related documents
13. Open and institutionalize spaces for citizen participation in the budget drafting process
14. Reform the Integrated Accounting System -SICOIN- (component of the Financial Management Integrated System –SIAF-).
15. Reform the Local Government Portal -Portal GL- (component of the Financial Management Integrated System –SIAF-).
16. Integration and linkage to financial management systems and sub-systems
17. Fully comply with the Standard of the Global Forum for Tax Transparency of the Organization for Economic Cooperation and Development –OECD-
18. Publish tax collection goals and annual collection, control, and audit plan
19. Make tax exemptions and exonerations more transparent
20. Standardize conditions for State procurement tenders
21. Regulate and make direct procurement and exceptions to State procurement more transparent
22. Strengthening of the issuing of reference prices for procurement in open tenders
23. Strengthening of the units or offices in charge of public procurement planning
24. Strengthening of internal audit units
25. Update web portals for Trust funds, Non-governmental organizations, and Budget transfers.
26. Electronic government and improvement in the quality of public services

Source: Adapted from Gobierno de Guatemala, Comision Presidencial de Transparencia y Gobierno Electronico. (2014). *Segundo Plan de Acci3n Nacional de Gobierno Abierto, Guatemala 2014- 2016*.

## APPENDIX X

### OGP GUATEMALA MULTI-STAKEHOLDER GROUP PARTICIPANTS (2012-2015)\*

#### Government Agencies

- Secretariat of Control and Transparency (SECYT)/Presidential Commission for Transparency and Electronic Government (COPRET)

#### Civil society organizations\*\*

- Instituto Centroamericano de Estudios Fiscales (ICEFI) (2014-2015)
- Congreso Transparente (2014-2015)
- Guatecívica (2014-2015)
- Guatemalan Institute for Independent Research and Analysis (INAIG) (2014-2015)
- Popular Research Center (2014-2015)
- Guatemalan Development Fund (FUNDESA) (2014-2015)

\* A formal OGP multi-stakeholder steering committee was never established in Guatemala; during the implementation of the First National Action Plan, three separate working groups were established for civil society organizations, executive branch ministries, and academics. During the implementation of the Second National Action Plan (2014-2015), the multi-stakeholder Open Government Technical Committee was established.

\*\* Acción Ciudadana was instrumental in bringing OGP to Guatemala, but was banned from participating in the development of the second National Action Plan.

## APPENDIX Y

### TANZANIA’S OGP NATIONAL ACTION PLAN COMMITMENTS, 2012-2015

#### National Action Plan 1 (2012-2013)

<b>Thematic Clusters</b>	<b>Commitment</b>
1. Transparency	i. Dashboard of OGP progress
	ii. Reporting on medical supply orders
	iii. Government Web sites
	iv. Citizens’ budget document
	v. Allocation of grants to local governments
	vi. Budget execution reports
	vii. Local government transparency
	viii. Reports on tax exemptions
	ix. Donor funding
	x. Best practices for Freedom of Information laws
	xi. Parastatal organisations
2. Participation	i. Citizens’ Web site
	ii. Participation by e-mail and mobile phones
	iii. Open forum for OGP commitments
	iv. Contact point for OGP communication
3. Accountability and Integrity	i. National Audit Office Web site
	ii. Client service charters
	iii. Complaints register
	iv. Local government service boards and committees
	v. Disclosure of public officials’ assets
4. Technology and Innovation	i. Water data and mapping
	ii. Access to health, education, and water data
	iii. Citizens’ “How Do I?” Web site
	iv. Global practice on data disclosure
	v. Open government innovation by local entrepreneurs

Source: Adapted from Tepani, N. G. (2013). *Independent Reporting Mechanism, Tanzania: Progress Report 2011–13*.

## National Action Plan 2, 2014-2015

<b>Commitment</b>	<b>Sub-commitment</b>
3.1: Access to information	
3.2 Open Data	3.2.1. Coordinating body
	3.2.2. Data management
	3.2.3. Review data disclosure policy
	3.2.4. Open data policy
	3.2.5. Open data portal
	3.2.6. Key sets of open data on portal
3.3: Open budgets	3.3.1. Yearly budget reports
	3.3.2. Parliamentary Audit Committees reports
	3.3.3. Monthly tax exemptions management
	3.3.4. Machine-readable budget data
3.4: Land transparency	3.4.1. Demarcated areas
	3.4.2. Land Use Plan
	3.4.3. Online land ownership database
3.5: Extractive industries transparency	3.5.1. Publish mining development agreements (MDAs) & Profit Sharing Contracts (PSCs) from 2014 onwards
	3.5.2. Disclosure of contracts signed before 2014
	3.5.3. Publish demarcated mining areas by December, 2015

Source: Adapted from Tepani, N. G. (2016). *Independent Reporting Mechanism, Tanzania: Progress Report 2014–15*.

## APPENDIX Z

### OGP TANZANIA NATIONAL MULTI-STAKEHOLDER GROUP MEMBERS 2012-2015

#### Government

- Deputy Permanent Secretary of the State House Good Governance Coordination Unit (Chair)
- Prime Minister's Office for Regional Administration and Local Governments
- Ministry of Finance
- Ministry of Water
- Ministry of Education and Vocational Training
- Ministry of Health and Social Welfare
- Wakala ya Serikali Mtandao (e-Government Agency)
- Ministry of Energy and Mining (2014-2015)
- Ministry of Land and Human Settlements Development (2014-2015)

#### Civil society organizations

- Twaweza
- Research on Poverty in Africa (REPOA) (2012-2013)
- Tanganyika Law Society (TLS) (2014-2015)\*
- Foundation for Civil Society (FCS) (2014-2015)\*

\* Unverified participants



APPENDIX AA

OGP NATIONAL MULTI-STAKEHOLDER GOVERNANCE RULES AND PRACTICES

	<u>Seats</u>	<u>Member selection process</u>	<u>Decision-making process</u>	<u>Frequency of meetings</u>
<u>Guatemala</u>	N/A (Separate working groups until 2014; Open Government Technical Committee does not have a formal multi-stakeholder membership structure)	Government invitation only	Government and civil society commitments kept separate	Working groups meet twice a month; Open Government Technical Committee met monthly beginning mid-2014
<u>Philippines</u>	9 seats (3 govt; 3 civil society; 2 private sector; 1 local government-affiliated NGO)	Government participants drawn from the Good Governance and Anti-Corruption Cluster (GGACC); Participating CSOs elect members; Private sector reps appointed by the government	Government makes final decisions, drawing on existing GGACC plans; some co-creation evident beginning in 2015	Infrequently (e.g., 3 times in 2014)
<u>Tanzania</u>	N/A (No formal multi-stakeholder membership structure)	Government invitation only	Government makes final decisions	Roughly monthly (Held at the convenience of the government chair, with less than a week's notice)

## APPENDIX BB

### FUZZY SET QUALITATIVE COMPARATIVE ANALYSIS (fsQCA) OF NECESSARY RELATIONSHIPS

This appendix presents the outputs from the analysis of necessary conditions, conducted using the fs/QCA 2.0 software package (Ragin, Drass, & Davey, 2006). Fuzzy set comparative case analysis (fsQCA) was used to determine whether any of the seven possible causal conditions display a necessary relationship—that is, where instances of an outcome constitute a subset of instances of a cause—with one or more of the three possible outcome conditions. Since set relations are asymmetric, good fsQCA practice also requires that the negation of each causal set (indicated by ‘ $\sim$ ’) also be tested. Additionally, causal sets are tested for relationships with the negation of the outcome variables (i.e.,  $\sim$ ptrans).

#### Specifications for the analysis

fsQCA uses two measures to help evaluate set relations: consistency and coverage. In the analysis of necessary conditions—that is, where instances of an outcome are thought to constitute a subset of instances of a cause—consistency scores gauge the degree to which cases displaying the outcome in question agree in displaying the causal condition thought to be necessary. Coverage scores gauge the relevance of the necessary condition—the degree to which instances of the causal condition are paired with instances of the outcome. In other words, consistency—like statistical significance in probabilistic studies—signals whether an empirical connection merits closer attention, while coverage—like effect size—indicates the empirical relevance or importance of this discovery (Ragin, 2008, pp. 44-45). Consistency scores below .75 are generally considered to signify inconsistency, suggesting that no set relation exists. Given the small number of cases included in the analysis ( $N = 9$ ), a consistency threshold of 1 (perfect

consistency) was used to ensure a rigorous test for necessary relationships. This is standard practice when using fsQCA with a small number of cases (Ragin, 2008, p. 46).

### Proactive Transparency Results

None of the seven causal conditions (or their negation) was shown to be necessary for proactive transparency outcomes to occur. Figure BB.1 shows the consistency scores for each set. None reached the consistency threshold of 1, meaning that no set was consistently paired with the occurrence of proactive transparency outcomes. Similarly, none of the seven causal conditions (or their negation) was shown to be necessary for the negation of proactive transparency outcomes. Figure BB.2 shows the consistency scores for each set.

```

Analysis of Necessary Conditions
Outcome variable: ptran
Conditions tested:

```

	Consistency	Coverage
crisis	0.857732	0.695652
~crisis	0.587629	0.943709
ripe	0.894845	0.808194
~ripe	0.515464	0.688705
mSPS	0.760825	0.810989
~mSPS	0.579381	0.631461
vps	0.919588	0.749580
~vps	0.420619	0.668852
bea	0.816495	0.889888
~bea	0.690722	0.736264
csinv	0.785567	0.856180
~csinv	0.626804	0.668132
cscap	0.769072	0.869464
~cscap	0.738144	0.760085

Figure BB.1. fsQCA output for tests of necessary conditions for proactive transparency outcomes shows no necessary relationships.

### Analysis of Necessary Conditions

Outcome variable: ~pttran

Conditions tested:

	Consistency	Coverage
crisis	0.959036	0.665552
~crisis	0.561446	0.771523
ripe	0.727711	0.562384
~ripe	0.751807	0.859504
<u>mSPS</u>	0.604819	0.551648
<u>~mSPS</u>	0.792771	0.739326
<u>vps</u>	0.756627	0.527731
<u>~vps</u>	0.640964	0.872131
bea	0.710843	0.662921
~bea	0.881928	0.804396
<u>csinv</u>	0.636145	0.593258
<u>~csinv</u>	0.845783	0.771429
<u>cscap</u>	0.727711	0.703963
<u>~cscap</u>	0.865060	0.762208

Figure BB.2. fsQCA output for tests of necessary conditions for the negation of proactive transparency outcomes shows no necessary relationships.

### Demand-Driven Transparency Outcomes

Low scores for demand-driven transparency outcomes across the board—discussed in detail in Section 8.1.1—limited the comparative analysis of necessary conditions. Only three of the nine cases (i.e., CoST-TZ, OGP-PH, and OGP-TZ) showed any progress whatsoever towards demand driven transparency, and none were scored as “in-set” (i.e., higher than .5).

Consequently, the analysis of necessary conditions shown in Figure BB.3 shows ten conditions with perfect consistency scores, yet the low coverage scores (ranging from .139 to .275) indicate that these results may not be broadly relevant to other cases of MSI implementation. In essence, these relationships are shown to be highly consistent because there are only a few instances of progress on demand-driven transparency, but they have low coverage because there are many more instances where each of these causal conditions were in place. None of the seven causal conditions, or their negations, showed any necessary relationship to the negation of demand-driven transparency outcomes (see Figure BB.4).

Analysis of Necessary Conditions

Outcome variable: dtran

Conditions tested:

	Consistency	Coverage
crisis	1.000000	0.138796
~crisis	1.000000	0.274834
ripe	1.000000	0.154562
~ripe	0.807229	0.184573
<u>m</u> sps	0.807229	0.147253
~ <u>m</u> sps	1.000000	0.186517
<u>v</u> ps	1.000000	0.139496
~ <u>v</u> ps	0.614458	0.167213
bea	1.000000	0.186517
~bea	1.000000	0.182418
<u>c</u> sinv	0.807229	0.150562
~ <u>c</u> sinv	1.000000	0.182418
<u>c</u> scap	1.000000	0.193473
~ <u>c</u> scap	1.000000	0.176221

Figure BB.3. Although many causal sets and their negations demonstrated high consistency scores, these findings are driven by low demand-driven transparency scores across the board, as indicated by the low coverage scores.

Analysis of Necessary Conditions

Outcome variable: ~dtran

Conditions tested:

	Consistency	Coverage
crisis	0.731946	1.000000
~crisis	0.369645	1.000000
ripe	0.637699	0.970205
~ripe	0.444308	1.000000
<u>m</u> sps	0.556916	1.000000
~ <u>m</u> sps	0.525092	0.964045
<u>v</u> ps	0.689106	0.946219
~ <u>v</u> ps	0.373317	1.000000
bea	0.544676	1.000000
~bea	0.556916	1.000000
<u>c</u> sinv	0.544676	1.000000
~ <u>c</u> sinv	0.537332	0.964835
<u>c</u> scap	0.525092	1.000000
~ <u>c</u> scap	0.576499	1.000000

Figure BB.4. None of the seven causal conditions, or their negations, showed any necessary relationship to the negation of demand-driven transparency outcomes.

### Accountability Results

The analysis of necessary conditions for accountability outcomes is similarly limited by poor performance across most cases. Only one cases (i.e., OGP-PH) was scored as marginally in-set (.52). Six cases showed insufficient change to be scored as in-set, and two cases (i.e., CoST-TZ and EITI-GT) showed no accountability gains at all (0). Consequently, although four conditions show perfect consistency scores, coverage remains low to middling (.284 < .541) (see Figure BB.5). In other words, while these conditions are consistently paired with accountability

outcomes, these pairings occur in only 28-54 percent of cases where these causal conditions were present. Given the small number of cases included in the analysis, coverage at this level is judged to signal a potential lack of relevance to other cases of MSI implementation.

Analysis of Necessary Conditions

Outcome variable: acct.

Conditions tested:

	Consistency	Coverage
crisis	0.982759	0.381271
~crisis	0.801724	0.615894
ripe	1.000000	0.432030
~ripe	0.650862	0.415978
<u>m</u> sps	0.784483	0.400000
~ <u>m</u> sps	0.719828	0.375281
<u>v</u> ps	1.000000	0.389916
~ <u>v</u> ps	0.435345	0.331148
bea	0.982759	0.512360
~bea	0.935345	0.476923
<u>c</u> sinv	0.849138	0.442697
~ <u>c</u> sinv	0.866379	0.441758
<u>c</u> sca <u>p</u>	1.000000	0.540793
~ <u>c</u> sca <u>p</u>	0.918103	0.452229
<u>p</u> tran	0.926724	0.443299
~ <u>p</u> tran	0.715517	0.400000
<u>d</u> tran	0.284483	0.795181
~ <u>d</u> tran	1.000000	0.283966

Figure BB.5. Four causal conditions are shown to have necessary relationships to accountability outcomes, however these relationships display low to modest coverage, suggesting other paths to this outcome are likely to be equally important.

While low coverage scores suggest that these four conditions are not the only pathways to accountability gains, graphing these findings nonetheless helps to clarify the nature of these set relations within these nine cases. For both Regular, independent performance evaluation (Figure BB.6) and Visible political support (Figure BB.7), the nine cases are evenly distributed along set membership scores, suggesting that more and better evaluation through MSI processes, and stronger political support from within the government may have helped to move the needle on accountability outcomes, albeit ever so slightly.

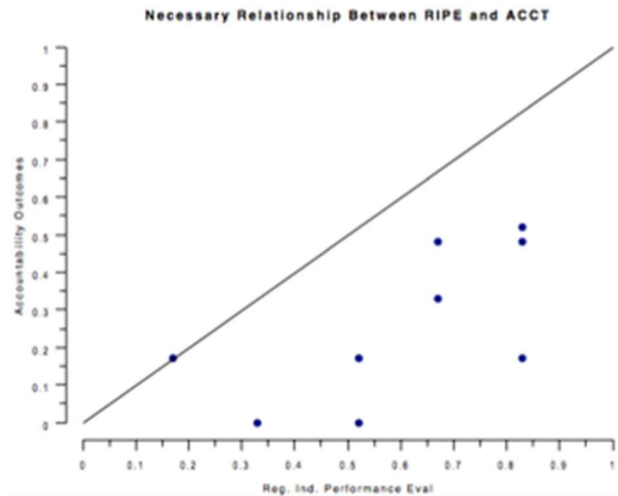


Figure BB.6. Scores from nine cases suggest cases displaying improved accountability outcomes are a subset of cases where there is regular, independent performance evaluation.

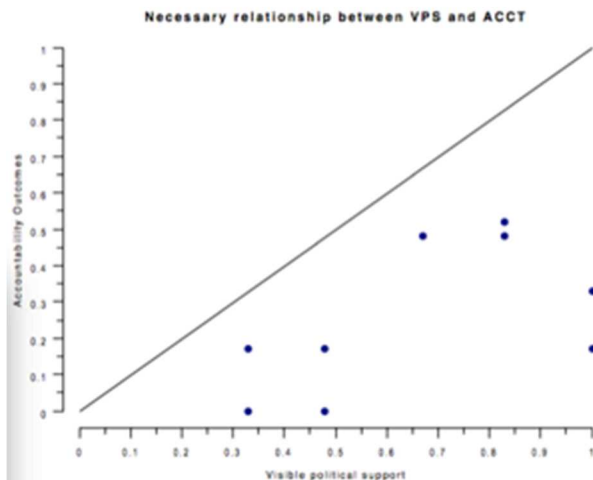


Figure BB.7. Scores from nine cases suggest cases displaying improved accountability outcomes are a subset of cases where there is visible political support.

For civil society capacity (Figure BB.8), cases tend to be clustered at the lower end of set membership scores for both sets, meaning that among these nine cases, there were few examples of either strong civil society capacity, or improved accountability outcomes. This relationship has a modest coverage score of .541, meaning a little over half of cases where civil society had adequate capacity to participate in MSI activities and interpret MSI outputs, are cases where accountability scores were higher. However, given the low set membership scores for

accountability across all cases, this coverage score suggests that the empirical importance of this relationship may be minimal.

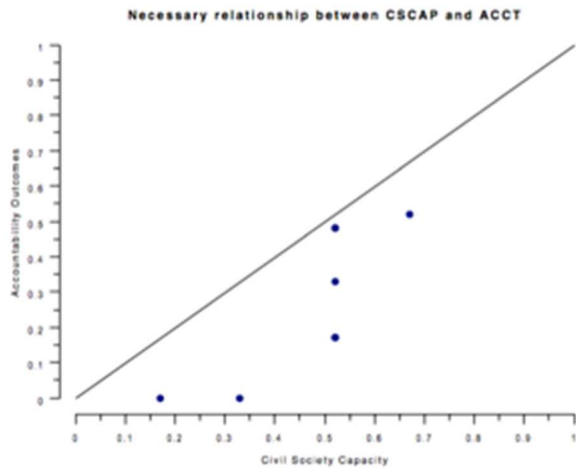


Figure BB.8. Scores from nine cases suggest cases displaying improved accountability outcomes are a subset of cases where there is a well-capacitated civil society.

Finally, the relationship between the absence of demand-driven transparency outcomes and accountability outcomes (Figure BB.9) is driven by poor scores across the board for both outcomes, and can be dismissed as an artifact of these particular cases. The low coverage score of .284 supports this interpretation.

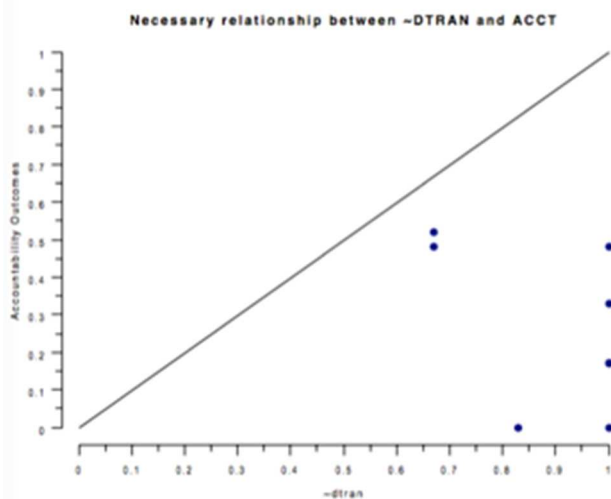


Figure BB.9. Scores from nine cases suggest cases displaying improved accountability outcomes are a subset of cases where there is an absence of demand-driven transparency outcomes.



An analysis of necessary relationships between hypothesized causal conditions and the negation of accountability outcomes demonstrates that none of these conditions, or their absence, is necessary for the absence of accountability outcomes (see Figure BB.10). These results further suggest that the necessary relationships previously discussed should be interpreted with caution. While it is the case that regular independent performance evaluation, visible political support, and civil society capacity appear to be necessary for improving accountability outcomes in at least some instances, the *absence* of these conditions is *not* necessary for the *absence* of accountability outcomes. In other words, while there are multiple paths to achieving accountability outcomes, there are also multiple paths to failure—some of which that include these very same conditions. At most, the results of this analysis suggest that MSI processes (i.e., RIPE), government (i.e., VPS), and civil society (i.e., CSCAP) each play a roll in MSI-driven accountability outcomes in at least some cases.

#### Analysis of Necessary Conditions

Outcome variable: `~acct.`

Conditions tested:

	Consistency	Coverage
<code>crisis</code>	0.826347	0.923077
<code>~crisis</code>	0.446108	0.986755
<code>ripe</code>	0.682635	0.849162
<code>~ripe</code>	0.543413	1.000000
<code>mmps</code>	0.583832	0.857143
<code>~mmps</code>	0.591317	0.887640
<code>vps</code>	0.694611	0.779832
<code>~vps</code>	0.456587	1.000000
<code>bea</code>	0.643713	0.966292
<code>~bea</code>	0.675150	0.991209
<code>csinv</code>	0.619760	0.930337
<code>~csinv</code>	0.628743	0.923077
<code>cscap</code>	0.613772	0.955711
<code>~cscap</code>	0.705090	1.000000
<code>ptran</code>	0.627246	0.863918
<code>~ptran</code>	0.595808	0.959036
<code>dtran</code>	0.124252	1.000000
<code>~dtran</code>	0.974551	0.796818

Figure BB.10. No causal conditions have a necessary relationship with the absence of accountability outcomes.

## APPENDIX CC

### FUZZY SET QUALITATIVE COMPARATIVE ANALYSIS (fsQCA) OF SUFFICIENT RELATIONSHIPS

In the analysis of sufficient conditions—that is, where instances of a causal condition, or combination of causal conditions, are thought to constitute a subset of all instances of an outcome—fsQCA uses a Boolean truth table algorithm to generate measures of consistency and coverage. In an analysis for sufficiency, consistency scores gauge the degree to which cases displaying the hypothesized cause, or combination of causes, agree in displaying the outcome. Coverage scores gauge the degree to which the cause, or combination of causes, “accounts for” instances of the outcome. When more than one condition, or combination of conditions, is sufficient for an outcome (i.e., when there is equifinality), coverage also provides a method for assessing the *relative* empirical importance of each causal recipe. This is accomplished by calculating the total coverage of all solutions, and then partitioning coverage based on the extent to which the cases fit each unique solution, much as one would partition variation in a multiple regression analysis (Ragin 2008, pp. 63-68).

#### Specifications for the analysis

Unlike the more straightforward test for necessary relationships, the investigator using fsQCA must specify both a case frequency threshold and a raw consistency score threshold to be used in the truth table analysis. Initially, the truth table contains as many rows as there are possible combinations between sets (i.e.,  $2^k$  possible combinations, where  $k$  is the number of causal conditions). For example, an analysis of sufficiency for seven causal conditions would yield a truth table of 152 possible unique combinations. The analysis must first be limited to relevant configurations, i.e., those reflected in the actual distribution of empirical cases. Typically, the configurations included in the analysis should be found in at least one case for

smaller N studies, and two or more cases for larger N studies. Next, the investigator must set a consistency threshold in order to distinguish between configurations that are to be treated as subsets of the outcome from those that are not. In a crisp set comprised of 0's and 1's, this distinction is obvious, but for a fuzzy set, a numeric threshold is necessary. Values below .75 indicate substantial inconsistency and are usually treated as the absence of outcome (see Ragin, 2008).

Finally, fsQCA allows the investigator to specify how logical remainders—possible combinations of conditions where no case has membership greater than .5—will be treated in the analysis. By default, fsQCA produces three algebraic solutions: The parsimonious solution uses remainders to help simplify the algebraic solutions. The drawback of this approach is that some remainders used to simplify the algebraic solutions may not be empirically or theoretically plausible. For example, it is a logical possibility that visible political support and bureaucratic expertise and authority serve to limit, rather than improve, MSI transparency outcomes. However, such a scenario is neither theoretically plausible, nor empirically useful. Conversely, the complex solution does not use any remainders to simplify its algebraic solutions. The drawback of this approach is that the resulting solutions tend to be quite complicated, involving many conditions that might have been factored out if more the empirical results were fully utilized.

The Intermediate solution splits the difference, allowing the investigator to specify which remainders should be used to simplify solutions, based on whether the remainders are empirically or theoretical plausible (as opposed to logically possible). In this analysis, most causal conditions are hypothesized to lead to improved outcomes, so logical remainders that posit that these conditions help outcomes are included, while remainders that posit that these

conditions hinder outcomes are excluded. There is one exception: Since it is unknown whether a prior political crisis helps or hinders subsequent transparency and accountability gains, all CRISIS remainders are allowed to inform in the Intermediate solution.

The complexity of the solution is directly related to tradeoffs in consistency and coverage. While the intermediate and (especially) the parsimonious solutions can offer a great deal of simplicity, leading to higher coverage, they often sacrifice the precision needed for higher consistency. Conversely, the complex solution will produce highly consistent paths with lower coverage that applies to fewer cases. These tradeoffs must be considered when deciding which solution offers the most helpful assessment of sufficiency.

#### Proactive Transparency Results

Given the relatively small number of cases included in this analysis, the case frequency cutoff was set at 1 for the sufficiency analysis of proactive transparency. A relatively strict consistency cutoff of .9 was used. This cutoff was also used to assess conditions sufficient to negate proactive transparency outcomes. As recommended by the APSA's Spring 2015 Symposium on Qualitative and Multi-Method Research (i.e., Buthe et al. 2015), the full truth tables used for the proactive transparency sufficiency analyses are presented below in Tables CC.1 and CC.2.

Table CC.1. Truth table for sufficiency analysis of ptran

crisis	ripe	mmps	vps	bea	csinv	cscap	number	ptran	raw consist.	PRI consist.	SYM consist
1	1	1	1	1	1	1	1	1	0.93633	0.795181	0.795181
1	1	1	1	0	1	1	1	1	0.927966	0.75	0.75
1	1	0	1	0	0	1	1	0	0.841202	0.455882	0.455882
1	1	0	0	0	0	1	1	0	0.72043	0.235294	0.235294
1	1	0	0	0	0	0	1	0	0.778802	0.294118	0.294117
1	0	1	0	1	0	1	1	1	1	1	1
1	0	1	0	0	0	0	1	0	0.805405	0	0
0	1	1	1	1	1	1	1	1	1	1	1
0	1	0	1	0	0	1	1	1	0.908602	0.527778	0.527778

Table CC.2. Truth table for sufficiency analysis of ~ptran

crisis	ripe	mmps	vps	bea	csinv	cscap	number	~ptran	raw consist.	PRI consist.	SYM consist
1	1	1	1	1	1	1	1	0	0.752809	0.204819	0.204819
1	1	1	1	0	1	1	1	0	0.783898	0.25	0.25
1	1	0	1	0	0	1	1	0	0.866953	0.544118	0.544118
1	1	0	0	0	0	1	1	1	0.913979	0.764706	0.764706
1	1	0	0	0	0	0	1	1	0.907834	0.705882	0.705883
1	0	1	0	1	0	1	1	1	0.961165	0	0
1	0	1	0	0	0	0	1	1	1	1	1
0	1	1	1	1	1	1	1	0	0.875817	0	0
0	1	0	1	0	0	1	1	0	0.897849	0.472222	0.472222

As shown in Figure CC.1, the complex solution to the truth table for PTRAN yields four distinct paths from MSI membership to proactive transparency outcomes. The first path—exemplified by CoST implementation in Guatemala and EITI implementation in Tanzania—involves countries that have recently experienced some degree of political crisis (CRISIS) (e.g., significant corruption in public infrastructure in the case of Guatemala; dissatisfaction over the lack of benefits from the extractive sector in the case of Tanzania). Genuine multi-stakeholder power sharing within steering groups in both countries (MSPS) worked to produce regular, independent performance evaluations (RIPE). High-ranking political officials visibly supported this work (VPS). Finally, in both cases, civil society organizations were sufficiently interested in the work of the MSI (CSINV), and had adequate expertise and capacity to meaningfully participate in the work (CSCAP). This path demonstrates high consistency (.937) and moderate raw coverage (.524). It also has the highest unique coverage of the four paths (.144); unsurprising, since it captures implementation of two different MSIs in two different countries. The other three paths capture only one instance of MSI implementation each (all three located in the Philippines), with small differences in their causal recipes that are likely to be factored out in solutions that utilize logical remainders.

\*\*\*\*\*  
 \*TRUTH TABLE ANALYSIS\*  
 \*\*\*\*\*

File: C:/BrockmyerfsQCAcoding4-27.csv  
 Model:  $ptran = f(crisis, ripe, msp, vps, bea, csin, cscap)$

Rows: 9

Algorithm: Quine-McCluskey  
 True: 1

--- COMPLEX SOLUTION ---  
 frequency cutoff: 1.000000  
 consistency cutoff: 0.900000

	raw coverage	unique coverage	consistency
$crisis*ripe*msp*vps*csin*cscap$	0.523711	0.008247	0.937269
$ripe*msp*vps*bea*csin*cscap$	0.554639	0.039175	0.940559
$\sim crisis*ripe*\sim msp*vps*\sim bea*\sim csin*cscap$	0.348454	0.072165	0.908602
$crisis*\sim ripe*msp*\sim vps*bea*\sim csin*cscap$	0.315464	0.072165	0.900000
solution coverage:	0.707217		
solution consistency:	0.952778		

Cases with greater than 0.5 membership in term  $crisis*ripe*msp*vps*csin*cscap$ : CoST-GT (0.52,0.83), EITI-TZ (0.52,0.83)  
 Cases with greater than 0.5 membership in term  $ripe*msp*vps*bea*csin*cscap$ : CoST-GT (0.52,0.83), EITI-PH (0.52,0.67)  
 Cases with greater than 0.5 membership in term  $\sim crisis*ripe*\sim msp*vps*\sim bea*\sim csin*cscap$ : OGP-PH (0.52,0.67)  
 Cases with greater than 0.5 membership in term  $crisis*\sim ripe*msp*\sim vps*bea*\sim csin*cscap$ : CoST-PH (0.52,0.52)

Figure CC.1. The complex truth table solution identifies four possible paths to proactive transparency outcomes. However, the coverage and consistency of the complex solution is not appreciably better than that of the parsimonious solution (see Figure 8B.2 below).

While the complex solution has good consistency (.953) and coverage (.707), both the intermediate (.953; .707) and parsimonious (.955; .738) solutions produce comparable levels of consistency and coverage, and are easier to understand. Indeed, for this particular analysis, the parsimonious solution offers the highest consistency and coverage.

The parsimonious solution (see Figure CC.2) shows two paths to achieving MSI proactive transparency goals. The first path shows that the relative absence of a national political crisis prior to MSI implementation ( $\sim$ CRISIS) is sufficient to produce proactive transparency reforms. This explains why the Aquino Administration has been successfully at implementing both EITI and OGP, despite a lack of multi-stakeholder power sharing, bureaucratic expertise and authority, or (in the case of OGP) civil society involvement. The second path shows that a combination of multi-stakeholder power sharing (MSPS) and adequate civil society capacity (CSCAP) was sufficient to drive proactive transparency reforms in four cases: CoST

implementation in Guatemala and the Philippines, and EITI implementation in the Philippines and Tanzania. Both of these paths demonstrate high consistency (.944 and .948, respectively), however, the second solution has higher unique coverage (.151 > .103); unsurprising, given that it helps to explain proactive transparency reforms across two MSIs in three countries, whereas the first solution only helps to explain MSI implementation in the Philippines.

```

*****
*TRUTH TABLE ANALYSIS*
*****

File: C:/BrockmyerfsQCAcoding4-27.csv
Model: ptran = f(crisis, ripe, msps, vps, bea, csinv, cscap)

Rows:      9

Algorithm: Quine-McCluskey
True: 1-L

--- PARSIMONIOUS SOLUTION ---
frequency cutoff: 1.000000
consistency cutoff: 0.900000

           raw      unique
           coverage  coverage  consistency
-----
~crisis    0.587629   0.103093   0.943709
msps*cscap 0.635052   0.150515   0.947692
solution coverage: 0.738144
solution consistency: 0.954667

Cases with greater than 0.5 membership in term ~crisis: EITI-PH (0.67,0.67),
OGP-PH (0.52,0.67)
Cases with greater than 0.5 membership in term msps*cscap: CoST-GT (0.52,0.83),
CoST-PH (0.52,0.52), EITI-PH (0.52,0.67), EITI-TZ (0.52,0.83)

```

Figure CC.2. The parsimonious truth table analysis shows two possible paths to proactive transparency.

While the parsimonious solution to the truth table has better consistency (.955) and coverage (.738) than the intermediate solution (.953 and .707, respectively), their relatively comparable scores suggest that the added detail provided by the intermediate solution does not significantly reduce its overall applicability to these cases. The intermediate solution distinguishes between three distinct paths to proactive transparency reform (see Figure CC.3). The “easy” path demonstrates how, in the absence of recent political crisis (~CRISIS), OGP and



EITI were able to facilitate gains in proactive transparency through a combination of visible political support from the Aquino Administration (VSP), regular, independent performance evaluation (RIPE) via EITI and OGP-IRM reports, and civil society capacity (CSCAP). The “insider” path describes the implementation of CoST in the Philippines and Guatemala, where, following a series of public procurement scandals under the Arroyo and Colom Administrations, respectively, efforts to incorporate the CoST infrastructure data standard into PhilGEPs and Guatecompras relied on a combination of multi-stakeholder power sharing (MSPS), civil society capacity (CSCAP), and bureaucratic expertise and authority (BEA). Finally, the “conventional” path demonstrates how CoST disclosure in Guatemala, and EITI disclosure in both the Philippines and Tanzania, relied on a combination of regular, independent performance evaluation (RIPE)—provided by the CoST assurance process, EITI validation, and OGP-IRM respectively—visible political support (VPS)—from the Colom, Aquino, and Kikwete administrations—and relatively broad and sustained involvement by civil society organizations (CSINV), in addition to multi-stakeholder power-sharing (MSPS) and civil society capacity (CSCAP).

```

*****
*TRUTH TABLE ANALYSIS*
*****

File: C:/Brockmyerfs0CAcoding4-27.csv
Model: ptran = f(cscap, csin, bea, vps, msps, ripe, crisis)

Rows:      20

Algorithm: Quine-McCluskey
  True: 1
  0 Matrix: 0L
Don't Care: -

--- INTERMEDIATE SOLUTION ---
frequency cutoff: 1.000000
consistency cutoff: 0.900000
Assumptions:
cscap (present)
csin (present)
bea (present)
vps (present)
msps (present)
ripe (present)

              raw      unique
              coverage  coverage  consistency
-----
cscap*vps*ripe*~crisis  0.523711  0.072165  0.937269
cscap*bea*msps*crisis  0.587629  0.072165  0.943709
cscap*csin*vps*msps*ripe  0.562887  0.008247  0.941379
solution coverage: 0.707217
solution consistency: 0.952778

Cases with greater than 0.5 membership in term cscap*vps*ripe*~crisis: EITI-PH (0.52,0.67),
OGP-PH (0.52,0.67)
Cases with greater than 0.5 membership in term cscap*bea*msps*crisis: CoST-GT (0.52,0.83),
CoST-PH (0.52,0.52)
Cases with greater than 0.5 membership in term cscap*csin*vps*msps*ripe: CoST-GT (0.52,0.83),
EITI-PH (0.52,0.67), EITI-TZ (0.52,0.83)

```

Figure CC.3. The intermediate solution to the truth table for sufficiency shows three distinct paths to proactive transparency outcomes: The “easy” path—where the absence of recent political crisis combines with visible political support, regular, independent performance evaluation, and civil society capacity; the “insider” path—where, following a political crisis, bureaucratic expertise and authority combines with multi-stakeholder power sharing, and civil society capacity; and the “conventional” path, which relies on a combination of visible political support, MSI-mandated processes of regular, independent performance evaluation and multi-stakeholder power sharing, and relatively broad and sustained involvement by highly skilled, well funded civil society organizations

An analysis of sufficient conditions for the negation of proactive transparency outcomes (~PTRAN) yields some interesting results as well. Comparing across the three truth table solutions (see Figure CC.4), the intermediate solution provides the same amount of consistency (.913) and coverage (.605) as the complex solution, whereas the parsimonious solution sacrifices consistency (.872) for coverage (.641). The intermediate solution identifies two paths to the

absence of proactive accountability reform. In both cases, a prior political crisis (CRISIS) combined with the absence of visible political support by the current government (~VPS) appears to have overwhelmed reform efforts, despite the presence of at least some strong MSI structures and processes: multi-stakeholder power sharing (MSPS) in the case of CoST in Tanzania and the Philippines; regular, independent performance evaluation (RIPE) in the case of EITI and OGP in Guatemala.

```
*****
*TRUTH TABLE ANALYSIS*
*****
```

```
File: C:/BrockmyerfsQCAcoding4-27.csv
Model: ~ptran = f(crisis, ripe, msps, vps, bea, csinv, cscap)
```

```
Rows: 9
```

```
Algorithm: Quine-McCluskey
True: 1
```

```
--- COMPLEX SOLUTION ---
frequency cutoff: 1.000000
consistency cutoff: 0.907834
```

	raw coverage	unique coverage	consistency
crisis*ripe*~msps*~vps*~bea*~csinv	0.484337	0.159036	0.909502
crisis*~ripe*msps*~vps*~bea*~csinv*~cscap	0.445783	0.045783	1.000000
crisis*ripe*msps*~vps*bea*~csinv*cscap	0.400000	0.000000	0.976471
solution coverage:	0.604819		
solution consistency:	0.912727		

```
Cases with greater than 0.5 membership in term crisis*ripe*~msps*~vps*~bea*~csinv: EITI-GT (0.52,0.48), OGP-GT (0.52,1)
```

```
Cases with greater than 0.5 membership in term crisis*~ripe*msps*~vps*~bea*~csinv*~cscap: CoST-TZ (0.52,0.67)
```

```
Cases with greater than 0.5 membership in term crisis*ripe*msps*~vps*bea*~csinv*cscap: CoST-PH (0.52,0.48)
```

```

*****
*TRUTH TABLE ANALYSIS*
*****

File: C:/BrockmyerfsQCAcoding4-27.csv
Model: ~ptran = f(crisis, ripe, msps, vps, bea, csinvs, cscap)

Rows:      9

```

```

Algorithm: Quine-McCluskey
True: 1-L

```

```

--- PARSIMONIOUS SOLUTION ---
frequency cutoff: 1.000000
consistency cutoff: 0.907834

```

	raw coverage	unique coverage	consistency
~vps	0.640964	0.640964	0.872131
solution coverage:	0.640964		
solution consistency:		0.872131	

Cases with greater than 0.5 membership in term ~vps: EITI-GT (0.67,0.48), OGP-GT (0.67,1), CoST-PH (0.52,0.48), CoST-TZ (0.52,0.67)

```

*****
*TRUTH TABLE ANALYSIS*
*****

File: C:/BrockmyerfsQCAcoding4-27.csv
Model: ~ptran = f(cscap, csinvs, bea, vps, msps, ripe, crisis)

Rows:      36

```

```

Algorithm: Quine-McCluskey
True: 1
0 Matrix: 0L
Don't Care: -

```

```

--- INTERMEDIATE SOLUTION ---
frequency cutoff: 1.000000
consistency cutoff: 0.907834

```

Assumptions:  
cscap (present)  
csinvs (present)  
bea (present)  
vps (present)  
msps (present)  
ripe (present)

	raw coverage	unique coverage	consistency
~vps*msps*crisis	0.445783	0.120482	0.902439
~vps*ripe*crisis	0.484337	0.159036	0.909502
solution coverage:	0.604819		
solution consistency:		0.912727	

Cases with greater than 0.5 membership in term ~vps\*msps\*crisis: CoST-PH (0.52,0.48), CoST-TZ (0.52,0.67)  
Cases with greater than 0.5 membership in term ~vps\*ripe\*crisis: EITI-GT (0.52,0.48), OGP-GT (0.52,1)

Figure CC.4. Truth table analyses of the negation of proactive transparency outcomes reveal that the absence of visible political support is sufficient to explain the absence of this outcome, especially if MSI implementation took place following a political crisis.

### Demand-Driven Transparency Results

The case frequency cutoff was once again set at 1 for the sufficiency analysis of demand-driven transparency outcomes. However, due to the low set membership scores on demand-driven transparency outcomes across all cases, a lower consistency threshold of .75 was used. Yet, despite lowering bar, a sufficiency analysis was still not possible. Table CC.3 clearly demonstrates the absence of consistency for any set relations. For all combinations of conditions, consistency scores remain well below the .75 threshold, meaning no case could be treated as an example of the outcome. In other words, since all cases scored lower than .5 for membership in the demand-driven transparency set, no meaningful cross-case comparisons could be made.

Table CC.3. Truth table for sufficiency analysis of dtran

crisis	ripe	mssp	vps	bea	csinv	cscap	number	dtran	raw consist.	PRI consist.	SYM consist
1	1	1	1	1	1	1	1	0	0.250936	0	0
1	1	1	1	0	1	1	1	0	0.283898	0	0
1	1	0	1	0	0	1	1	0	0.356223	0	0
1	1	0	0	0	0	1	1	0	0.274194	0	0
1	1	0	0	0	0	0	1	0	0.235023	0	0
1	0	1	0	1	0	1	1	0	0.495146	0	0
1	0	1	0	0	0	0	1	0	0.275676	0	0
0	1	1	1	1	1	1	1	0	0.437909	0	0
0	1	0	1	0	0	1	1	0	0.446237	0	0

Table B.3. No case reached the minimum consistency threshold of .75, because no case scored higher than .5 for demand-driven transparency set membership.

### Accountability Results

The case frequency cutoff was set at 1 for the sufficiency analysis of accountability outcomes. Given the relatively low set membership scores for accountability, a .75 consistency threshold was used once again. Yet, once again, no combination of conditions reached this threshold, so no analysis of sufficiency could take place. Table CC.4 clearly demonstrates the absence of consistency for any set relations. For all combinations of conditions, consistency scores remain well below the .75 threshold, meaning no case could be treated as an example of the outcome. In other words, since only a single case scored higher than .5 for membership in the accountability set, no meaningful cross-case comparisons could be made.

Table CC.4. Truth table for sufficiency analysis of acct

crisis	ripe	mmps	vps	bea	csinv	cscap	ptran	dtran	number	acct	raw consist.	PRI consist.	SYM consist
1	1	1	1	1	1	1	1	0	1	0	0.66	0	0
1	1	1	1	0	1	1	1	0	1	0	0.684932	0	0
1	1	0	1	0	0	1	0	0	1	0	0.653465	0	0
1	1	0	0	0	0	1	0	0	1	0	0.5	0	0
1	1	0	0	0	0	0	1	0	1	0	0.497041	0	0
1	0	1	0	1	0	1	1	0	1	0	0.495146	0	0
1	0	1	0	0	0	0	0	0	1	0	0.45946	0	0
0	1	1	1	1	1	1	1	0	1	0	0.660131	0	0
0	1	0	1	0	0	1	1	0	1	0	0.704142	0.074074	0.074074

Table 8B.4. No case reached the minimum consistency threshold of .75, because only a single case scored higher than .5 for accountability set membership.



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<sup>1</sup> Voluntary transnational corporate standards were first adopted in the late 1970s, when American corporations that wanted to continue operating in South Africa despite rising civil society opposition to apartheid adopted the Sullivan Principles. See Seidman (2005) for details.

<sup>2</sup> For details, see Conroy (2007), chapter 4.

<sup>3</sup> For more on the World Commission on Dams, see Dubash et al. (2001), Khagram (2005), and Conca (2006).

<sup>4</sup> “Openwashing” is a play on the word “whitewashing,” meaning to gloss over crimes or scandals (i.e., to cover up imperfections with a cheap coat of white paint). It is the latest modification of the word used to imply that actors are insincere in their desire for reform. The term “greenwashing” is believed to have been coined in 1986 by environmentalist Jay Westerveld in an essay criticizing the hospitality industry’s practice of placing placards in hotel rooms promoting reuse of towels ostensibly to “save the environment.” Westerveld noted that, in most cases, little or no effort toward reducing energy waste was being made by these institutions. By 1999, the term was added to the Oxford English Dictionary, where it is defined as “disinformation disseminated by an organization so as to present an environmentally responsible public image.” The related term “bluewashing” has been used to describe private firms that have joined the UN Global Compact—a voluntary regulatory program launched in 2000 that seeks to improve environmental, human rights, and labor policies of participating firms—while maintaining questionable practices in these areas (see Berliner & Prakash, 2014).

<sup>5</sup> For an early use of the term “openwashing,” see Thorne, M. (2009, March 14).

<sup>6</sup> For example, by 2013, members of the Open Government Partnership’s International Experts Panel were using the term to describe the actions of some participating governments.

<sup>7</sup> Azerbaijan provides a clear example of a country where civic space appears to be shrinking, despite government membership in multiple public sector governance MSIs (i.e., EITI and OGP), see Human Rights Watch (2014, August 14).

<sup>8</sup> Azerbaijan provides a clear example of a country where civic space appears to be shrinking, despite government membership in multiple public sector governance MSIs (i.e., EITI and OGP), see Human Rights Watch (2014, August 14).

<sup>9</sup> On February 12, 2015, following a workshop in Washington, DC, 42 MSI stakeholders—secretariat staff, funders, advisory board members, NGO observers and researchers, and country-level participants—were surveyed anonymously on their attitudes towards MSIs. Survey responses were given on a 10-point Likert scale, with higher values indicating optimism, satisfaction, or agreement and lower values indicating pessimism, dissatisfaction, or disagreement. Participants expressed guarded optimism about the progress MSIs are making towards their goals (Mean = 6), but gave MSIs poor marks for demonstrating impact (Mean = 4.6). Participants also expressed concerns that MSIs are being favored too heavily as solutions to transparency, accountability, and participation problems (Mean = 6.8).

<sup>10</sup> An anonymous program officer for a large private foundation that provides significant funding for global public sector governance MSIs. (2015, January). Phone interview.

<sup>11</sup> A good example of an agent receiving incoherent instructions from a principal is when the World Bank tries to balance its activity between the environmental concerns of donor states and the economic demands of borrower states.

<sup>12</sup> <http://www.merriam-webster.com/dictionary/accountability>.

<sup>13</sup> The author wishes to thank Matthew Taylor for pointing out that Schedler (1999); Mainwaring & Welna (2003); Ackerman (2004); Dubnick & Justice (2004); Grant & Keohane (2005); and Fox (2007a; 2007b) all provide largely complementary definitions of accountability.

<sup>14</sup> It is worth noting that the World Bank’s (2004) distinction between long and short routes to accountability ignored the existence of checks and balances (i.e., horizontal accountability mechanisms).

<sup>15</sup> The author wishes to thank Alan Fowler for this observation, which was included in a Background Paper for a 2015 CSO Task Team workshop on multi-stakeholder initiatives.

<sup>16</sup> See also Sartori’s (1970) notion of “conceptual stretching.”

<sup>17</sup> Voluntary transnational corporate standards were first applied in the late 1970s, when American corporations that wanted to continue operating in South Africa despite rising civil society opposition to apartheid adopted the Sullivan Principles. See Seidman (2005) for details.

<sup>18</sup> For more on the Forest Stewardship Council, see Taylor (2004); Conroy (2007), chapter 4; and Gulbrandsen (2008)

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- <sup>19</sup> For more on the World Commission on Dams, see Dubash et al. (2001), Khagram (2005), and Conca (2006).
- <sup>20</sup> Other types of networked governance include funder collaboratives, public-private partnerships, social sector networks, and collective impact networks (for details, see Kania and Kramer 2011, p. 39).
- <sup>21</sup> For a thorough review of the benefits and challenges of working within inter-organizational networks, see Popp et al. (2014). *Inter-Organizational Networks: A Review of the Literature to Inform Practice*. IBM Center for the Business of Government.
- <sup>22</sup> It is worth noting that “soft power” and “normative power” are sometimes conflated, sometimes defined as separate, but related, theories of power (e.g., Sinkkonen, 2015), and sometimes, as is the case here, used in conjunction to describe a more specific strategy (e.g. Akmehmet, 2011; Heng, 2014).
- <sup>23</sup> A similar critique has also been leveled at traditional intergovernmental organizations, including the multilateral development banks, which have encouraged good governance reforms on the part of member countries, while maintaining internal practices that are both opaque and unaccountable.
- <sup>24</sup> A similar fluctuation is evidence in Development theory, where some scholars argue that economic development is first necessary in order to achieve high-quality democracy and good governance (e.g., Inglehart and Welzel, 2005; Sachs, 2005), and others reversing the causal arrow to argue that it is poor governance that impedes economic development (e.g., Sen, 2001; Collier, 2008; Easterly, 2014).
- <sup>25</sup> By any definition, there can be little doubt that global MSIs have proliferated in recent years. According to Broadwater & Kaul (2005), there were at least 400 public-private partnerships addressing global challenges in the mid-2000s, compared to 50 in the 1980s. That number has continued to grow over the past decade. The author’s own preliminary investigation suggests that at least 30 new MSI or MSI-like initiatives have been established since 2005.
- <sup>26</sup> For a recent example of the former, see Dávid-Barret & Okamura (2013), which finds that countries participate in EITI to gain access to increased donor aid. For a recent example of the latter, see Sovacool et al. (2016), which finds that EITI countries do not outperform similar countries on governance or economic development indicators.
- <sup>27</sup> The Open Government Partnership (2014b) has articulated a comparable (but less precise) set of national-level causal mechanisms (i.e., high-level political support, empowered government reformers, and civil society engagement) in their most recent four-year strategy.
- <sup>28</sup> See MSI Integrity (2015).
- <sup>29</sup> See Calland & Hawkins, 2012, p. 162.
- <sup>30</sup> See OGP (2014a), pp. 1 & 6; and Foti (2014), pp. 25-27.
- <sup>31</sup> R. Solis Ribeiro, International Affairs Advisor to Brazil’s Comptroller General’s Office, and current chair of the Criteria and Standard Subcommittee of OGP’s Steering Committee. (2015, March 6). Phone interview.
- <sup>32</sup> C. Magno. (2015, February 19). Phone interview.
- <sup>33</sup> P. Matthews & J. Hawkins. (2015, January 21). Phone interview.
- <sup>34</sup> M. Tisé. (2015, January 21) Phone interview.
- <sup>35</sup> Interview participants were largely unwilling to name member countries where MSI implementation has been derailed, but were more willing to discuss political developments that kept countries from joining MSIs in the first place. For example, both Mexico and Thailand were in talks to join CoST, but an election in one and a coup in the other scuttled these earlier discussions. Political changes in Australia may have also slowed the country’s decision to join OGP.
- <sup>36</sup> C. Poortman. (2015, January 26). Phone interview.
- <sup>37</sup> J. Ching’ani (2015, March 19). Phone interview.
- <sup>38</sup> L. Frey. (2015, January 21). Phone interview.
- <sup>39</sup> This is important to note because of how remainders—logically possible combinations of conditions that lack empirical instances (i.e., vector corners where no case has membership greater than .5)—are handled by the fsQCA program. When using a Boolean truth table to identify sufficient conditions, fsQCA produces three algebraic solutions: the Parsimonious solution, the Complex solution, and the Intermediate solution. The Parsimonious solution uses remainders to help simplify the algebraic solutions. The Complex solution does not. The Intermediate solution allows the user to specify which remainders should be used to simplify solutions, based on whether the remainders are empirically or theoretical plausible (as opposed to simply logically plausible). While most causal conditions are hypothesized to lead to improved outcomes, thereby allowing for logical remainders that posit the opposite to be excluded, the direction of the causal effect of CRISIS is unknown, so more remainders are allowed to inform the Intermediate solution.
- <sup>40</sup> For more on conceptual stretching, see Sartori (1970).
- <sup>41</sup> For a good summary, see Collier (1993), p. 108.

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<sup>42</sup> This chapter contains revised and expanded text that originally appeared in the September 2015 technical report, “Assessing the Evidence: The Effectiveness and Impact of Public Governance-Oriented Multi-Stakeholder Initiatives,” published by the Transparency and Accountability Initiative (T/AI). [http://www.transparency-initiative.org/home/transpar/public\\_html/wp-content/uploads/2015/09/Assessing-the-Evidence-MSIs.pdf](http://www.transparency-initiative.org/home/transpar/public_html/wp-content/uploads/2015/09/Assessing-the-Evidence-MSIs.pdf)

<sup>43</sup> The term “resource curse” was first used by Richard Auty (see Auty & Warhurst, 1993) to describe how countries rich in mineral resources were unable to use that wealth to boost their economies and how, counter-intuitively, these countries had lower economic growth than countries without an abundance of natural resources. Sachs and Warner (2001) later found a strong correlation between natural resource abundance and poor economic growth.

<sup>44</sup> The founding members of the Publish What You Pay coalition were the Catholic Agency For Overseas Development (CAFOD), Global Witness, the Open Society Foundation, the Oxford Committee for Famine Relief (Oxfam), Save the Children, and Transparency International.

<sup>45</sup> For a good example of an early critique of EITI, see Publish What You Pay & Revenue Watch Institute (2006).

<sup>46</sup> E. Rich. (2015, February 5). Phone interview.

<sup>47</sup> Members of the WGTOC included representatives from the UK Department for International Development (DFID), the World Bank, Publish What You Pay, the International Council on Mining and Metals (ICMM), the Revenue Watch Institute (now NRGi), and the German Gesellschaft für Internationale Zusammenarbeit (GIZ).

<sup>48</sup> E. Rich. (2015, February 5). Phone interview.

<sup>49</sup> E. Westenberg. (2015, February 19). Phone interview.

<sup>50</sup> E. Rich. (2015, February 5). Phone interview.

<sup>51</sup> Under the EITI Criteria, annual activity reports were only required from compliant countries. This opened up an opportunity for open washing, as countries could sign up to implement, but actually do very little.

<sup>52</sup> E. Rich. (2015, February 5). Phone interview.

<sup>53</sup> E. Westenberg. (2015, February 19). Phone interview.

<sup>54</sup> For details on the EITI in Liberia, see O’Sullivan (2013), p. 10; for Mongolia, see EITI (2014), p. 25; for Kazakhstan, see Ospanova et al. (2013), chapter 4; for Ghana, see Wilson & Van Alstine (2014). For the Philippines, see Chapter 5.

<sup>55</sup> M. Jarvis. (2015, January 29). Phone interview.

<sup>56</sup> E. Rich. (2015, February 5). Phone interview.

<sup>57</sup> Azerbaijan now holds the ignoble distinction of being both the first country validated as EITI compliant and the first country to be demoted from compliant status back to candidate status as a result of concerns over government crackdowns on civil society.

<sup>58</sup> At least prior to the 2015 national elections: Under the Buhari Administration, there appears to be renewed interest in following up on EITI findings.

<sup>59</sup> E. Westenberg. (2015, February 19). Phone interview.

<sup>60</sup> See the “Innovations” section of EITI International Secretariat’s web page on Nigeria ([https://eiti.org/implementing\\_country/32](https://eiti.org/implementing_country/32)).

<sup>61</sup> It is unclear whether Aaronson (2008, July 12) included any control variables in her analysis.

<sup>62</sup> E. Rich. (2015, February 5). Phone interview.

<sup>63</sup> An anonymous national EITI multi-stakeholder group coordinator. (2015, February). Phone interview.

<sup>64</sup> An anonymous employee working for an international NGO that monitors EITI implementation in several countries. (2015, February). Phone interview.

<sup>65</sup> E. Westenberg. (2015, February 19). Phone interview.

<sup>66</sup> C. Poortman (2015, January 26). Phone interview.

<sup>67</sup> P. Matthews & J. Hawkins. (2015, January 21). Phone interview.

<sup>68</sup> This claim also appears on the CoST website (i.e., “The Challenge: Why is CoST necessary?” (<http://www.constructiontransparency.org/the-initiative/the-challenge?forumboardid=2&forumtopicid=2>) where it is nominally attributed to either Transparency International (2008) or OECD (2005). However, since the sourcing is not clear, I have been unable to independently verify this statistic.

<sup>69</sup> P. Matthews & J. Hawkins. (2015, January 21). Phone interview.

<sup>70</sup> According B. Fernz (2015, May 26, e-mail correspondence), a special condition was made for Tanzania to disclose project information in January 2011, as they had unused funds.

<sup>71</sup> Not all CoST baseline studies have been released to the public. A briefing note on the baseline studies (i.e., CoST 2011, March) and an in-depth comparison between all baseline studies (i.e., CoST 2011, January) are both available on the CoST website.

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- <sup>72</sup> B. Fernz, policy advisor, CoST International Secretariat. (2015, February 26). Phone interview.
- <sup>73</sup> A notable exception was Guatemala, where the gap in activity was shorter—around eight months.
- <sup>74</sup> Subsequently, significant funding has also provided by DFID and the Netherlands.
- <sup>75</sup> According to B. Fernz (2015, July 23, phone interview), the pilot version of the assurance process, which does not rely on proactive disclosure of data, continues to be used in Ethiopia and Malawi, due to serious limitations in public disclosure processes.
- <sup>76</sup> C. Poortman (2015, January 26). Phone interview.
- <sup>77</sup> C. Poortman (2015, January 26, Phone interview); P. Matthews & J. Hawkins (2015, January 21, Phone interview); and B. Fernz. (2016, July 15, E-mail correspondence).
- <sup>78</sup> P. Matthews & J. Hawkins. (2015, January 21, Phone interview) and B Fernz. (2015, February 26, Phone interview); See also Hawkins (2015, pp. 18-20 & 27) and Vaillant & Spray (2015, pp. 17-18; 25-26).
- <sup>79</sup> B. Fernz. (2015, February 26). Phone interview.
- <sup>80</sup> J. Ching'ani. (2015, March 19). Phone interview.
- <sup>81</sup> The CoST International Secretariat is currently piloting a “CoST Infrastructure Transparency Index” (CITI) that will measure the percentage of construction projects in compliance with the CoST standard in each country.
- <sup>82</sup> B. Fernz. (2015, February 26). Phone interview.
- <sup>83</sup> B. Fernz, (2016, July 15). E-mail correspondence.
- <sup>84</sup> See DFID's *EITI Report of the International Advisory Committee* (2006), p. 26.
- <sup>85</sup> C. Poortman (2015, January 26). Phone interview.
- <sup>86</sup> J. Ching'ani. (2015, March 19). Phone interview.
- <sup>87</sup> B. Fernz. (2015, May 26). E-mail correspondence.
- <sup>88</sup> Guatemala: <https://youtu.be/Bno1T3-lvMM>; Ethiopia: <https://youtu.be/halnt2lmVNw>
- <sup>89</sup> B Fernz. (2016, July 15). E-mail correspondence.
- <sup>90</sup> B. Fernz. (2015, February 26). Phone interview.
- <sup>91</sup> The 2015 evaluation (i.e., Vaillant & Spray, 2015) is available to the public, however the original DFID evaluation of the CoST pilot is not available to the public. The author made several requests to the CoST International Secretariat to review this evaluation, but it was never produced.
- <sup>92</sup> C. Poortman (2015, January 26). Phone interview
- <sup>93</sup> Although DFID conducted a more formal evaluation of the CoST pilot, it does not appear to be available to the public.
- <sup>94</sup> It is worth noting that “Stakeholders raise challenges and demand better project outcomes” appears as both an intermediate outcome and an impact in the CoST theory of change, reducing its meaningfulness as a coherent indicator of progress.
- <sup>95</sup> The primary source for CoST's role in these events—the CoST assurance report covering the Gindibir to Gobensa road project—does not appear to be currently available to the public.
- <sup>96</sup> B. Fernz. (2015, February 26). Phone interview.
- <sup>97</sup> The official figure for Ethiopia's cost savings found in CoST (2012b) is lower (\$2.3 million), but was later revised upward, according to Fernz. The primary source for verifying CoST's role—the CoST Ethiopia assurance report covering the Gindibir to Gobensa road project—does not appear to be currently available to the public.
- <sup>98</sup> According to B. Fernz (2015, May 26, e-mail correspondence), disclosure requirements in Ethiopia took the form of a series of proclamations, regulations, and directives that occurred during the CoST pilot; in Guatemala, they were included in regulations regarding the national budget; in Honduras, they were the product of a presidential decree; and in Vietnam, they were included in the Construction Project Management law.
- <sup>99</sup> Disclosed projects in Guatemala can be viewed on Guatecompras by using the advanced search function (“búsqueda avanzada de concursos”) to search by category (“categoría: Construcción y materiales afines”).
- <sup>100</sup> Disclosed projects in Honduras can be viewed on SISOCs by using the citizen module (“módulo e información ciudadana) or the map of projects (“mapa de proyectos”).
- <sup>101</sup> The CoST International Secretariat's web page on Ethiopia states that project disclosures will be made on the Federal Public Procurement and Property Administration Agency (FPPPA) website (<http://www.ppa.gov.et>). The site currently includes tools to search for awards and bid disclosures, but as of July 2015, only two awards appear to have been published.
- <sup>102</sup> B. Fernz. (2015, February 26, Phone interview; 2016, July 15, E-mail correspondence).
- <sup>103</sup> Like EITI, CoST has likely facilitated dialogue between stakeholder groups and provided a platform for policy discussions at both the transnational and national level. Unlike EITI, however, no studies were found that detail these procedural outputs for CoST.

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- <sup>104</sup> This web page, which contains an overview of CoST Guatemala assurance reports through 2014, has clearly been updated since its official published date of December 2013.
- <sup>105</sup> C. Poortman. (2016, June 1). E-mail correspondence.
- <sup>106</sup> R. Solis Ribeiro. (2015, March 6). Phone interview.
- <sup>107</sup> For a diversity of OGP founder perspectives, see OGP (2013).
- <sup>108</sup> According to an anonymous OGP Support unit employee, OGP plans to retire the use of these “grand challenges” to frame the work of the initiative in the near future.
- <sup>109</sup> Author’s July 24, 2016 analysis of the Combined IRM-Support Unit Commitments Database (<https://docs.google.com/spreadsheets/d/1xMP9c1uDycjO37dJnBv2ju0U2h6XwHC3t1rh7sLQ3TI/edit?usp=sharing>), and the OGP explorer (<http://www.opengovpartnership.org/irm/ogp-explorer-and-irm-data>).
- <sup>110</sup> According to J. Foti (2016, July 28, e-mail correspondence), the OGP process is fluid, so an exact count of countries currently implementing their third plan was not possible
- <sup>111</sup> There appears to be some disagreement over just how much parity stakeholders really have in OGP. Kevin Bohner of the Hewlett Foundation (2015, January 15, phone interview) points out that stakeholders do not, in fact, have equal ownership in OGP, because governments join the initiative, while civil society does not. However, Joe Foti of the OGP-IRM (2015, February 19, phone interview) suggests that civil society has more influence in OGP than in other MSIs, particularly because private foundations provide substantial funding for the initiative.
- <sup>112</sup> L. Frey. (2015, January 21). Phone interview.
- <sup>113</sup> CoST and EITI do require countries to make a formal public request, identify who will fill key positions in the multi-stakeholder group, and provide a rough plan for implementation before they are allowed to join.
- <sup>114</sup> M. Tisé. (2015, January 21). Phone interview.
- <sup>115</sup> J. Foti. (2015, February 19) Phone interview.
- <sup>116</sup> R. Solis Ribeiro. (2015, March 6). Phone interview.
- <sup>117</sup> S. Kaimal. (2015, January 20). Phone interview.
- <sup>118</sup> OGP was initially incubated at the Transparency & Accountability Initiative (T/AI), a London-based donor collaborative, led by the Ford, Hewlett, and Open Society Foundations, Hivos, the Omidyar Network, and DFID.
- <sup>119</sup> Full disclosure: The author’s dissertation committee chair is a former member of the OGP International Expert Panel.
- <sup>120</sup> An anonymous OGP Support Unit employee. (2015, February 20). Phone interview.
- <sup>121</sup> J. Foti. (2015, February 19) Phone interview.
- <sup>122</sup> Ibid.
- <sup>123</sup> An anonymous OGP Support Unit employee. (2015, February 20). Phone interview.
- <sup>124</sup> Ibid.
- <sup>125</sup> Ibid.
- <sup>126</sup> An anonymous OGP Support Unit employee. (2015, February 20). Phone interview.
- <sup>127</sup> OGP’s first commissioned independent evaluation of strategic objectives is due in late 2016.
- <sup>128</sup> The IRM’s indicators of action plan completion/effectiveness track national outputs, but not their significance; IRM’s indicator of potential impact is just that—a hypothetical projection of potential significance is determined by country context.
- <sup>129</sup> Russia is also examined in this paper, as its government was expressing interest in joining OGP at the time the research was conducted.
- <sup>130</sup> R. Solis Ribeiro. (2015, March 6). Phone interview.
- <sup>131</sup> Two notable exceptions here are a series of five OGP case studies (Chile, Croatia, Georgia, Ghana and Uruguay) currently being prepared for release by U4, and another series of five case studies (Albania, Costa Rica, Mexico, the Philippines, and Tanzania) currently being completed by Global Integrity. Although the U4 study has yet to be finished, preliminary findings suggest that civil society participation does indeed foster successful implementation. For example, permanent dialogue mechanisms between government and civil society in Uruguay and Croatia are believed to have improved the National Action Plans and facilitated implementation. The Global Integrity studies will similarly examine how reformers use OGP to drive change.
- <sup>132</sup> S. Kaimal. (2015, January 20). Phone interview.
- <sup>133</sup> Author’s July 24, 2016 analysis of the Combined IRM-Support Unit Commitments Database (<https://docs.google.com/spreadsheets/d/1xMP9c1uDycjO37dJnBv2ju0U2h6XwHC3t1rh7sLQ3TI/edit?usp=sharing>).
- <sup>134</sup> S. Kaimal. (2015, January 20). Phone interview.



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<sup>135</sup> The US and UK both committed to implementing EITI in 2013 as part of their second OGP National Action Plans and both became EITI “candidate countries” the following year. The UK also committed to creating a public registry of company beneficial ownership in their 2013 OGP plan. The new requirement for company reporting goes into effect January 1, 2016.

<sup>136</sup> M. Tisné (2015, January 21, phone interview); R. Rajani (2015, January 20, phone interview); L. Frey (2015, January 21, phone interview).

<sup>137</sup> Author’s July 24, 2016 analysis of the Combined IRM-Support Unit Commitments Database (<https://docs.google.com/spreadsheets/d/1xMP9c1uDycjO37dJnBv2ju0U2h6XwHC3t1rh7sLQ3TI/edit?usp=sharing>).

<sup>138</sup> An anonymous OGP Support Unit employee. (2015, February 20). Phone interview.

<sup>139</sup> Author’s July 24, 2016 analysis of the Combined IRM-Support Unit Commitments Database (<https://docs.google.com/spreadsheets/d/1xMP9c1uDycjO37dJnBv2ju0U2h6XwHC3t1rh7sLQ3TI/edit?usp=sharing>).

<sup>140</sup> L. Frey. (2015, January 21). Phone interview

<sup>141</sup> Author’s July 24, 2016 analysis of the Combined IRM-Support Unit Commitments Database (<https://docs.google.com/spreadsheets/d/1xMP9c1uDycjO37dJnBv2ju0U2h6XwHC3t1rh7sLQ3TI/edit?usp=sharing>).

<sup>142</sup> S. Kaimal. (2015, January 20). Phone interview.

<sup>143</sup> R. Rajani. (2015, January 20). Phone interview.

<sup>144</sup> An anonymous employee working for an international NGO that monitors EITI implementation in several countries. (2015, February). Phone interview.

<sup>145</sup> The closest thing to comprehensive assessment of EITI is Sovacool et al. (2016)’s regression analysis of the first 16 EITI countries’ performance on World Bank indicators for governance and economic development from 1996-2014. The researchers found that EITI countries did not perform better on these indicators following the achievement of EITI Compliant status, nor did they outperform comparable non-members during this period.

<sup>146</sup> DFID commissioned an evaluation of CoST following the end of the pilot phase, but the results were never released to the public. The author made requests to both the World Bank and the CoST International Secretariat to review this evaluation, but it was never produced.

<sup>147</sup> Author’s July 24, 2016 analysis of the Combined IRM-Support Unit Commitments Database (<https://docs.google.com/spreadsheets/d/1xMP9c1uDycjO37dJnBv2ju0U2h6XwHC3t1rh7sLQ3TI/edit?usp=sharing>).

<sup>148</sup> See the “Innovations” section of EITI International Secretariat’s web page on Nigeria ([https://eiti.org/implementing\\_country/32](https://eiti.org/implementing_country/32)).

<sup>149</sup> Author’s July 24, 2016 analysis of the Combined IRM-Support Unit Commitments Database (<https://docs.google.com/spreadsheets/d/1xMP9c1uDycjO37dJnBv2ju0U2h6XwHC3t1rh7sLQ3TI/edit?usp=sharing>).

<sup>150</sup> Similarly, Barkhorn, Huttner, & Blau (2013) recently identified nine conditions widely viewed by researchers and practitioners as critical for a successful policy campaign: 1) a functioning venue for adoption, 2) an open policy window, 3) a feasible solution, 4) a dynamic master plan, 5) strong campaign leaders, 6) an influential support coalition, 7) a mobilized public, 8) powerful inside champions, and 9) a clear implementation path.

<sup>151</sup> J. Ching’ani. (2015, March 19). Phone interview.

<sup>152</sup> R. Solis Ribeiro. (2015, March 6). Phone interview.

<sup>153</sup> P. Matthews & J. Hawkins. (2015, January 21). Phone interview.

<sup>154</sup> C. Magno. (2015, February 19). Phone interview.

<sup>155</sup> C. Poortman (2015, January 26). Phone interview.

<sup>156</sup> An anonymous OGP Support Unit employee. (2015, February 20). Phone interview.

<sup>157</sup> C. Poortman (2015, January 26). Phone interview.

<sup>158</sup> J. Ching’ani. (2015, March 19). Phone interview.

<sup>159</sup> C. Magno. (2015, February 19). Phone interview.

<sup>160</sup> J. Foti. (2015, February 19) Phone interview.

<sup>161</sup> C. Magno. (2015, February 19). Phone interview.

<sup>162</sup> A. Gonzalez. (2015, January 15). Phone interview.

<sup>163</sup> J. Ching’ani. (2015, March 19). Phone interview.

<sup>164</sup> For a recent summary of Cashgate, and its aftermath, see Mapondera (2014, January 14).

<sup>165</sup> E. Rich. (2015, February 5). Phone interview.

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- <sup>166</sup> L. Frey. (2015, January 21). Phone interview.
- <sup>167</sup> E. Rich. (2015, February 5). Phone interview
- <sup>168</sup> R. Solis Ribeiro. (2015, March 6). Phone interview.
- <sup>169</sup> C. Magno. (2015, February 19). Phone interview.
- <sup>170</sup> J. Ching'ani. (2015, March 19). Phone interview.
- <sup>171</sup> P. Matthews & J. Hawkins. (2015, January 21). Phone interview.
- <sup>172</sup> Taylor (2014, July 4) also points out that since the Norwegian government is a shareholder in Statoil, the extra revenue to the Norwegian government from this deal could be worth more than double the total of all Norwegian aid to Tanzania since independence.
- <sup>173</sup> A. Mhinda. (2015, May 23). Personal interview, Dar es Salaam.
- <sup>174</sup> Procurement problems also prevented TEITI from contracting for a feasibility study in support of the EITI beneficial ownership pilot.
- <sup>175</sup> B. Mushingwe. (2015, May 28). Personal interview, Dar es Salaam.
- <sup>176</sup> Ibid.
- <sup>177</sup> Ibid..
- <sup>178</sup> A. Mhinda. (2015, May 23). Personal interview, Dar es Salaam.
- <sup>179</sup> Ibid.
- <sup>180</sup> S. Olan'g. (2015, May 27). Personal interview, Dar es Salaam.
- <sup>181</sup> B. Mushingwe. (2015, May 28). Personal interview, Dar es Salaam.
- <sup>182</sup> A. Mhinda (2015, May 23) and S. Olan'g (2015, May 27). Personal interviews, Dar es Salaam.
- <sup>183</sup> It is unclear whether there are quorum requirements for holding TEITI MSG meetings.
- <sup>184</sup> B. Mushingwe. (2015, May 28). Personal interview, Dar es Salaam.
- <sup>185</sup> S. Olan'g. (2015, May 27). Personal interview, Dar es Salaam.
- <sup>186</sup> A. Mhinda. (2015, May 23). Personal interview, Dar es Salaam.
- <sup>187</sup> B. Mushingwe. (2015, May 28). Personal interview, Dar es Salaam.
- <sup>188</sup> A. Mhinda. (2015, May 23). Personal interview, Dar es Salaam.
- <sup>189</sup> B. Mushingwe. (2015, May 28). Personal interview, Dar es Salaam.
- <sup>190</sup> Ibid.
- <sup>191</sup> A. Mhinda. (2015, May 23). Personal interview, Dar es Salaam.
- <sup>192</sup> An anonymous, Tanzania-based employee of an international development organization that works on social justice in the extractive sector. (2015, May 22). Personal interview, Dar es Salaam.
- <sup>193</sup> Ibid.
- <sup>194</sup> A. Mhinda. (2015, May 23). Personal interview, Dar es Salaam.
- <sup>195</sup> B. Mushingwe. (2015, May 28). Personal interview, Dar es Salaam.
- <sup>196</sup> A. Mhinda. (2015, May 23). Personal interview, Dar es Salaam.
- <sup>197</sup> Several interview participants, including M. Zamora-Mills (2015, September 17) and L. Molina (2015, September 23) also mentioned the current conflicts surrounding the extractive sector in Guatemala, during personal interviews in Guatemala City.
- <sup>198</sup> Although Guatemala produced about 3.65 million barrels of oil in 2013, it remains a net importer of oil.
- <sup>199</sup> L. Molina, research economist, Instituto Centroamericano de Estudios Fiscales (ICEFI). (2015, September 23). Personal interview, Guatemala City.
- <sup>200</sup> O. Avalor. (2015, September 24). Personal interview, Guatemala City.
- <sup>201</sup> P. Valverde. (2015, September 11). Phone interview.
- <sup>202</sup> Ibid.
- <sup>203</sup> M. Zamora-Mills (2015, September 17). Personal interview, Guatemala City.
- <sup>204</sup> Ibid.
- <sup>205</sup> O. Avalor. (2015, September 24). Personal interview, Guatemala City.
- <sup>206</sup> See Comisión Nacional de Trabajo de la Iniciativa para la Transparencia de las Industrias Extractivas, Actas 2-2012 to 5-2012.
- <sup>207</sup> A. Ramirez & J. L. Rodas. (2015, September 21.) Personal interview, Guatemala City.
- <sup>208</sup> L. Rast. (2015, September 17). Personal Interview, Guatemala City; R. Barrientos. (2015, December 2). Personal interview, Washington DC.
- <sup>209</sup> M. Zamora-Mills (2015, September 17) and L. Molina (2015, September 23). Personal interviews, Guatemala City.
- <sup>210</sup> O. Avalor. (2015, September 24). Personal interview, Guatemala City.

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- <sup>211</sup> P. Valverde. (2015, September 11). Phone interview.
- <sup>212</sup> L. Rast. (2015, September 17). Personal Interview, Guatemala City.
- <sup>213</sup> M. Zamora-Mills (2015, September 17) and L. Rast. (2015, September 17). Personal Interviews, Guatemala City.
- <sup>214</sup> L. Molina (2015, September 23). Personal interview, Guatemala City.
- <sup>215</sup> L. Rast. (2015, September 17). Personal Interview, Guatemala City.
- <sup>216</sup> O. Avalle. (2015, September 24). Personal interview, Guatemala City.
- <sup>217</sup> M. Zamora-Mills (2016, June 10). Email correspondence.
- <sup>218</sup> T. Boerman. (2015, September 9). Phone interview.
- <sup>219</sup> L. Molina (2015, September 23). Personal interview, Guatemala City.
- <sup>220</sup> O. Avalle. (2015, September 24). Personal interview, Guatemala City.
- <sup>221</sup> L. Rast. (2015, September 17). Personal Interview, Guatemala City.
- <sup>222</sup> R. Barrientos. (2015, December 2). Personal interview, Washington DC.
- <sup>223</sup> According to C. Magno (2016, July 19, e-mail correspondence), the Malampaya fund does set aside royalties from oil and gas field operations in the waters off Palawan. The fund was originally intended to finance energy development projects, but it has been used for a variety of purposes.
- <sup>224</sup> After resigning the presidency in 2001, Estrada was arrested and convicted of plunder in 2007. Arroyo was accused of rigging elections and embezzlement during her 2001-2010 terms as president. She was arrested in November 2011 for electoral fraud, and again in October 2012 on charges of misuse of \$8.8 million in state lottery funds.
- <sup>225</sup> C. Magno. (2015, February 19). Phone interview.
- <sup>226</sup> A. Ordenes. (2015, June 5). Personal interview, Manila.
- <sup>227</sup> Again, a notable exception here is the Malampaya fund. According to C. Magno (2016, July 19, e-mail correspondence), civil society stakeholders had hoped that a Commission on Audit report on the fund be disclosed via EITI to show how oil and gas proceeds were being spent.
- <sup>228</sup> A. Ordenes. (2015, June 5). Personal interview, Manila.
- <sup>229</sup> This issue was raised by legislators attending the June 2, 2015 Legislators Forum "Strengthening Natural Resource Governance: The Role of Legislators and EITI." For a list of attending legislators, see PH-EITI (2015, June 2).
- <sup>230</sup> A. Barnacha. (2015, June 3). Personal interview, Manila; An anonymous PH-EITI civil society MSG member. (2015; June 3). Personal interview, Manila.
- <sup>231</sup> A. Ordenes. (2016, June 28). E-mail correspondence.
- <sup>232</sup> An anonymous PH-EITI civil society MSG member (2015; June 3). Personal interview, Manila.
- <sup>233</sup> According to C. Magno (2016, July 19, e-mail correspondence), Bantay Kita is currently lobbying to add two seats to the MSG that would represent indigenous communities.
- <sup>234</sup> This issue was raised by legislators attending the June 2, 2015 Legislators Forum "Strengthening Natural Resource Governance: The Role of Legislators and EITI." For a list of attending legislators, see PH-EITI (2015, June 2).
- <sup>235</sup> C. Magno. (2015, February 19). Phone interview; A. Barnacha. (2015, June 3). Personal interview, Manila.
- <sup>236</sup> A. Ordenes. (2015, June 5). Personal interview, Manila.
- <sup>237</sup> An anonymous PH-EITI civil society MSG member (2015; June 3). Personal interview, Manila.
- <sup>238</sup> C. Magno. (2015, February 19). Phone interview.
- <sup>239</sup> A. Barnacha. (2015, June 3). Personal interview, Manila.
- <sup>240</sup> A. Ordenes. (2015, June 5). Personal interview, Manila.
- <sup>241</sup> An anonymous Legislative Officer with the Philippines Congressional Policy and Budget Research Office. (2015, June 6). Personal interview, Makati.
- <sup>242</sup> A. Ordenes. (2015, June 5). Personal interview, Manila.
- <sup>243</sup> A. Barnacha. (2015, June 3). Personal interview, Manila; An anonymous PH-EITI civil society MSG member. (2015; June 3). Personal interview, Manila.
- <sup>244</sup> A. Barnacha. (2015, June 3). Personal interview, Manila.
- <sup>245</sup> An anonymous PH-EITI civil society MSG member. (2015; June 3). Personal interview, Manila.
- <sup>246</sup> Some proposals to reform the fiscal regime governing the Philippines extractive sector have been put forth—for example, Senate Bill Number (SBN) 43 proposes that the government's share should be equivalent to 10% of gross revenues from the development and use of mineral resources (Senate of the Philippines, 2013, July 1), SBN 457 seeks to increase tax on mineral resources from 2% to 7%, which it proposes to be equally divided between the government and the LGUs where the minerals are extracted (Senate of the Philippines, 2013, July 4), and House Bill



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Number (HBN) 1173 put either a 10% tax on gross revenue or 45-55% on adjusted mining revenues, plus a share in the windfall profit, whichever would give higher revenue to the government (Republic of the Philippines, House of Representatives, 2013, July 8)—but thus far, these proposals have not been driven by discussions of EITI data.

<sup>247</sup> A. Ordenes. (2015, June 5). Personal interview, Manila.

<sup>248</sup> Ibid.

<sup>249</sup> Ibid.

<sup>250</sup> Ibid.

<sup>251</sup> A. Barnacha. (2015, June 3). Personal interview, Manila.

<sup>252</sup> These comments were made at the July 3, 2015 Pre-Validation workshop. For details, see PH-EITI. (2015, June 3).

<sup>253</sup> A. Barnacha. (2015, June 3). Personal interview, Manila; An anonymous PH-EITI civil society MSG member. (2015; June 3). Personal interview, Manila.

<sup>254</sup> M. Zamora-Mills (2015, September 17). Personal interview, Guatemala City.

<sup>255</sup> The CoST International Secretariat webpage (<http://www.constructiontransparency.org/tanzania>) claims that recommendations made by the Tanzanian CoST national MSG were subsequently incorporated into amendments made to the Public Procurement Act in 2011, but this claim could not be independently verified by the author.

<sup>256</sup> An anonymous Tanzanian construction contractor with experience working with CoST. (2015, May). Personal interview, Dar es Salaam.

<sup>257</sup> C. Mworira. (2015, May 27). Personal interview, Dar es Salaam.

<sup>258</sup> The publication of CoST assurance report findings in a Tanzanian newspaper is discussed in CoST-Tanzania (n.d., p. 1), however, the name of the paper or the date of publication were not provided, nor was the author able to independently verify publication actually occurred.

<sup>259</sup> The publication of CoST assurance reports to the CoST-Tanzania website (<http://costtanzania.ncc.or.tz>) is discussed in CoST-Tanzania (n.d., p. 1), but could not be verified because the website has been shut down.

<sup>260</sup> C. Mworira. (2015, May 27). Personal interview, Dar es Salaam.

<sup>261</sup> B. Kaiza. (2015, May 29). Personal interview, Dar es Salaam.

<sup>262</sup> No mention of CoST appears in the 2011 Public Procurement Reform Act (United Republic of Tanzania, 2011, December 30), nor did any interview participants mention that the CoST-Tanzania MSG made recommendations that were incorporated into this amendment.

<sup>263</sup> C Mworira. (2015, May 27). Personal interview, Dar es Salaam.

<sup>264</sup> B. Kaiza. (2015, May 29). Personal interview, Dar es Salaam.

<sup>265</sup> C Mworira. (2015, May 27). Personal interview, Dar es Salaam.

<sup>266</sup> B. Kaiza. (2015, May 29). Personal interview, Dar es Salaam.

<sup>267</sup> C Mworira. (2015, May 27). Personal interview, Dar es Salaam. B. Kaiza. (2016, June 1). E-mail correspondence.

<sup>268</sup> An anonymous Tanzanian construction contractor with experience working with CoST. (2015, May). Personal interview, Dar es Salaam.

<sup>269</sup> C Mworira. (2015, May 27); B. Kaiza. (2015, May 29); and an anonymous Tanzanian construction contractor with experience working with CoST. (2015, May). Personal interviews, Dar es Salaam.

<sup>270</sup> B. Kaiza. (2015, May 29). Personal interview, Dar es Salaam.

<sup>271</sup> C Mworira. (2015, May 27). Personal interview, Dar es Salaam.

<sup>272</sup> B. Kaiza. (2015, May 29). Personal interview, Dar es Salaam.

<sup>273</sup> The 2013 amendments to the 2011 Public Procurement Act (i.e., United Republic of Tanzania, 2013, November 29) require agencies to proactively report data to the Public Procurement Regulatory Authority (PPRA), although implementation remains incomplete. Prior to the 2013 amendments, PPRA had the legal authority to collect data, but did so on predominately on an ad-hoc basis (e.g., their Memorandum of Understanding with CoST Tanzania, during the pilot phase).

<sup>274</sup> B. Kaiza. (2015, May 29). Personal interview, Dar es Salaam.

<sup>275</sup> C Mworira. (2015, May 27) & B. Kaiza. (2015, May 29). Personal interviews, Dar es Salaam.

<sup>276</sup> May 22, 2015 interview with a staff member for an international development organization operating in Tanzania, Dar es Salaam.

<sup>277</sup> An anonymous Tanzanian construction contractor with experience working with CoST. (2015, May). Personal interview, Dar es Salaam.

<sup>278</sup> May 29 interview with Bubelwa Kaiza, Executive Director, ForDIA, Dar es Salaam.

<sup>279</sup> C Mworira. (2015, May 27). Personal interview, Dar es Salaam.

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- <sup>280</sup> C Mworia. (2015, May 27). Personal interview, Dar es Salaam; An anonymous Tanzanian construction contractor with experience working with CoST. (2015, May). Personal interview, Dar es Salaam; & B. Kaiza. (2015, May 29). Personal interview, Dar es Salaam.
- <sup>281</sup> C Mworia. (2015, May 27). Personal interview, Dar es Salaam.
- <sup>282</sup> Ibid.
- <sup>283</sup> For a more detailed discussion of corruption the Guatemala construction sector, see also Instituto Centroamericano de Estudios Fiscales (ICEFI) (2015) and Comisión Internacional contra la Impunidad en Guatemala (CICIG) (2015).
- <sup>284</sup> Á. Zepeda. (2015, September 21). Personal interview, Guatemala City.
- <sup>285</sup> CIGIG found that Rosenberg had paid several hit men to kill him.
- <sup>286</sup> R. Barrientos. (2015, December 2). Personal interview, Washington DC.
- <sup>287</sup> Ibid.
- <sup>288</sup> R. Barrientos. (2015, December 2). Personal interview, Washington DC.
- <sup>289</sup> Ibid.
- <sup>290</sup> Á. Mayorga. (2015, September 24). Personal interview, Guatemala City.
- <sup>291</sup> B. Fernz. (2016, July 15). E-mail correspondence.
- <sup>292</sup> R. Barrientos. (2015, December 2). Personal interview, Washington DC.
- <sup>293</sup> Ibid.
- <sup>294</sup> Ibid.
- <sup>295</sup> Á. Mayorga. (2015, September 24). Personal interview, Guatemala City.
- <sup>296</sup> Ibid.
- <sup>297</sup> Ibid.
- <sup>298</sup> Ibid.
- <sup>299</sup> H. Padilla. (2015, September 22) & Dr. Lothar Rast (2015, September 17) Personal interviews, Guatemala City. Dr. Rast explained that the Pérez government failed to reauthorize a long-standing civil society-government security monitoring partnership that had operated effectively since the end of the Guatemalan Civil War.
- <sup>300</sup> H. Padilla. (2015, September 22). Personal interview, Guatemala City.
- <sup>301</sup> Á. Mayorga. (2015, September 24). Personal interview, Guatemala City.
- <sup>302</sup> H. Padilla. (2015, September 22). Personal interview, Guatemala City.
- <sup>303</sup> Á. Zepeda. (2015, September 21); C. Del Puerto, procurement specialist, Inter-American Development Bank, (2015, September 24); and Á. Mayorga. (2015, September 24). Personal interviews, Guatemala City.
- <sup>304</sup> R. Barrientos. (2016, May 31). E-mail correspondence.
- <sup>305</sup> R. Rodriguez. (2015, September 21, 2015). Personal interview, Guatemala City.
- <sup>306</sup> Á. Mayorga. (2015, September 24). Personal interview, Guatemala City.
- <sup>307</sup> Thus far, seven monitoring and evaluation reports on the integration of CoST indicators into Guatecompras have been published online by CoST Guatemala (<http://cost-guatemala.org/pages/recursos/informes-de-monitoreo.php>).
- <sup>308</sup> B. Fernz. (2016, July 15). E-mail correspondence.
- <sup>309</sup> This loophole was resolved in November 2015, by Decreto 9-2015 del Congreso de la República de Guatemala, which reformed the *Ley de Contrataciones del Estado*.
- <sup>310</sup> Á. Zepeda. (2015, September 21). Personal interview, Guatemala City.
- <sup>311</sup> L. Rast. (2015, September 17). Personal interview, Guatemala City.
- <sup>312</sup> R. Rodriguez. (2015, September 21, 2015). Personal interview, Guatemala City.
- <sup>313</sup> H. Fuchs. (2015, September 22). Personal interview, Guatemala City.
- <sup>314</sup> L. Rast. (2015, September 17). Personal interview, Guatemala City.
- <sup>315</sup> H. Padilla (2015, September 22) & Á. Mayorga (2015, September 24) Personal interviews, Guatemala City.
- <sup>316</sup> Á. Zepeda. (2015, September 21). Personal interview, Guatemala City.
- <sup>317</sup> These changes to the Ley Orgánica del Presupuesto (Organic Budget Law) can be found in Decreto 09-2014, Artículo 1 (i.e., Congreso de la República de Guatemala, 2014, March 3) and Acuerdo Gubernativo 540-2013, Artículo 29 (i.e., Presidente de la República de Guatemala, 2013, December 30).
- <sup>318</sup> Apart from CoST International Secretariat staff, no interview participants mentioned this reform as a significant contribution of CoST Guatemala.
- <sup>319</sup> B. Fernz. (2016, July 15). E-mail correspondence, in reference to Artículo 33, Bis.\*Modalidad de Ejecución, Decreto 101-97 (Congreso de la República de Guatemala, 2013, November 20).
- <sup>320</sup> L. Rast. (2015, September 17). Personal interview, Guatemala City.
- <sup>321</sup> H. Padilla. (2015, September 22). Personal interview, Guatemala City.

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- <sup>322</sup> Legal authority rests with la Contraloría General de Cuentas (General Comptroller’s Office).
- <sup>323</sup> While this Executive Report does not seem to be available to the public, the complete assurance reports from which it is compiled are available online (<http://cost-guatemala.org/pages/recursos.php>).
- <sup>324</sup> H. Padilla. (2015, September 22). Personal interview, Guatemala City.
- <sup>325</sup> Á. Zepeda. (2015, September 21) & O. Avalle. (2015, September 24). Personal interviews, Guatemala City.
- <sup>326</sup> O. Avalle. (2015, September 24). Personal interview, Guatemala City.
- <sup>327</sup> R. Rodriguez. (2015, September 21, 2015). Personal interview, Guatemala City.
- <sup>328</sup> For a short biography of Nineth Montenegro, see deguate.com (2008 January 14).
- <sup>329</sup> Á. Mayorga. (2015, September 24). Personal interview, Guatemala City.
- <sup>330</sup> For example, Labmedios, a group of prominent national journalists who regularly use Guatecompras to investigate local corruption claims (<http://labmedios.com>), had never heard of CoST before being interviewed by the author.
- <sup>331</sup> H. Padilla. (2015, September 22). Personal interview, Guatemala City.
- <sup>332</sup> V. Lazatin. (2015, June 4). Personal interview, Quezon City
- <sup>333</sup> L. Madrasto. (2015, June 11). Personal interview, Pasig City.
- <sup>334</sup> For details on Procurement Watch, see Procurement Watch, Incorporated. (2008).
- <sup>335</sup> L. Madrasto. (2015, June 11). Personal interview, Pasig City.
- <sup>336</sup> V. Lazatin. (2015, June 4). Personal interview, Quezon City
- <sup>337</sup> L. Madrasto. (2015, June 11). Personal interview, Pasig City.
- <sup>338</sup> L. Madrasto. (2016, June 27). E-mail correspondence.
- <sup>339</sup> Ibid.
- <sup>340</sup> V. Lazatin. (2015, June 4). Personal interview, Quezon City.
- <sup>341</sup> The author was unable to verify whether the integration of CoST indicators into PhilGEPS has been completed on schedule.
- <sup>342</sup> L. Madrasto. (2015, June 11). Personal interview, Pasig City.
- <sup>343</sup> V. Lazatin. (2015, June 4). Personal interview, Quezon City
- <sup>344</sup> V. Lazatin. (2015, June 4, personal interview, Quezon City) & L. Madrasto. (2015, June 11, personal interview, Pasig City).
- <sup>345</sup> L. Madrasto. (2016, June 27). E-mail correspondence.
- <sup>346</sup> L. Madrasto. (2015, June 11). Personal interview, Pasig City.
- <sup>347</sup> L. Madrasto. (2016, June 27). E-mail correspondence.
- <sup>348</sup> V. Lazatin. (2015, June 4). Personal interview, Quezon City
- <sup>349</sup> According to Lito Madrasto (2016, June 27, e-mail correspondence), CoST Phils has submitted a proposal to a variety of multilateral funders (i.e., the World Bank, the ADB, JICA, USAID, AustAid, CIDA, and the Millennium Challenge Account) to fund CSOs working on good governance, transparency, and accountability. However as of summer 2016, no new training programs are underway.
- <sup>350</sup> L. Madrasto. (2015, June 11). Personal interview, Pasig City.
- <sup>351</sup> L. Madrasto. (2015, June 11). Personal interview, Pasig City.
- <sup>352</sup> L. Madrasto. (2015, June 11). Personal interview, Pasig City.
- <sup>353</sup> As of September 26, 2016, the website for the CoST International Secretariat (<http://www.constructiontransparency.org>) provides two web addresses for CoST implementation in the Philippines: CoST Phils ([www.costphilippines.com](http://www.costphilippines.com)) and PhilGEPS ([www.philgeps.net](http://www.philgeps.net)). Only the latter is still an active web domain. The costphilippines.com domain has been relisted for sale.
- <sup>354</sup> V. Lazatin. (2015, June 4). Personal interview, Quezon City.
- <sup>355</sup> L. Madrasto. (2015, June 11). Personal interview, Pasig City.
- <sup>356</sup> V. Lazatin. (2015, June 4). Personal interview, Quezon City
- <sup>357</sup> L. Madrasto. (2015, June 11). Personal interview, Pasig City.
- <sup>358</sup> V. Lazatin. (2015, June 4). Personal interview, Quezon City
- <sup>359</sup> L. Madrasto. (2016, June 27). E-mail correspondence.
- <sup>360</sup> V. Lazatin (2015, June 4, personal interview, Quezon City) & L. Madrasto. (2015, June 11, personal interview, Pasig City).
- <sup>361</sup> L. Madrasto. (2016, June 27). E-mail correspondence.
- <sup>362</sup> According to an anonymous representative of the OGP Support unit (2015, February 20, Phone interview), OGP plans to retire the use of these “grand challenges” to frame the work of the initiative in the near future.
- <sup>363</sup> M. Mangahas. (2015, June 13). Personal interview, Quezon City.

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- <sup>364</sup> In the view of the OGP IRM’s International Experts Panel, “substantial” completion is almost as significant as “full” completion, because any truly ambitious commitments is unlikely to be fully implemented in two years.
- <sup>365</sup> P. Lim. (2015, June 3). Personal interview, Manila.
- <sup>366</sup> An anonymous high-ranking Philippines Department of Management and Budget official. (2015, June 3). Personal interview, Manila.
- <sup>367</sup> M. Mangahas. (2015, June 13). Personal interview, Quezon City.
- <sup>368</sup> P. Lim. (2015, June 3). Personal interview, Manila.
- <sup>369</sup> D. Parafina. (2015, June 4). Personal interview, Quezon City.
- <sup>370</sup> C. Medina-Guce. (2015, June 10). Personal interview, Mandaluyong City.
- <sup>371</sup> P. Lim. (2015, June 3). Personal interview, Manila.
- <sup>372</sup> M. Mangahas. (2015, June 13). Personal interview, Quezon City.
- <sup>373</sup> The concern that winning OGP awards may actually serve to de-incentive subsequent government efforts was expressed by D. Parafina (2015, June 4, personal interview, Quezon City) and in comments made to the author by an anonymous representative of Filipino civil society attending a workshop on global public sector governance MSIs.
- <sup>374</sup> Also acknowledged by P. Lim. (2015, June 3). Personal interview, Manila.
- <sup>375</sup> Prior to the official launch of the OGP steering committee, interim representatives of civil society were drawn from the Transparency and Accountability Initiative, the Alternative Budget Initiative, and the Right to Know Right Now Coalition.
- <sup>376</sup> P. Lim (2015, June 3); and an anonymous high-ranking Philippines Department of Management and Budget official (2015, June 3). Personal interviews, Manila.
- <sup>377</sup> M. Mangahas. (2015, June 13). Personal interview, Quezon City.
- <sup>378</sup> An anonymous high-ranking Philippines Department of Management and Budget official. (2015, June 3). Personal interview, Manila
- <sup>379</sup> Ibid.
- <sup>380</sup> D. Parafina. (2015, June 4). Personal interview, Quezon City.
- <sup>381</sup> P. Lim. (2015, June 3). Personal interview, Manila.
- <sup>382</sup> P. Lim. (2015, June 3, Personal interview, Manila); C. Medina-Guce. (2015, June 10, Personal interview, Mandaluyong City).
- <sup>383</sup> An anonymous high-ranking Philippines Department of Management and Budget official. (2015, June 3). Personal interview, Manila.
- <sup>384</sup> M. Mangahas. (2015, June 13, Personal interview, Quezon City); C. Medina-Guce. (2015, June 10, Personal interview, Mandaluyong City).
- <sup>385</sup> M. Mangahas. (2015, June 13). Personal interview, Quezon City.
- <sup>386</sup> C. Medina-Guce. (2015, June 10). Personal interview, Mandaluyong City.
- <sup>387</sup> Ibid.
- <sup>388</sup> M. Mangahas. (2015, June 13). Personal interview, Quezon City.
- <sup>389</sup> P. Lim. (2015, June 3). Personal interview, Manila.
- <sup>390</sup> Ibid
- <sup>391</sup> V. Lazatin. (2015, June 4). Personal interview, Quezon City.
- <sup>392</sup> An anonymous high-ranking Philippines Department of Management and Budget official. (2015, June 3). Personal interview, Manila.
- <sup>393</sup> Only Local Government Units that received the Seal of Good Housekeeping were eligible to receive grants from the Millennium Development Goals’ Performance Challenge Fund, which helped to incentivize increased accountability.
- <sup>394</sup> M. Mangahas. (2015, June 13). Personal interview, Quezon City.
- <sup>395</sup> P. Lim. (2015, June 3). Personal interview, Manila.
- <sup>396</sup> D. Parafina. (2015, June 4, Personal interview). Quezon City); See also Mangahas (2015, p. 9) and Republic of the Philippines, 2015, p. 5).
- <sup>397</sup> Ibid.
- <sup>398</sup> An anonymous employee working for an influential Central American NGO. (December, 2015). Personal interview, Washington DC.
- <sup>399</sup> A. Ramirez & J. L. Rodas. (2015, September 21). Personal interview, Guatemala City.
- <sup>400</sup> Ibid.
- <sup>401</sup> Ibid.
- <sup>402</sup> R. Barrientos. (2015, December 2). Personal interview, Washington, DC.

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- <sup>403</sup> O. Avalle. (2015, September 24). Personal interview, Guatemala City.
- <sup>404</sup> R. Barrientos. (2015, December 2). Personal interview, Washington, DC.
- <sup>405</sup> A. Ramirez & J. L. Rodas. (2015, September 21). Personal interview, Guatemala City.
- <sup>406</sup> E. Núñez. (2015, September 16). Personal interview, Guatemala City.
- <sup>407</sup> R. Barrientos. (2015, December 2). Personal interview, Washington, DC.
- <sup>408</sup> R. Barrientos. (2015, December 2). Personal interview, Washington, DC.
- <sup>409</sup> A. Ramirez & J. L. Rodas. (2015, September 21). Personal interview, Guatemala City.
- <sup>410</sup> R. Barrientos. (2015, December 2). Personal interview, Washington, DC.
- <sup>411</sup> A. Ramirez & J. L. Rodas. (2015, September 21). Personal interview, Guatemala City.
- <sup>412</sup> R. Barrientos. (2015, December 2). Personal interview, Washington, DC.
- <sup>413</sup> A. Ramirez & J. L. Rodas. (2015, September 21, Personal interview, Guatemala City); R. Barrientos. (2015, December 2, Personal interview, Washington, DC).
- <sup>414</sup> R. Barrientos. (2015, December 2). Personal interview, Washington, DC.
- <sup>415</sup> An anonymous employee working for an influential Central American NGO. (December, 2015). Personal interview, Washington DC.
- <sup>416</sup> R. Barrientos. (2015, December 2). Personal interview, Washington, DC.
- <sup>417</sup> A. Ramirez & J. L. Rodas. (2015, September 21). Personal interview, Guatemala City.
- <sup>418</sup> O. Avalle. (2015, September 24). Personal interview, Guatemala City.
- <sup>419</sup> E. Núñez. (2015, September 16). Personal interview, Guatemala City.
- <sup>420</sup> Ibid.
- <sup>421</sup> C. Kipobota. (2015, May 27). Personal interview, Dar es Salaam.
- <sup>422</sup> An anonymous, Tanzania-based employee of an international development organization that works on social justice issues in the extractive sector. (2015, May 22). Personal interview, Dar es Salaam.
- <sup>423</sup> C. Kipobota. (2015, May 27). Personal interview, Dar es Salaam.
- <sup>424</sup> While the OGP's Independent Reporting Mechanism (IRM) accepted the national IRM researcher's report, this author's own assessment of OGP implementation in Tanzania calls into question whether all five of these commitments deserve to be evaluated as "Starred." In particular, the commitment to hold open forums on OGP commitments appears to have been satisfied simply by holding OGP national steering committee meetings; however, there does not appear to be any evidence that these meetings were actually open the public. Only 2 civil society organizations ever attended, and no meeting minutes were ever published online (Tepani, 2013, pp. 46-47). Additionally, it seems surprising that the commitment to publish datasets and data tools would be evaluated as potentially transformative, even as the national IRM researcher commented that the commitment involves "supply-side technical work" (p. 63).
- <sup>425</sup> N. Tepani. (2015, May 28). Personal interview, Dar es Salaam.
- <sup>426</sup> An anonymous, Tanzania-based employee for an international development organization that works on social justice issues in the extractive sector. (2015, May 22). Personal interview, Dar es Salaam.
- <sup>427</sup> An anonymous Kikwete Administration official familiar with OGP implementation by the Good Governance Coordinating Unit (GGCU). (2015, May). Personal interview, Dar es Salaam.
- <sup>428</sup> N. Tepani. (2015, May 28). Personal interview, Dar es Salaam.
- <sup>429</sup> Author's off-the-record conversations with civil society attendees at the OGP Africa Regional Meeting (2015, May 19-21). Dar es Salaam.
- <sup>430</sup> An anonymous employee working for a Tanzanian human rights organization. (2015, May 26). Personal interview, Dar es Salaam.
- <sup>431</sup> An anonymous REPOA employee. (2015, May 20). Personal interview, Dar es Salaam.
- <sup>432</sup> An anonymous Kikwete Administration official familiar with OGP implementation by the Good Governance Coordinating Unit (GGCU). (2015, May). Personal interview, Dar es Salaam.
- <sup>433</sup> N. Tepani. (2015, May 28). Personal interview, Dar es Salaam.
- <sup>434</sup> An anonymous employee working for a Tanzanian human rights organization. (2015, May 26). Personal interview, Dar es Salaam.
- <sup>435</sup> An anonymous Kikwete Administration official familiar with OGP implementation by the Good Governance Coordinating Unit (GGCU). (2015, May). Personal interview, Dar es Salaam.
- <sup>436</sup> An anonymous REPOA employee. (2015, May 20). Personal interview, Dar es Salaam.
- <sup>437</sup> A. Mhinda (2015, May 23) and S. Olan'g (2015, May 27). Personal interviews, Dar es Salaam.
- <sup>438</sup> Author's off-the-record conversations with civil society attendees at the OGP Africa Regional Meeting (2015, May 19-21). Dar es Salaam; An anonymous REPOA employee. (2015, May 20). Personal interview, Dar es Salaam.

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- <sup>439</sup> An anonymous, Tanzania-based employee of an international development organization that works on social justice in the extractive sector. (2015, May 22); and A. Mhinda (2015, May 23), Personal interviews, Dar es Salaam.
- <sup>440</sup> Author's transcript of comments made during the OGP Africa Regional Meeting (2015, May 21). Dar es Salaam.
- <sup>441</sup> An anonymous Kikwete Administration official familiar with OGP implementation by the Good Governance Coordinating Unit (GGCU). (2015, May). Personal interview, Dar es Salaam.
- <sup>442</sup> Ibid.
- <sup>443</sup> J. Jingu. (2015, May 26). Personal interview, Dar es Salaam.
- <sup>444</sup> An anonymous REPOA employee. (2015, May 20). Personal interview, Dar es Salaam.
- <sup>445</sup> C. Kipobota. (2015, May 27). Personal interview, Dar es Salaam.
- <sup>446</sup> Ibid.
- <sup>447</sup> Author's transcript of comments made during the OGP Africa Regional Meeting (2015, May 21). Dar es Salaam.
- <sup>448</sup> An anonymous employee working for a Tanzanian human rights organization. (2015, May 26). Personal interview, Dar es Salaam.
- <sup>449</sup> This suspicion can be at least partly validated by looking at the file properties of National Action Plans that are posted online in Microsoft Word format. While Tanzania's NAP1 is only available as a PDF file, NAP2 remains in Word format, and the document author is listed as Ben Taylor of Twaweza.
- <sup>450</sup> Author's participant observations during Civil Society Day of the OGP Africa Regional Meeting. (2015, May 19). Dar es Salaam.
- <sup>451</sup> Author's session notes from Civil Society Day of the OGP Africa Regional Meeting. (2015, May 19). Dar es Salaam.
- <sup>452</sup> Author's participant observations during Civil Society Day of the OGP Africa Regional Meeting. (2015, May 19). Dar es Salaam.
- <sup>453</sup> Author's transcript of comments made during the OGP Africa Regional Meeting (2015, May 20). Dar es Salaam.
- <sup>454</sup> Author's transcript of comments made during the OGP Africa Regional Meeting (2015, May 21). Dar es Salaam.
- <sup>455</sup> A. Mhinda (2015, May 23), Personal interview, Dar es Salaam.
- <sup>456</sup> Although the GGCU claimed the Kiswahili translation would be finished in May 2015, there is no evidence that it has been posted online—either on the government's OGP page or the international OGP page—as of September 29 2016.
- <sup>457</sup> C. Kipobota. (2015, May 27). Personal interview, Dar es Salaam.
- <sup>458</sup> S. Olan'g (2015, May 27). Personal interviews, Dar es Salaam.
- <sup>459</sup> A. Mhinda (2015, May 23) and an anonymous employee working for a Tanzanian human rights organization. (2015, May 26). Personal interviews, Dar es Salaam.
- <sup>460</sup> A. Mhinda (2015, May 23). Personal interview, Dar es Salaam.
- <sup>461</sup> C. Kipobota. (2015, May 27). Personal interview, Dar es Salaam.
- <sup>462</sup> An anonymous Kikwete Administration official familiar with OGP implementation by the Good Governance Coordinating Unit (GGCU). (2015, May). Personal interview, Dar es Salaam.
- <sup>463</sup> N. Tepani. (2015, May 28). Personal interview, Dar es Salaam.
- <sup>464</sup> Author's transcript of comments made during the OGP Africa Regional Meeting Civil Society Day (2015, May 19). Dar es Salaam.
- <sup>465</sup> An anonymous Kikwete Administration official familiar with OGP implementation by the Good Governance Coordinating Unit (GGCU). (2015, May). Personal interview, Dar es Salaam.
- <sup>466</sup> Ibid.
- <sup>467</sup> An anonymous, Tanzania-based employee of an international development organization that works on social justice issues. (2015, May 22). Personal interview, Dar es Salaam.
- <sup>468</sup> An anonymous REPOA employee (2015, May 20) and an anonymous, Tanzania-based employee of an international development organization that works on social justice issues. (2015, May 22). Personal interviews, Dar es Salaam.
- <sup>469</sup> An anonymous employee working for a Tanzanian human rights organization. (2015, May 26). Personal interview, Dar es Salaam.
- <sup>470</sup> An anonymous REPOA employee (2015, May 20); A. Mhinda. (2015, May 23); and J. Jingu. (2015, May 26). Personal interviews, Dar es Salaam.
- <sup>471</sup> N. Tepani. (2015, May 28). Personal interview, Dar es Salaam.
- <sup>472</sup> A. Mhinda (2015, May 23). Personal interview, Dar es Salaam.



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<sup>473</sup> The OGP no longer includes commitments that have moderate potential impacts in the criteria for Starred commitments, however in order to maintain comparability across countries evaluated before and after this change went into effect, moderate impacts are included in this analysis.

<sup>474</sup> A. Mhinda (2015, May 23). Personal interview, Dar es Salaam.

<sup>475</sup> A positive early sign that President Duterte may continue the emphasis on open government came in July 2016, when he signed an Executive Order making freedom of information mandatory for executive branch agencies (see Romero, 2016, July 25).

<sup>476</sup> A set of cases of national MSI implementation selected specifically for stronger accountability outcomes would likely include CoST in Ethiopia, EITI in Nigeria, OGP in the Philippines, and possibly Indonesia and Montenegro. However, without having investigated these cases in detail, I suspect ACCT set membership scores would still likely hover between .52 and .67.

<sup>477</sup> An anonymous Kikwete Administration official familiar with OGP implementation by the Good Governance Coordinating Unit (GGCU). (2015, May). Personal interview, Dar es Salaam.

<sup>478</sup> V. Lazatin, Executive Director for the Transparency and Accountability Network. (2015, June 4). Personal interview, Quezon City.

<sup>479</sup> This finding recalls the important role of “national problem coalitions” (Fox & Brown, 1998, p. 448), during the first decade of the transnational advocacy campaigns to raise the World Bank’s minimum social and environmental policy standards.

<sup>480</sup> Author’s July 24, 2016 analysis of the Combined IRM-Support Unit Commitments Database

(<https://docs.google.com/spreadsheets/d/1xMP9c1uDycjO37dJnBv2ju0U2h6XwHC3t1rh7sLQ3TI/edit?usp=sharing>).

<sup>481</sup> E. Rich. (2015, February 5). Phone interview.

<sup>482</sup> At the Global EITI Conference in February 2016, the international EITI board awarded PH-EITI with an “EITI International Chair Award” for its work disaggregating payments to local governments (PH-EITI, 2016, March 7).

<sup>483</sup> Ostensibly, civil society participation in the CoST and EITI national multi-stakeholder groups, and in the OGP National Action Plan creation process, is supposed to reflect the informational demands of the public. However, to call these processes “demand-driven transparency” would assume a level of civil society interest and capacity and genuine multi-stakeholder power sharing, that has rarely, if ever, been observed.

<sup>484</sup> See the “Innovations” section on the EITI web page summarizing implementation in Nigeria ([https://eiti.org/implementing\\_country/32](https://eiti.org/implementing_country/32)).

<sup>485</sup> Author’s July 24, 2016 analysis of the Combined IRM-Support Unit Commitments Database

(<https://docs.google.com/spreadsheets/d/1xMP9c1uDycjO37dJnBv2ju0U2h6XwHC3t1rh7sLQ3TI/edit?usp=sharing>).

<sup>486</sup> This is an admittedly rough estimate, based on known cases of tangible national policy outcomes in CoST countries (roughly around 3 countries out of 15 members), EITI countries (roughly 10 countries out of 50 members), and OGP (roughly around 14 countries out of 70 members).

<sup>487</sup> CoST pilot countries were automatically enrolled in the CoST global initiative, and were not asked to complete a new baseline assessment.

<sup>488</sup> Formal multi-stakeholder governance requirements also afford civil society organizations an additional tactic: withdrawal. When formal multi-stakeholder governance requirements exist, withdrawal not only challenges the legitimacy of the national MSI implementation process, but also threatens the reputational benefits of MSI membership (i.e., governments could be suspended for non-compliance). Indeed, in Guatemala, Acción Ciudadana withdrew from EITI and CoST in order to protest the rampant corruption of the Pérez Administration. However, the government seems to have paid little heed to this action, simply replacing them in the case of EITI, and waiting for them to return to the table in the case of CoST, perhaps further demonstrating the limits of the MSI normative soft power approach.

<sup>489</sup> This section contains revised and expanded text that originally appeared in the September 2015 technical report, “Assessing the Evidence: The Effectiveness and Impact of Public Governance-Oriented Multi-Stakeholder Initiatives,” published by the Transparency and Accountability Initiative (T/AI). [http://www.transparency-initiative.org/home/transpar/public\\_html/wp-content/uploads/2015/09/Assessing-the-Evidence-MSIs.pdf](http://www.transparency-initiative.org/home/transpar/public_html/wp-content/uploads/2015/09/Assessing-the-Evidence-MSIs.pdf)

<sup>490</sup> C. Magno. (2015, February 19). Phone interview.

<sup>491</sup> E. Rich. (2015, February 5). Phone interview; an anonymous OGP Support Unit employee (2015, February 20). Phone interview.

<sup>492</sup> An anonymous OGP Support Unit employee. (2015, February 20). Phone interview.

<sup>493</sup> R. Rajani (2015, January 20). Phone interview.

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<sup>494</sup> Indeed, joining EITI was one of the few “potentially transformative” OGP commitments in the US National Action Plan, according to the IRM (Piotrowski, 2015, p. 13).

<sup>495</sup> This framework is adapted from Young (1999).

<sup>496</sup> Adapted from Gutner & Thompson’s (2010) framework for reviewing international organization performance.

<sup>497</sup> For comprehensive discussions of measuring inputs, see Dingwerth (2005) and Mena & Palazzo (2012). For a discussion of measuring inclusiveness, see Schäferhoff et al. (2009). For discussions on measuring accountability, see Keohane (2006) and Gulbrandsen (2008).

<sup>498</sup> For comprehensive discussions of measuring outputs, see Bäckstrand (2006), Dingwerth (2008), and Mena & Palazzo (2012).

<sup>499</sup> Some interviews addressed more than one MSI.

<sup>500</sup> For an overview of the regional meeting, see <http://www.opengovpartnership.org/Africa-Regional-Meeting>.

<sup>501</sup> For an overview of the legislators forum, see <http://www.ph-eiti.org/app/Activities/#/Strengthening-Natural-Resource-Governance-The-Role-of-Legislators-and-EITI>.

<sup>502</sup> For an overview of the regional MSG Meeting see <http://www.ph-eiti.org/app/Activities/#/Regional-MSG-Meeting>; For an overview of the data bootcamp, see <http://www.ph-eiti.org/app/Activities/#/Asia-Regional-Data-Visualization-Bootcamp>.