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MULTI-STAKEHOLDER INITIATIVES: WHAT HAVE WE LEARNED?

An Overview and Literature Review

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APRIL 2018

This publication was produced for review by the United States Agency for International Development. It was prepared by Democracy International, Inc. and the South African Institute of International Affairs under Order No. AID-OAA-TO-16-00019, Contract No. AID-OAA-I-13-00030.

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Submitted to:
USAID/DCHA/DRG



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ACRONYMS

AfDB	African Development Bank
AfriMAP	African Governance Monitoring and Advocacy Project
AGA	African Governance Architecture
APRM	African Peer Review Mechanism
ARTEIG	Accelerating Responsive and Transparent Extractive Industry Resource Governance
ATI	Access to Information
ATIWG	Access to Information Working Group
AU	African Union
CEO	Chief Executive Officer
CFP	Committee Focal Points
CRM	Country Review Mission
CRR	Country Review Report
CSAR	Country Self-Assessment Report
CSO	Civil Society Organization
DRC	Democratic Republic of Congo
EITI	Extractive Industries Transparency Initiative
FDI	Foreign Direct Investment
GDP	Gross Domestic Product
ICMM	International Council on Mining and Metals
IRM	Independent Reporting Mechanism
MAP	Millennium Partnership for Africa's Recovery Program
MDTF	Multi-donor Trust Fund
MSI	Multi-Stakeholder Initiative
NAI	New Africa Initiative
NAP	National Action Plan
NEPAD	New Partnership for Africa's Development
NGC	National Governing Council
NPoA	National Program of Action
OAU	Organization for African Unity
OGP	Open Government Partnership
ODAC	Open Democracy Advice Centre
PRSPs	Poverty Reduction Strategic Papers
PWYP	Publish What You Pay
SAIIA	South African Institute of International Affairs
SAPs	Structural Adjustment Programs
SDGs	Sustainable Development Goals
TRI	Technical Research Institute
TAI	Transparency and Accountability Initiative
UK	United Kingdom
UNDP	United Nations Development Program
UNECA	United Nations Economic Commission for Africa
US	United States (of America)

EXECUTIVE SUMMARY

This report reviews literature on three Multi-Stakeholder Initiatives (MSIs) – the African Peer Review Mechanism (APRM), the Extractive Industries Transparency Initiative (EITI) and the Open Governance Partnership (OGP) – to provide an overview of how each MSI function and evaluate the extent to which each has impacted policy and governance issues thus far.

The APRM brings countries together as peers in a review process that seeks to capture share best practices and encourage reforms. 37 African member states have acceded so far and 21 have been reviewed. The OGP seeks to advance transparency and accountability through open government. Currently, its membership includes 70 countries. The EITI seeks to increase transparency and accountability of the extractive industries' sector. It currently has 51 members; six have been suspended for noncompliance and other reasons.

The three initiatives differ in terms of reporting, response, civic participation, and implementation. The OGP uses an independent mechanism to monitor countries' National Action Plans (NAP) commitments. The EITI utilizes the EITI Standard, which requires reports of revenue collection by company, region, subnational transfers, and other types of disaggregated reporting. For the EITI and the OGP, consequences for non-compliance with requirements are clear. The EITI suspends countries for missing reporting deadlines and other reasons. The OGP downgrades its members to "inactive" status. The APRM seldom follows through on its threats of sanctions in response to non-compliance. Although all three MSIs purport to value civil society participation, they vary in levels of civic action in practice. The OGP boasts perhaps the strongest civil society involvement.

Implementation within the OGP is uneven across member countries, with some countries failing to assign budgets to their NAPs. The EITI's implementation record is also mixed; its plans are often not closely linked to national policies and reports tend to be overly technical. All three MSIs have evolved somewhat. The APRM has managed only to revise a questionnaire for the review process and establish a new committee at the ministerial level. The OGP has arguably evolved more. The OGP instituted a Response Policy, triggered when member governments curtailed civil society. The EITI has changed its validation criteria, making them more and then less strict as the situation required.

The effectiveness of MSIs is difficult to measure because of the challenges in linking country developments directly to them. The APRM has been compromised by a lack of political will, weak peer pressure, and limited civil society involvement. Evidence suggests that the OGP led to access to information (ATI) reforms whose impact is so far ambiguous or mixed. The EITI has led to improvements in the disclosure of extractive industries' revenues and payments and has contributed to public debate and policy change, but there is little evidence of a positive impact on governance. The EITI, like other MSIs, can suffer from "open-washing" or from member states complying on paper, but not adhering to the spirit of the process.

Two themes arise from this review: the importance of process and impact. MSIs establish partnerships between governments, civil society, and other stakeholders to promote transparency and accountability. By participating in these MSIs, governments often become more transparent and opened political space for civil society. MSIs have contributed to raising important issues and in some instances, the passing of legislation, but they have not always achieved tangible benefits.

MSIS: OVERVIEW

AFRICAN PEER REVIEW MECHANISM (APRM)

Established in March 2003 as a voluntary African mechanism, the APRM takes a holistic view of governance, with four thematic areas: democracy and political governance, economic governance and management, corporate governance, and socio-economic development.

The APRM is open to all African Union (AU) states. To participate, a head of state signs a Memorandum of Understanding with the continental APRM authorities.¹ Once a state becomes a member, they must establish domestic institutions, including a National Focal Point,² an APRM Secretariat to provide administrative support, a multi-stakeholder National Governing Council (NGC – also known as the National Commission), and Research Institutes to provide professional assistance in the data gathering and analysis processes. The NGC develops a Country Self-Assessment Report (CSAR) and a draft National Program of Action (NPOA), which identifies governance shortcomings and lays out plans to remedy them. Once the NGC drafts the NPOA, the Country Review Mission (CRM) team of African experts, under the guidance of a member of the APRM Panel of Eminent Persons, visits the state to study governance in the country and reports their findings to the government. A Country Review Report (CRR) is then presented to the Forum of Participating Heads of State and Government (the APR Forum) for discussion and “peer review.” The CRRs are meant to be made public six months after the review and the country reports annually on its progress in implementing the NPOA, and prepares for its next review.

OPEN GOVERNMENT PARTNERSHIP (OGP)

The OGP was established in 2011 by eight founding member countries (Brazil, Indonesia, Mexico, Norway, the Philippines, South Africa, the United Kingdom, and the United States) and nine civil society organizations (CSOs) to advance transparency and accountability through open government by creating partnerships between governments and civil society.³

The OGP’s mandate is to increase the availability of information about governmental activities; support civic participation in governance; implement the highest standards of professional integrity throughout countries’ administrations; and increase access to new technologies for openness and accountability.⁴ OGP reviews are undertaken every two years, with the last six months dedicated to creating the country’s subsequent National Action Plans (NAPs). To ensure balanced reporting, assessments are produced both by the government and by an independent governance expert through the Independent Reporting Mechanism (IRM). The OGP allows countries to customize their commitments and activities to local circumstances. To qualify for membership, a country must submit a written letter from a country representative that expresses intent to join. The country will then be rated on and must achieve a score of 75% or higher across four criteria: fiscal transparency, access to information, income and asset disclosure, and citizen engagement, validated by independent experts.⁵

The NAP, developed through an open and participatory multi-stakeholder process, should reflect the country’s reform priorities and may include ongoing efforts consonant with open government, and no items

¹ See Terence Corrigan, “Building Freedom? Securing Constitutionalism and Civil Liberties in Africa: An Analysis of Evidence from the APRM” (SAIIA Research Report 22, February 2016).

² The National Focal Point coordinates interaction between the country and the continental APRM authorities.

³ Barack Obama, “Memorandum on Transparency and Open Government,” *The American Presidency Project*, last modified January 21, 2009, accessed November 5, 2016, <http://www.presidency.ucsb.edu/ws/index.php?pid=85677>.

⁴ “Open Government Declaration,” *Open Government Partnership*, last modified September 2011, accessed 15 November 2016, <https://www.opengovpartnership.org/open-government-declaration>.

⁵ “Open Government Declaration,” 2011, *op cit*.

may be externally forced on the country.⁶ Commitments must be concrete and measurable. NAPs address five main challenges: improving public services; increasing public integrity; more effectively managing public resources; creating safer communities; and increasing corporate accountability.⁷ Guidelines call for a timeline for the public consultation process to be made publicly available, with adequate notice. Feedback – including a summary of the public consultations – must be made available online.⁸

EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE (EITI)

The EITI focuses narrowly on transparency around the extraction of natural resources (minerals, oil, and gas, plus country-specific resources such as lumber). It became operational in 2003, having evolved from Publish What You Pay (PWYP), a voluntary civil society initiative that aimed to address the resource curse.⁹ The resource curse refers to the paradox that countries that are rich in natural resources often have less economic growth and lag behind in development compared to countries with fewer of such resources. The EITI was established because many resource-rich countries were unable to transform their wealth into developmental benefits for their citizens as a result of resource exploitation, poor management of social and environmental impacts, and corruption.

The EITI describes itself as “a standard by which information on the oil, gas and mining industries is published. . . a tool that informs the way the sector is governed.”¹⁰ Since its establishment in 2003, it has undergone significant evolution. In the early years (2003-2005), the EITI pilot countries designed their initiatives around a set of 12 principles.¹¹ In 2009, the EITI Board issued a set of EITI Rules (updated in 2011), which provided greater clarity regarding requirements and procedures for EITI implementing countries. In 2013, a new EITI Standard was adopted and updated in 2016 with new requirements on disclosure of beneficial ownership and a new validation system to recognize efforts of countries to exceed the minimum EITI requirements.

Compliance with the new EITI Standard¹² is rigorous but allows for national adaptations. The initiative must be overseen by a Multi-Stakeholder Group (MSG), comprising government, business, and civil society. To become an EITI candidate, the government commits to completing steps in the sign-up phase. Then a cycle of validation, learning, implementation, and reporting begins. The first round of validation must be completed no more than two-and-a-half years after a country joins the EITI with subsequent rounds between three and 18 months after each validation. Countries making “satisfactory progress” are regarded as “compliant,” those making “meaningful progress” are performing well on significant parts of the EITI but must deal with outstanding issues, those making “inadequate progress” are lagging significantly and may be suspended, and those having made “no progress” face the risk of being delisted from membership.¹³ Expectations of member countries become progressively more ambitious as they move through validations; by the fourth validation, anything less than “satisfactory progress” is regarded as grounds for delisting. Each implementing country manages its own EITI process, led by a senior government official and the MSG.

⁶ “: Articles of Governance,” *Open Government Partnership*, modified March 2014, p. 16.

⁷ Ibid.

⁸ “Requirements,” *Open Government Partnership*, last modified 2018, accessed March 30, 2018, <https://www.opengovpartnership.org/requirements>.

⁹ Mari-Lise du Preez and Alex Benkenstein, “The New EITI Standard and the role of civil society,” *South African Institute of International Affairs*, June 4, 2013, accessed March 30, 2018, <http://www.saiia.org.za/opinion-analysis/the-new-eiti-standard-and-the-role-of-civil-society>.

¹⁰ “The EITI Standard 2016,” *Extractive Industries Transparency Initiative*, last modified May 24, 2017, accessed November 4, 2017, https://eiti.org/sites/default/files/documents/the_eiti_standard_2016_-_english.pdf.

¹¹ The principles affirm the importance of transparency and use of natural resources for the public good. For more details, Cf. Ibid.

¹² Ibid.

¹³ “How We Work,” *Extractive Industries Transparency Initiative*, accessed January 8, 2018, <https://eiti.org/about/how-we-work#degrees-of-progress-country-statuses-explained>.

MEMBERSHIP

Currently, the APRM boasts 37 African member states,¹⁴ 21 of which have undergone a review (Kenya and Uganda are the only countries to have undergone two reviews). There are no eligibility criteria and the review process is open to all AU member states. The APRM Secretariat aspires to achieve universal accession to the mechanism by all AU members, but this has proved challenging because its benefits are not well understood.

In contrast, the OGP, with 70 member states,¹⁵ has almost twice as many members as the APRM because of its global rather than continental scope. Unlike the APRM in the AU, the OGP's annually rotating country chairs and lack of an institutional home¹⁶ potentially decrease political influences on participation and may also undermine continuity which leads to frequently changing priorities.

Membership within the OGP and APRM encourages a greater sense of voluntarism and non-adversarial cooperation than within the EITI. Unlike the EITI, which creates a Resource Governance Index based on country performance, neither the OGP nor the APRM rank member states against each other.

In the case of the EITI, any country with an extractive industry sector can adhere to the Standard. Of its 51 countries¹⁷ (at the time of writing March 2018), the EITI reported that only three countries had made "satisfactory progress" in terms of the 2016 Standard, 14 had made "meaningful" progress, six had made inadequate progress (i.e. were effectively suspended), and 28 had not yet been assessed.¹⁸ About half of the member states are African. There are also a few members from the global North, such as Norway, the United Kingdom, and until its recent withdrawal, the United States.

Apart from implementing EITI countries, the initiative also recognizes supporting countries. The only requirement for a country to become a supporter of EITI is to publicly endorse the initiative. However, many supporting countries also provide financial as well as technical assistance.¹⁹ To date, there are 15 EITI supporting countries.²⁰

FOCUS

The APRM's diffuse scope includes democracy and political governance, economic governance and management, corporate governance, and socio-economic development, with many sub-objectives and areas of inquiry. The APRM's CRRs can run to several hundred pages. The OGP is focused on transparency,

¹⁴ The 37 member states of the APRM are (in alphabetical order): Algeria, Angola, Benin, Burkina Faso, Cameroon, Chad, Congo-Brazzaville, Côte d'Ivoire, Djibouti, Egypt, Ethiopia, The Gambia, Equatorial Guinea, Gabon, Ghana, Kenya, Lesotho, Liberia, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, São Tomé & Príncipe, Senegal, Sierra Leone, South Africa, Sudan, Tanzania, Togo, Tunisia, Uganda and Zambia.

¹⁵ For a full list of OGP participants, please see "Participants," *Open Government Partnership*, <https://www.opengovpartnership.org/participants>.

¹⁶ Gabriella Razzano and Steven Gruzd, "A Next-Generation Peer Review: What Does the Open Government Partnership Have to Offer?" *SIIA (Policy Briefing 143)*, 2015, accessed October 20, 2016, <http://www.saiia.org.za/policy-briefings/907-a-next-generation-peer-review-what-does-the-open-government-partnership-have-to-offer/file>.

¹⁷ Afghanistan, Albania, Armenia, Burkina Faso, Cameroon, Central African Republic (suspended), Chad, Colombia, Côte d'Ivoire, Democratic Republic of Congo, Dominican Republic, Ethiopia (suspended), Germany, Ghana, Guatemala, Guinea, Guyana, Honduras, Indonesia, Iraq, Kazakhstan, Kyrgyz Republic, Liberia, Madagascar, Malawi, Mali, Mauritania, Mexico, Mongolia, Mozambique, Myanmar, Nigeria, Norway, Papua New Guinea, Peru, Philippines, Republic of the Congo, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Solomon Islands, Suriname, Tajikistan, Tanzania, Timor-Leste, Togo, Trinidad and Tobago, Ukraine, United Kingdom and Zambia.

¹⁸ For a list of EITI members, please see "Countries," *Extractive Industries Transparency Initiative*, <https://eiti.org/countries>.

¹⁹ "Supporting countries," *Extractive Industries Transparency Initiative*, accessed 23 January 2018, <https://eiti.org/supporters/countries>.

²⁰ These are: Australia, Belgium, Canada, Denmark, Finland, France, Germany, Italy, Japan, Norway, Spain, Sweden, Switzerland, The Netherlands, The United Kingdom and the United States.

accountability, citizen participation, and technology and innovation, rather than “good governance” as a whole.²¹ The OGP has greater potential for effective implementation of its more limited self-selected commitments.²² Typical OGP NAPs have fewer than a dozen commitments. Since the launch of the OGP in 2011, there have already been two commitment phases and several member states have already launched their third NAPs. Enthusiasm for the implementation of action plans seems stronger under the OGP than the APRM, possibly due to the more limited and manageable nature of the review, shorter timeframes, and more significant political will and financing.²³ The fact that the OGP demands a pre-existing degree of openness, with more regular reporting requirements is a disincentive for countries without any real commitment to join, although some still do.

The EITI has benefited from its limited scope. Having started out as a narrow set of rules focused on revenue collection, it is now seen as an international norm covering the governance of extractive resources. With the evolution of its Standard, the EITI now encompasses beneficial ownership disclosure, contract transparency, the integration of the EITI into government systems, and transparency in commodity trading.

REPORTING

The three MSIs have different reporting requirements. The OGP utilizes the IRM, an independent body that monitors participating countries’ implementation of National Action Plan commitments.²⁴ Using local independent researchers, the IRM compiles annual reports that evaluate progress achieved on NAP implementation, compared to the government’s annual self-assessment reports. In contrast, the APRM NPoA Implementation Reports are compiled by governments, mostly without civil society input and there is no independent verification system in place like the IRM. Consequently, the reports tend to be one-sided, mostly praising governments for progress achieved and focusing on policies rather than on implementation. Claimed progress is not always traced back to the NPoA, and thus represents different initiatives.²⁵ EITI reporting requirements are strict. Implementing countries must produce their first EITI Report within 18 months of admission as a candidate, and annually thereafter.²⁶ The EITI has firm publication deadlines, which can lead to effective suspension until a report is produced.²⁷ In addition, the MSG, made up of government, firms, and civil society, must publish annual progress reports. The MSG must appoint an independent administrator and develop suitable terms of reference to guard against bias towards any particular group.

COMPLIANCE

From inception, there have been fears about participation in MSIs for show without any real commitment to substantive reform. This façade of openness has been dubbed “open washing.” In terms of the APRM,

²¹ These areas correspond to the current literature on what an open government should entail. For instance, a 2016 World Bank report states that open governments are characterized by transparency, citizen engagement and participation, and responsiveness. This report is also complimentary of the OGP, especially as compared to other MSIs, due to its clear objectives. World Bank. See “The Impact of Open Government: Mapping the Landscape,” *World Bank Group*, March 2016, <http://opengovimpact.org/about.html>.

²² Gabriella Razzano et al., *op cit*; Razzano and Gruzd argue that if the OGP had a formulaic, long list of objectives, questions and indicators, such as those of the APRM, which are contained in the 105 pages of its Self-Assessment Questionnaire, it is unlikely that the OGP would have been as efficient as it has been. Razzano and Gruzd, *op cit*.

²³ Gabriella Razzano, “Connecting the Dots: The Coordination Challenge for the Open Government Partnership in South Africa,” *Open Democracy Advice Centre*, 2016, http://www.opendemocracy.org/za/images/docs/publications/Book_Digital.pdf.

²⁴ *Ibid.*

²⁵ Yarik Turianskyi, “South Africa’s Implementation of the APRM: Making a Difference or Going Through the Motions?” South African Institute of International Affairs” *SaIIA* (Policy Briefing 99), July 2014, <http://www.saiia.org.za/policy-briefings/550-south-africa-s-implementation-of-the-aprm-making-a-difference-or-going-through-the-motions/file>.

²⁶ “EITI Standard 2016,” *op. cit.*

²⁷ *Ibid.*

criticisms have arisen around its non-coercive nature.²⁸ Its only sanctions are vague: “If dialogue proves unavailing, the participating Heads of State and Government may wish to put the Government on notice of their collective intention to proceed with appropriate measures by a given date.”²⁹ The APRM Statute, adopted in 2016, does not mention any such provisions and no sanctions have ever been introduced in the APRM’s 15 years of existence. In spite of warnings about the probability of post-electoral violence in Kenya and violent xenophobia in South Africa in the respective APRM CRRs (2006 and 2007), nothing was done to pre-empt crises in either of these cases.³⁰ No effort was made by the APRM to prompt action, hold countries accountable, or meaningfully monitor subsequent efforts. However, recommendations from Kenya’s CRR did feed into the political settlement and constitution-making process in 2008. Overall, the APRM process is rigorous in identifying problems, but has not fostered sufficient compliance. Progress in achieving APRM goals has been slow due to a lack of political will. As a result, participation is lacking and recommendations are often ignored.

The OGP is more effective in disciplining non-compliant members. It can render a member’s status “inactive,” effectively suspending it, if a valid complaint is received by its Criteria and Standards Sub-Committee. In May 2016, Azerbaijan was declared inactive by the OGP Steering Committee due to deteriorating human rights in that country, as was Turkey in September 2016 and Montenegro in June 2017.³¹ This “naming and shaming” sanction sometimes drives countries out of the OGP, as occurred with Russia (2013) Turkey (2016) and Hungary (2016).

The EITI is the strictest and most rule-bound of the three MSIs. Countries are expected to make continuous progress towards compliance in narrow and specific rather than broad or self-selected areas, within clearly demarcated time-frames. Countries that fail to demonstrate satisfactory progress risk being delisted. The Central African Republic (2013) and Yemen (2015)³² were suspended from the EITI due to political instability, with the latter being subsequently delisted. Equatorial Guinea was delisted in 2010 for failing to meet a validation deadline. Iraq, Kyrgyz Republic, the Solomon Islands, and Tajikistan were all suspended in 2017 for “inadequate progress.”³³

CIVIL SOCIETY PARTICIPATION

The APRM, OGP, and EITI all place value on the involvement of civil society, with significant differences in how this plays out in practice.

Civil society involvement in the OGP is arguably the strongest of the three MSI and it has developed the most sophisticated guidance material in this regard. The purpose of strong civil society involvement is to increase the OGP’s independence and legitimacy and enhance the potential for effective implementation of

²⁸ Ousmane Deme, “Between Hope and Scepticism: Civil Society and the APRM,” *Africa Portal*, 2005, https://www.africaportal.org/documents/89/Between_Hope_and_Scepticism.pdf; T. O. Ojienda, “Implementing the New Partnership for Africa’s Development: Whither the African Peer Review Mechanism?” *Kenya Law*, 2007, accessed October 1, 2016, http://www.kenyalaw.org/Downloads_Other/ojienda_nepad.pdf; Len Verwey, “NEPAD and Civil Society Participation in APRM,” *Southern African Regional Poverty Network*, 2005, accessed October 5, 2016, www.sarprn.org/documents/d0001229/PI361-Nepad_APRM_May2005.pdf.

²⁹ “African Peer Review (APRM) Base Document,” *United Nations*, June 10, 2002, accessed March 26, 2018, <http://www.un.org/en/africa/osaa/pdf/aprm-basedoc.pdf>.

³⁰ Yarik Turianskyi, “APRM at 10: Invigorating its leadership,” *SAlIA*, June 13, 2013, accessed 15 October 2016 <http://www.saiia.org.za/opinion-analysis/aprm-at-10-invigorating-its-leadership>.

³¹ Razzano points out that “this is sourced from the unique nature of the OGP participation, which requires specific eligibility criteria to be fulfilled for participation. Substantive action taken by the member can therefore clearly be viewed to impinge on its participation” Razzano, 2016, *op cit*.

³² For more, see “Yemen | Extractive Industries Transparency Initiative,” accessed November 30, 2017, <https://eiti.org/yemen>.

³³ EITI 2018, *op. cit*.

commitments.³⁴ For instance, civil society representatives co-chair the Steering Committee, which consists of 11 government representatives and 11 individuals affiliated with civil society,³⁵ fostering an equal alliance between civil society and government.³⁶ OGP rules requiring civic engagement have, however, not always prevented governments from undermining the process, such as when the South African government drew up its third OGP NAP without significant public involvement, drawing criticism from various civil society groups.³⁷

The rules and procedures governing the APRM allow governments to dominate the process and use civil society as “window dressing” or for “open washing.”³⁸ Some APRM countries, such as Ethiopia, used government-affiliated CSOs to endorse the final report. While civil society is involved during the review and up to the development of the CRR, it is rarely involved in the implementation of the NPoA, oversight or developing implementation reports. In most countries, the multi-stakeholder NGCs were disbanded after the CRR was completed.

EITI implementation emphasizes “localization,” ensuring that the EITI is interpretable, relevant, and actionable for national stakeholders, particularly for civil society.³⁹ Without empowering civil society to hold the government and private sector accountable, EITI reports themselves are unlikely to result in greater accountability. One of the EITI’s limitations is the “lack of understanding and even ambition by its proponents to identify how revenue transparency can lead to substantive societal impacts, particularly for local affected communities.”⁴⁰

Budget considerations and local politics often play a part in preventing more meaningful engagement at sub-national level. Ensuring that MSI secretariats have sufficient capacity to implement action plans can be expensive. Furthermore, MSIs often operate in a space contested by competing plans and budget priorities. Following the completion of first cycles, nearly a third of OGP countries did not hold public consultations to discuss the NAP before it was finalized.⁴¹ Civil society participation is, by design, a part of MSI processes. Civil society represents the society at large, ensures that critical issues are addressed and acts as a watchdog for the process. Given this role, it is crucial that civil society is meaningfully involved.

EVOLUTION

MSIs exist invariably find themselves evolving to adapt to a dynamic world. Understanding their evolution – what impulses drive them to reorient themselves and how processes of change and adaptation unfold – is important to assessing MSIs’ potential to address social problems. As with other institutions, they adapt in response to their own weaknesses, common problems, and changes in the broader governance environment.

³⁴ Razzano & Gruzd, *op. cit.*

³⁵ Brockmyer & Fox, *op. cit.*

³⁶ Molly Elgin-Cossart, Trevor Sutton, and Kathryn Sachs, “Let the Sunshine in. An assessment of the Open Government Partnership. Center for American Progress, March 2016. <https://cdn.americanprogress.org/wp-content/uploads/2016/03/16141927/OpenGovernmentPartnershipintro.pdf>.

³⁷ Luanda Mpungose and Matebe Chisiza, “SAIIA - South Africa’s Commitment to Governance Reform: An Inconvenient Truth,” *SAIIA*, September 23, 2016, <http://www.saiia.org.za/opinion-analysis/south-africas-commitment-to-governance-reform-an-inconvenient-truth>.

³⁸ Ross Herbert, “The Survival of Nepal and the African Peer Review Mechanism: A Critical Analysis,” *South African Journal of International Affairs* 11, no. 1 (Summer 2004), <http://www.aprmtoolkit.saiia.org.za/analyses-of-the-aprm/analysis-of-the-aprm-process/item/373-the-survival-of-nepal-and-the-african-peer-review-mechanism-a-critical-analysis-a-review-of-the-strengths-and-weaknesses-of-peer-review-written-at-the-inception-of-the-mechanism-ross-herbert>.

³⁹ Emma Wilson and James Van Alstine, “Exploring EITI’s Contribution to Sustainable Development,” *IIED*, 2014, <http://pubs.iied.org/pdfs/16555IIED.pdf>.

⁴⁰ *Ibid.*

⁴¹ Brockmyer and Fox, *op. cit.*

The APRM has undergone few changes so far. It revised the APRM Self-Assessment Questionnaire in 2010-2011, in response to critiques of the original document, seen as too lengthy, offering limited value in gathering information and missing critical issues. The revised document was, however, even longer than the original, including questions dealing with climate change and the EITI.⁴² The APRM also introduced the Committee of Focal Points (CFP) in 2012 in an attempt to improve its processes.⁴³ The CFP serves as an intermediary between the APR Forum and the APR Secretariat. It does not act autonomously, but rather functions as a transmitter of information and concerns. Despite the intentions behind its creation, the CFP has achieved little of its mandate, including failing to mobilize resources. This failure to achieve its mandate has prompted suspicions that the CFP exists only to push country positions, control, or weaken the mechanism. The APRM also expanded its mandate in 2017 to oversee monitoring and evaluation for governance on the continent.⁴⁴ The AU called on the APRM to monitor progress on implementation of the UN's Sustainable Development Goals and the AU's Agenda 2063 long-term development vision.⁴⁵

The OGP has continually engaged in learning and development. It has regularly updated the requirements for civil society engagement to include best practices on feedback loops, "co-creation," co-implementation and establishing permanent dialogue mechanisms. The OGP is working towards mainstreaming openness and the basic principles of civic engagement within government systems and institutions.⁴⁶

Against the backdrop of growing pushback by authoritarian and populist governments opposed to openness and citizen activism, the OGP adopted a "response policy" in September 2014 to help to ensure that all participating countries uphold OGP values and principles.⁴⁷ The response policy applies only when participating member countries appear to take actions that undermine the principles of the OGP. It can assist member countries to overcome the difficulties and establish a collaborative environment for government and civil society.

By the end of 2017, the response committee had received five complaints. The OGP upheld a complaint against the shrinking of civic freedom in Hungary, leading to the country withdrawing its membership.⁴⁸ A complaint against Australia on its consultation process was dismissed as being outside the policy's remit and unsupported by evidence.⁴⁹ On its five-year anniversary in 2016, the OGP published its "Strategic Refresh" in response to the international context, to build on its experiences, and consciously position the OGP to oppose shrinking civic space.⁵⁰ The review encouraged countries to increase their ambitions for open government. Many focused on less challenging reforms, such as creating portals, rather than reforming access to information laws. The evolution of the OGP reflects both the conscious efforts of its structures and leadership and the

⁴² "Revised Country Self-Assessment Questionnaire for the African Peer Review Mechanism," *African Peer Review Mechanism and African Union*, Midrand, 2012.

⁴³ This section draws of the input of SAIIA Research Fellow Terence Corrigan, who has conducted in depth inquiries on the matter.

⁴⁴ H.E. Paul Kagame, "The imperative to strengthen our Union, Report on the Proposed Recommendations for the Institutional Reform of the African Union," *University of Cape Town*, January 29 2017, http://www.gsdpp.uct.ac.za/sites/default/files/image_tool/images/78/News/Final%20AU%20Reform%20Combined%20report_28012017.pdf, p. 8.

⁴⁵ Terence Corrigan and Steven Gruzd, "Can the APRM be an effective tool to monitor Agenda 2063 and the SDGs?" *SAIIA (Occasional Paper, No 25)*, February 2017.

⁴⁶ Suneeta Kaimal, "Lessons from Lima: What Can OGP Learn from EITI?," *Open Government Partnership*, March 4, 2016, <https://www.opengovpartnership.org/stories/lessons-lima-what-can-ogp-learn-eiti>.

⁴⁷ "OGP Response Policy," *Open Government Partnership*, September 2014, <https://www.opengovpartnership.org/ogp-response-policy>.

⁴⁸ A. Offerman, "Hungary government withdrawing from OGP," *Joinup*, December 31, 2016, <https://joinup.ec.europa.eu/community/opengov/news/hungary-government-withdrawing-ogp>.

⁴⁹ "OGP Response Policy," *op cit*.

⁵⁰ "Strategic refresh of the Open Government Partnership," *Open Government Partnership*, December 2016, http://www.opengovpartnership.org/sites/default/files/OGP_Strategic-Refresh_Dec2016.pdf, p. 1.

imperatives presented by the prevailing environment. It has maintained overall clarity of purpose in holding to its normative principles, and attempted to shield itself from “open-washing” and damaging its credibility.

The EITI has undergone the most extensive changes of these three MSIs. In its first phase between 2003 and 2006, the convening power of the United Kingdom was used to bring together interested parties (countries, companies, civil society groups), and to start pilot projects based on a set of shared transparency principles.⁵¹ The second phase involved adopting a set of criteria that set out minimum requirements for resource transparency, developing a formalized, rules-bound system. It became clear, one account said, “that the EITI was not evolving, as some had anticipated, into a voluntary corporate social responsibility standard for companies, but rather into a disclosure standard implemented by countries.”⁵² Another development was formal institutional independence. In a 2005 conference, the International Advisory Group determined that a formal structure for the EITI had to be established, with a multi-stakeholder board and an independent secretariat. After the third EITI conference in October 2006, the board and the independent secretariat were established in Oslo, Norway.⁵³ The EITI was formally set-up as an independent body, although funded by participating countries and companies.⁵⁴

In 2011, EITI formulated a Validation Guide to “set out the indicators that implementing countries had to meet to become EITI compliant.”⁵⁵ This would evolve into EITI Rules and then the EITI Standard in 2013. “Indicators” became “requirements,” and the need for timely, regular data was expressed.⁵⁶ The 2016 iteration of the Standard added requirements for examining beneficial ownership, mainstreaming reporting (not confining transparency to periodic reports) and the use of a graduated measurement of countries’ progress.⁵⁷

The EITI’s progress has had setbacks. Many major resource economies are still not involved in the EITI. The realities of power can override the influence the EITI seeks to exert, as the withdrawal of Azerbaijan illustrates. The EITI’s development into an increasingly rigorous governance framework represents an ongoing process of debate and consensus-seeking. While some welcomed revisions, others advised caution. A review commissioned by the International Council on Mining and Metals noted that while mining companies support the objectives of the EITI, there is a need “to be cautious about making the Standard ever more ambitious whilst the reality persists that many countries teeter on the edge of non-compliance even in implementing the traditional core rules.”⁵⁸

IMPLEMENTATION

Implementation of the APRM has been very weak. While the majority of the APRM’s 18 published CRRs have identified governance challenges and proposed solutions through NPOAs, follow-through has left much to be desired. In most countries, NPOAs struggle to compete with other country-level development frameworks, implementation plans, and initiatives. As a result, they are not prioritized by governments and do not attract the necessary financing –even from development partners –or political will for implementation.

⁵¹ “Extractive Industries Transparency Initiative Conference: Statement of principles and agreed actions,” *DFID*, June 17, 2003, <http://webarchive.nationalarchives.gov.uk/+/http://www.dfid.gov.uk/pubs/files/eitidraftreportstatement.pdf>; “History of the EITI,” *op cit*.

⁵² Rich, E and Moberg, J. *Beyond governments: making collective governance work - Lessons from the Extractive Industries Transparency Initiative*. Sheffield: Greenleaf Publishing Ltd, 2015, p. 23.

⁵³ “The EITI Oslo Conference: Making Transparency a Global Norm,” *Government of Norway Ministry of Foreign Affairs*, October 11, 2006, https://www.regjeringen.no/en/dokumenter/eiti_conference/id419568/.

⁵⁴ “Funding,” *EITI*, accessed July 30, 2017, <https://eiti.org/funding>.

⁵⁵ Rich and Moberg, *op cit*.

⁵⁶ *Ibid*.

⁵⁷ Jonas Moberg, “The EITI 2016 Standard Is Different – the EITI in a Minute and Recent Focus,” *EITI*, November 9, 2016, <https://eiti.org/blog/eiti-2016-standard-is-different-eiti-in-minute-recent-focus>.

⁵⁸ Edward Bickham, “Mining and the Extractive Industries Transparency Initiative: A review of international and in-country experiences of the EITI from the perspective of supporting mining companies,” *ICMM*, August 2015, https://eiti.org/sites/default/files/migrated_files/eiti_review_report_v10_-_final.pdf.

The APRM, moreover, has struggled to align its NPoAs with national development plans and with the national budget. Member states have not used NPoAs as a planning tool in practice. Some key challenges include the inability to secure realistic budgets; lack of political will; overly ambitious or vague NPoAs; lack of success in convincing development partners to fund elements of NPoAs; too many competing development plans; the APRM being seen as a foreign policy exercise rather than as a tool for domestic governance improvement; and new governments coming into power.⁵⁹ Presidential champions like Nigeria's Obasanjo and South Africa's Mbeki have left office, which resulted in a loss of momentum.⁶⁰

The OGP also faces implementation challenges. Following the first OGP action plan cycle, the IRM found that implementation across countries was uneven. For instance, in Canada and South Africa, there are no dedicated budgets for the implementation of commitments. This can lead to commitments not being carried out or problems in coordination.⁶¹ The IRM also found that only 36% of commitments were "new," although this varied between countries. Most NAPs also had commitments with low specificity, no potential impact or unclear relevance to OGP values.⁶²

With more inherent flexibility, the OGP's harmonization with existing programs is easier.⁶³ The NAPs are supposed to respond to national agendas but also stretch countries beyond current governance programs. It is not clear just how well this has been achieved. A senior official at the OGP Support Unit argued that some commitments were "so new" that they could not be integrated into existing plans, while others merely tried to recycle what was in progress.⁶⁴

Since the early 2000s the EITI has sought to expand the scope of its engagement and embed its processes within broader national debates. Yet, there is still much that falls beyond its scope, including illicit financial flows and environmental impacts. Even under the new EITI Standard, most work plans are not closely linked to national priorities, the information released in reports is two years old on average, few countries are producing any analysis of the data, and only around half of the annual activity reports explicitly considered whether the EITI was having the desired effective on the governance of the extractives sector.⁶⁵ Challenges also remain with implementing the EITI and ensuring universal buy-in. South Africa, for example, has refused to become a member, arguing that its domestic minerals governance frameworks are sufficient to achieve transparency (and perceiving the EITI as unfairly targeting developing countries).

⁵⁹ Yarik Turianskyi, "The African Peer Review Mechanism Ten Years On: How Can It Be Strengthened?" SAIIA (Policy Note 2: 2014b), <http://www.saiia.org.za/policy-insights/459-policy-note-02-the-african-peer-review-mechanism-ten-years-on-how-can-it-be-strengthened/file>.

⁶⁰ K. Matlosa, "Pan-Africanism, the APRM and the ACDEG: What Lies Ahead?" *African Accountability: What Works and What Doesn't*, ed Gruzd and Turianskyi (South African Institute of International Affairs, 2015).

⁶¹ Razzano et al, *op. cit.*

⁶² These findings are echoed by Razzano's conclusion that "a lack of political will in review mechanisms will always be a concern, but the research indicates an impetus and commitment by states not necessarily reflected in the other processes. Vitally, for the OGP to be effectively harmonized, states must commit to proper and informed participation of civil society in the preparation of the NAPs – the more public awareness raised in relation to the review obligations of the country, the better the potential for these systems to be effectively synergized." Razzano et al, *op. cit.*

⁶³ Razzano and Gruzd, *op. cit.*

⁶⁴ Joe Foti, Program Director: Independent Reporting Mechanism, Open Government Partnership, Email, July 21, 2017.

⁶⁵ Erica Westenberg and Max George-Wagner, "From Reporting to Reform: Eleven Opportunities for Increasing EITI Impacts," Natural Resource Governance Institute, June 22, 2015, <https://resourcegovernance.org/analysis-tools/publications/reporting-reform-eleven-opportunities-increasing-eiti-impacts>.

EFFECTIVENESS AND IMPACT

APRM

Due to its broad scope, analyzing the impact of the APRM is difficult. Evidence of results of APRM implementation is not readily available, while both the continental Secretariat and participating countries have been poor at articulating the APRM's added value and the changes it has introduced. In contrast to the OGP and the EITI, the APRM's website is not a comprehensive repository of documents, and most country portals have not been maintained. Implementation reports fail to make clear the link to NPoA items.

What little evidence that is available sheds light on three key areas of APRM's influence: governance reform and innovation; dialogue and integration; and, countries' international standing. In terms of governance reform and innovation, Ghana's APRM process yielded the establishment of a Ministry of Chieftaincy and Culture, limits on the number of Justices in the country's Supreme Court, passage of a whistleblower act, and the abolition of the Ministry of Parliamentary Affairs, which blurred the lines separating the executive and legislative branches of government.⁶⁶ The APRM has also had a positive impact on promoting an enabling environment for land reform in Ghana.⁶⁷ It provided the impetus for these reforms, some of them longstanding. In Kenya, many observers, including the UNDP, recognize that the APRM process has made contributions to Kenya's constitution-making process; improvements in managing diversity and conflict; and land policy.⁶⁸ In Rwanda, the APRM highlighted the importance of small enterprises and recommended that a policy to support small and medium-sized enterprises be enacted.⁶⁹ Rwanda subsequently adopted a policy specifically to target Small and Medium Enterprise development in 2010.⁷⁰

The South African APRM process was heavily dominated by the government. Reporting and implementation efforts have been disappointing. A detailed analysis of South Africa's first implementation report found that it presented broad overviews of measures taken since 1994, rather than on implementing specific commitments. It provided little reflection on whether its efforts, which frequently could not be attributed to the APRM, were effective.

Tightly linked to the governance reforms is the APRM's role in stimulating dialogue and interaction on governance. Evaluating the effectiveness of this aspect of the APRM is particularly difficult, as these phenomena manifest themselves at a socio-cultural level, which is not easily quantifiable.

The effect of the APRM on civil society and its engagement with political processes has been erratic and uneven. Unsurprisingly, civil society seems to have fared best in those countries with more open political environments and established civil society communities – such as Ghana, South Africa, and Kenya. Countries with more restrictive regimes, such as Rwanda and Ethiopia, have been less receptive to civil society input and influence. Even in more open societies, civil society engagement has tended to be intense but episodic – limited largely to the period of the review process. Although a few organizations have built sustained

⁶⁶ SKB Asante, *The African Peer Review Mechanism (APRM) as Africa's innovative thinking on governance: a decade of Ghana's experience* (Tema: Digibooks Ghana Ltd, 2013), pp. 200-201.

⁶⁷ Terence Corrigan, "Space, Soil and Status, Insights from the APRM into the Governance of Land in Africa," *SAILA* (Occasional Paper 229), April 2016.

⁶⁸ "End of project report, Domestication of the NEPAD/APRM process in Kenya, January 2006 to December 2011," *UNDP*, <https://info.undp.org/docs/pdc/Documents/KEN/End%20of%20Project%20report%20Final.pdf>.

⁶⁹ Panel of Eminent Persons, "Country Review Report of the Republic of Rwanda (Rwanda CRR)," *APRM Secretariat*, June 2006, pp. 14, 249.

⁷⁰ "Small and Medium Enterprises (SMEs) Development Policy," *Republic of Rwanda Ministry of Trade and Industry*, June 2010, http://www.minicom.gov.rw/fileadmin/minicom_publications/policies/SME_Devt_policy_V180610.pdf.

campaigns around it, the potential to use the APRM as an ongoing tool for advocacy has generally not been utilized.

The APRM has had an impact on countries' international standing and helped states mark themselves as reformers. A prominent example is the contribution that the APRM played in giving Ghana access to the United States' Millennium Challenge Account.⁷¹ The APRM's positive influence on the reputation of countries is for the most part unacknowledged, indirect, and only one factor among several.

There have also been outright failures. A review of the Nigerian process argued that the APRM had failed to make an impression on the country's governance. Budgets have not provided adequately for APRM projects, there has been scant monitoring and evaluation, and civil society has lost interest. It has also failed to deal with the country's underlying governance pathologies, including vast patronage networks.⁷²

More pointedly, the APRM has not prevented democratic regressions in some APRM countries. Mali and Burkina Faso, both reviewed, have experienced military coups and profound political instability, events that the APRM was intended to counter.

Although the APRM is 15 years old, most African citizens have never heard of it. For an MSI to be successful, its ownership needs to stretch beyond governments and elite institutions. The pace of reviews is glacial: just two APRM members have undergone more than one review in 15 years. Several APRM states have not yet completed a first review despite having been members for over a decade. The political will to propel the process is lacking and the implementation of NPoAs has been sporadic. Anecdotal success stories about the achievements of the APRM, such as the attribution of the abolishment of "floor-crossing" in the South African parliament, are rare.⁷³

Positive views of the APRM emanate from its process value, rather than any concrete achievements. The APRM is seen as a cooperative and mutual learning mechanism, preferable to imposed policies.⁷⁴ Even though it is voluntary, there is a belief that it will collectively raise the "democracy bar" in Africa and force governments to rethink their neglected partnerships with their citizens.⁷⁵ Several scholars also look positively on the APRM as an African-owned good governance initiative that recognizes that Africa holds the key to its development.⁷⁶

Since 2015, under the chairmanship of Kenyan President Uhuru Kenyatta, there are signs that the APRM is beginning to turn its fortunes around. Professor Eddy Maloka took on the role of APRM CEO in early 2016, renewing energy in its operations. Funding from members and partners has increased as confidence has been restored. Country reviews have begun again at an increased tempo: Djibouti, Chad, and Senegal were reviewed in 2017 (although the reports have not been published). The second-generation reviews of Kenya and Uganda took place, with Kenya's CRR published in January 2018. The APRM has been given an "expanded mandate" to oversee monitoring of the implementation of the UN's Sustainable Development Goals in Africa,

⁷¹ "Ghana's APRM: processes and preliminary outcomes," *UNECA*, accessed November 1, 2017, <http://www1.uneca.org/aprm/DetailNews/tabid/6562/ArticleId/1340/Ghana-s-APRM-Processes-and-Preliminary-Outcomes.aspx>.

⁷² Mouzayian Valerie Khalil, "An Assessment of the African Peer Review Mechanism (APRM): The Case of Nigeria," (Thesis submitted in partial fulfilment of the requirements for the degree of Doctor of Philosophy in Politics and International Studies, University of Warwick Department of Politics and International Studies. September 2012), http://wrap.warwick.ac.uk/52742/1/WRAP_THESIS_Khalil_2012.pdf.

⁷³ This legislation allowed elected representatives to switch parties without forfeiting their seats under certain conditions, see S. Booyesen, and G. Masterson, "Chapter 11: South Africa," *Compendium of Elections in Southern Africa 1989-2009: 20 Years of Multiparty Democracy*, ed. D. Kadima and S. Booyesen, (Johannesburg: EISA, 2009).

⁷⁴ Verwey, *op cit*.

⁷⁵ M Juma, "The African Peer Review Mechanism," *Africa Policy Brief*, no. 5 (2004).

⁷⁶ Herbert, *op cit*; Hempe Ronald Hope, "Towards Good Governance and Sustainable Development: The African Peer Review Mechanism," *Governance: An International Journal of Policy, Administrations and Institutions* 18, no. 2 (2005); Ravi Kanbur, "The African Peer Review Mechanism: An Assessment of Concept and Design," *Politikon* 31, no. 2 (2004): 157-166.

and the AU's Agenda 2063.⁷⁷ This stands to raise the APRM's profile significantly. Future developments will show whether the current revitalization is the beginning of a new and positive trend, especially as Chad now assumes the leadership of the APR Forum.

Lesson-sharing between countries is supposed to be a crucial experience of any MSI. The APRM has even adopted the concept of best practices in its design. *African Solutions: Best Practices from the APRM* edited by Petlane and Gruzd covers this topic in detail.⁷⁸ Although useful practices are identified in each CRR, little has been done to facilitate best practice sharing, whether through workshops or policy engagement between different APRM members. In a separate study,⁷⁹ Gruzd profiles some of the best practices identified in the APRM Reports, such as South Africa's low-cost "mzansi accounts" for previously un-banked clients or Nigeria's Technical Aid Corps, which, has been offering technical expertise to developing countries since 1987.

The APRM has been criticized on ideological and conceptual grounds. It has been attacked for its perceived neo-liberal ideology, seemingly embracing economic globalization as a solution for the continent's problems.⁸⁰ Skeptics also doubt that the APRM can change the status quo of so-called "neo-patrimonial practices."⁸¹ Studies by SAIIA⁸² and the Open Society's African Governance Monitoring and Advocacy Project (AfriMAP)⁸³ concur that the APRM has a mixed record. Sovereignty means that implementing NPoAs depends on the political will of national governments. SAIIA's research shows that the pioneer APRM countries disregarded most recommendations made by the APRM Panel in their NPoAs. Algeria addressed 19% of its recommendations, Benin 12%, Ghana 35%, Kenya 45%, Rwanda 10%, and South Africa 60% (although many projects and programs included in NPoAs predated the APRM process).⁸⁴ These reports are several years old now, and it remains to be seen if second reviews will assess progress from first review baselines.

OGP

One way of assessing the OGP's impact is to analyze it against the pillars of open governance: transparency; citizen engagement and participation; and, responsiveness and accountability. In terms of transparency, the OGP established an Access to Information Working Group (ATIWG) in 2013 to encourage far-reaching reforms in this area and to assist in peer learning.⁸⁵ Broad trends emerging from early country action plans included passing access to information legislation where it did not exist, or strengthening it where it did; capacity building, such as training officials; institutional development, which involves setting up organizations, offices, and coordination frameworks; and applying technology to governance.⁸⁶ In practice, the impact of these reforms has been mixed. The Philippines remain without an access to information law, despite this being

⁷⁷ "APRM on the Verge of Transformation: the AU Assembly Decision to Expand the APRM Mandate," 2 February 2, 2017, <http://aprm-au.org/viewNews?newsId=150>,

⁷⁸ Tsoeu Petlane and Steven Gruzd (eds), *African Solutions: Best Practices from the African Peer Review Mechanism* (South Africa: Jacana Media, 2011).

⁷⁹ Steven Gruzd, "The African Peer Review Mechanism: Development Lessons from Africa's Remarkable Governance Assessment System" SAIIA (Research Report 15), 2014, <http://www.saiia.org.za/research-reports/the-african-peer-review-mechanism-development-lessons-from-africas-remarkable-governance-assessment-system>.

⁸⁰ Deme, *op cit*; R. Kiki Edozie, "Promoting African 'Owned and Operated' Development: A Reflection on the New Partnership for African Development," *African and Asian Studies* 3, no. 2 (2004).

⁸¹ Ian Taylor, "NEPAD Ignores the Fundamental Politics of Africa," *Contemporary Review*, (August 2004).

⁸² Herbert and Gruzd, *op cit*.

⁸³ *The APRM: A compilation of studies of the process in nine African countries* (Johannesburg: Open Society Initiative for Southern Africa, 2010).

⁸⁴ Faten Aggad, "Addressing the African Peer Review Mechanism's Programmes of Action," SAIIA (Occasional Paper, No. 5), June 2008.

⁸⁵ "Open Government Partnership Access to Information Working Group, Work Plan 2015," *Open Government Partnership*, accessed August 23, 2017, p. 1.

⁸⁶ Alvaro Herrero, "Access to Information Commitments in OGP Action Plans: A Report on the Progress of Reforms Worldwide," *Open Government Partnership*, April 2015, http://redrta.cpl.tl/_public/public/folder_attachment/a3/1a/1a89_4602.pdf, pp. 7-8.

part of its first action plan published in 2012.⁸⁷ In other instances, countries have passed legislation, but less successfully implemented it. Colombia introduced a law on transparency and access to information, having made the commitment in its NAP for 2014-2015.⁸⁸ Subsequently, critics have accused its government of abridging access to information promised by this legislation.⁸⁹

Aside from reforms around ATI legislation, countries have undertaken a wide variety of reforms and innovations designed to encourage transparency. Georgia and Ukraine have opened their Soviet-era archives.⁹⁰ Macedonia, Peru and Uruguay have undertaken training for their officials, while Israel and Peru have introduced new bodies to oversee ATI.⁹¹

Innovation is an important impact of the OGP's work, in harnessing technology to improve governance. An example of this is the *Nifanyeje?* (meaning "What should I do?") service on Tanzania's government portal. It arose from a commitment in Tanzania's first NAP (2012-2013), to establish a website that would enable people to access a wide range of information from various parts of government. This would include getting a driver's license, a passport, or a scholarship. It also enables interaction between citizens and the state by providing comment and query functions, as well as contact information for government departments and agencies. Furthermore, it has had a demonstration effect and some agencies have adapted the concept for their own websites.⁹²

In terms of citizen participation, the OGP has championed new institutions and practices. A good example is the introduction of Municipal Development Councils in Paraguay. Committed to in the 2014-2016 NAP, these are intended to assist citizens to become involved in local-level governance and development, such as helping to develop local plans and to monitor their implementation.⁹³ Their impact has been rated by the OGP IRM as "transformative."⁹⁴ Meanwhile, Costa Rica established a platform for dialogue between the government and its indigenous people. The intention is to establish durable relationships between them and to involve indigenous communities in developmental and service provision initiatives.⁹⁵ Interestingly, this was initiated by an organization representing indigenous people, which advocated including it in Costa Rica's action plan. It has been described as a successful example of the OGP's "co-creation" methodology by regularly and meaningfully involving civil society in the discussions on the country's NAP.⁹⁶

⁸⁷ Government of the Republic of the Philippines, "Philippine Government Action Plan for 2012, Open Government Partnership, 1 January to 31 December 2012," *Open Government Partnership, 2012*, p. 4.

⁸⁸ Republic of Colombia, "Action plan of the Government of Colombia," *Open Government Partnership, 2014*, p.7.

⁸⁹ "Colombia: Freedom of the Press 2016," *Freedom House*, accessed July 25, 2017, <https://freedomhouse.org/report/freedom-press/2016/colombia>.

⁹⁰ Tinatin Ninua, "Breaking down iron doors: why opening up Soviet archives matters," *Open Government Partnership*, March 21, 2016, <https://www.opengovpartnership.org/stories/breaking-down-iron-doors-why-opening-soviet-archives-matters>.

⁹¹ Herrero, *op cit*.

⁹² Ngunga Tepani and Andrew Mushi, "Improving Citizens' Access to Information on Public Services in Tanzania," *Open Government Partnership*, December 2016, http://www.opengovpartnership.org/sites/default/files/case-study_Tanzania_Nifanyeje.pdf.

⁹³ Republic of Paraguay, "2014-2016 Paraguay Open Government Action Plan," *Open Government Partnership, 2014*, http://www.opengovpartnership.org/sites/default/files/PLAN%20DE%20ACCI%C3%93N%20GOBIERNO%20ABIERTO%20ing%C3%A9s_0.pdf.

⁹⁴ "Star reforms in the Open Government Partnership," *Open Government Partnership*, accessed June 20, 2017, http://www.opengovpartnership.org/sites/default/files/attachments/Star%20Commitments_0.pdf, p. 33

⁹⁵ Israel Aragón, "Costa Rica Informe de Avance 2015-2016," *Open Government Partnership, 2015*, https://www.opengovpartnership.org/sites/default/files/Costa-Rica_Midterm-Progress_2015-2017.pdf, pp. 11, 114.

⁹⁶ 'Co-creation' refers to constant cooperation and joint ownership of OGP processes by governments, civil society and other stakeholders. See "OGP Participation & Co-Creation Standards," *Open Government Partnership*, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards>.

With regard to accountability and responsiveness, the OGP has made notable strides. Ireland and Chile serve as prime examples of enhancing accountability through measures to regulate lobbying. Chile has implemented the Lobby Act, which positively impacts the way interest groups participate in decision-making processes with government. Ireland is also making its mark by introducing protective guarantees to ensure the safety of whistleblowers⁹⁷ and is being followed by Italy, Kenya, and Liberia who have all committed to follow suit in their current NAPs.⁹⁸

According to Gabriella Razzano, a researcher at the Open Democratic Advice Center in South Africa, it seems that OGP initiatives have not prioritized coordination efforts between government departments and agencies. Coordination is already difficult, and without focused and specific interventions, it will be even more challenging to achieve.⁹⁹

In analyzing the overall success or failure of the OGP Brockmyer and Fox report that although no hard official data is available, “about half” of all OGP countries have committed to politically difficult or potentially transformational reforms. One official adds that as a third to a half of countries are achieving success, the OGP’s impact can be considered meaningful. Thus, progress is incremental rather than spectacular, but it is “moving the needle in small, quiet ways.”¹⁰⁰ Moreover, according to the study conducted by the Center for American Progress, a country’s GDP is not indicative of the extent of its willingness to endorse ambitious or transformational commitments in OGP. “Poor OGP member countries are just as likely as wealthier ones to have ambitious plans for transparency and participation.”¹⁰¹

The OGP itself notes two concerns: non-specific, non-meaningful commitments that often lack innovation and practicality, and lackluster public participation. A critical question is whether the reforms introduced under the OGP would have happened without country commitment to this mechanism. Without evidence to prove a causal relationship between OGP membership and change within member states, the “success stories” are anecdotal, rather than proof of impact.

Evaluating the overall impact of OGP is difficult given the ambiguity around the implementation of OGP agendas and their non-prescriptive character. Looking at the number of commitments made so far by member governments (the 2015 OGP Annual Report lists 2,250 commitments contained in 110 NAPs)¹⁰² is one way of assessing OGP’s effectiveness on governance. Only 36% of the 2,250 commitments mentioned in OGP’s annual report were evaluated as “new.” Furthermore, according to Joe Foti from the OGP Support Unit, only 5% of all commitments were seen as transformative.¹⁰³ Research on the OGP is sparse, and what exists focuses on compliance rather than on impact, partially because this mechanism is young and it is difficult to generate enough data on the basis of which to establish patterns and trends.¹⁰⁴

⁹⁷ *Ibid.*

⁹⁸ Ministry of Public Administration and Innovation of the Italian Republic, “Open Government in Italy,” *Open Government Partnership*, 2016, https://www.opengovpartnership.org/sites/default/files/Italy_NAP3_2016-18_EN_revised.pdf; Republic of Liberia, “Liberia’s Open Government Partnership National Action Plan 2015 – 2017,” *Open Government Partnership*, 2017, <https://www.opengovpartnership.org/sites/default/files/Liberia%27s%20Open%20Government%20Partnership%20National%20Action%20Plan%202015-2017.14july15.pdf>; Republic of Kenya, “The Republic of Kenya Open Government Partnership National Action Plan II, July 2016-June 2018,” *Open Government Partnership*, http://www.opengovpartnership.org/sites/default/files/Kenya_AP2_2016_0.pdf, p. 10; United States of America, *op cit.*

⁹⁹ Razzano, 2015, *op cit.*

¹⁰⁰ Brockmyer & Fox, *op. cit.*

¹⁰¹ Molly Elgin-Cossart, Trevor Sutton, and Kathryn Sachs, *op.cit.p.5*

¹⁰² “Annual Report,” *Open Governance Partnership*, 2015, http://www.opengovpartnership.org/sites/default/files/OGPreport2015_0.pdf.

¹⁰³ Joe Foti, “Independent Reporting Mechanism, Open Government Partnership,” interviewed Washington, DC, November 9, 2016.

¹⁰⁴ Brockmyer and Fox, *op cit.*

In terms of its impact on governance reform, then, the OGP might best be described as noticeable, if modest, with potential yet to be fully realized. It can point to individual cases of significant reforms, but one needs to be circumspect about attributing these directly to OGP. Rather than an initiator, it should be regarded as a “platform” for or an “accelerant” to reform¹⁰⁵

EITI

Evaluations of the EITI's outcomes have noted that it has less impact on both ends of the democratic spectrum (free and democratic on the one end, and non-free and autocratic on the other).¹⁰⁶ Impact is greatest in “hybrid” countries between these extremes, where stakeholders will have a degree of capacity and an understanding of (and commitment to) political and economic reform.¹⁰⁷ This evaluation noted, however, that improvements in terms of fiscal transparency, public debate, fighting corruption, and the trade and investment climate could not always be attributed to the EITI. While Ghana addressed fiscal transparency, for example, by rolling out legislation, reports mandated by such legislation were not produced in a timely manner or regularly enough to have the intended impact in terms of EITI standards.¹⁰⁸ Some cases exemplify progress, such as Myanmar, where the EITI helped to establish the legitimacy of civil society participation in public dialogue; Ghana, where informed public debate was enabled by the EITI; or Liberia, where the EITI facilitated opening up discussions on natural resource management.¹⁰⁹ The EITI's fight against corruption is harder to analyze; evidence is predominantly anecdotal. Some reports (on the DRC, Liberia, Mali, Nigeria, and Peru) note the EITI has had impact in supporting the fight against corruption, but the extent varies, and the findings are not very strong on their own.¹¹⁰ In improving the trade and investment climate, Schmaljohan and Londoño found that after joining the EITI, countries experience a rise in foreign direct investment (FDI) inflows by two percentage points.¹¹¹

This optimistic view is not universal. Scanteam's 2011 study examined three case studies (Gabon, Mongolia, and Nigeria), and found little evidence of impact on the business climate or FDI inflows. Even with overall improvements in the business environment, the EITI was only one factor.¹¹²

Although the review was positive about countries' efforts in implementing the EITI, this study found little evidence of widespread impact, largely because the EITI was not connected to broader reform and governance processes.

Another study, published in 2016, attempted to quantify the impact of the EITI on participating countries, and concluded that there was at best limited impact. In regulatory quality and FDI, EITI countries significantly outperformed non-EITI counterparts during their candidacy periods. Regulatory quality improved among EITI

¹⁰⁵ *Ibid.*

¹⁰⁶ “Assessing the Effectiveness and Impact of the Extractive Industries Transparency Initiative (EITI),” *German Development Institute*, 2016, https://www.bmz.de/rue/includes/downloads/EITI_Impact_Study_GIZ_2016.pdf.

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

¹⁰⁹ “Impact of the EITI in Africa: stories from the ground” *EITI International Secretariat*, 2010, p. 5; T. Kean, “Stalled progress threatens ‘shameful’ EITI suspension,” *Frontier Myanmar* 27 (January 2017), <http://frontiermyanmar.net/en/stalled-progress-threatens-shameful-eiti-suspension>; Scanteam, *op. cit.*

¹¹⁰ Luca Etter, “Can transparency reduce corruption? Evidence from firms in Peru and Mali on the impact of the EITI on corruption,” *EITI*, January 26, 2014, https://eiti.org/sites/default/files/documents/can%20transparency%20reduce%20corruption-evidence%20from%20firms%20in%20Peru%20and%20Mali%20on%20the%20impact%20of%20the%20EITI%20on%20corruption_0.pdf; German Development Institute, 2016, *op. cit.*

¹¹¹ Fernando Londoño, “Does joining the Extractive Industries Transparency Initiative have an impact on extractive and non-extractive FDI inflows?” *The Georgetown Public Policy Review* 19, No. 1 (Winter 2013-14): pp. 41-63; M. Schmaljohan, “Enhancing Foreign Direct Investment via transparency? Evaluating the effects of the EITI on FDI,” *University of Heidelberg-Discussion Paper Series No. 538* (2013): p. 19.

¹¹² Scanteam, *op. cit.*

countries during candidacy relative to their pre-EITI performance. Improvements in the rule of law among EITI-compliant countries showed improvement over their performance during the pre-EITI and candidacy phases but did not show much difference from their non-EITI peers over the relevant time period. Little difference was found in other areas: voice and accountability, political stability, government effectiveness, control of corruption, and GDP per capita.¹¹³

Possible explanations for these trends include the fact that countries joining EITI are likely to have a pre-existing commitment to transparency. Countries that fail to show improvements, on the other hand, face little consequences other than being delisted. Thus, “corrupt and non-transparent companies and countries have an incentive to join the EITI in the knowledge that in the best-case scenario they gain increased prestige and recognition at a low cost and in a worst-case scenario they lose little to nothing if expelled from the EITI.”¹¹⁴ Another explanation is resistance from within the private and public sectors.¹¹⁵ Transparency can be unsettling for established interests. Companies, for example, may feel that disclosing information puts them at a competitive disadvantage. Moreover, the EITI has a limited mandate, committing governments and companies to disclose extractive industries’ payments and revenues, but not necessarily disclosing information on results of environmental impact assessments, community relocation plans, or government contracting and spending, where most of the corruption is entrenched.¹¹⁶

Finally, the EITI depends on a strong civil society to optimize its impact.¹¹⁷ Civil society plays an important role in monitoring the disclosure of revenue flows and reporting their views on the accuracy of this information to the validators.¹¹⁸ Where civil society is weak, it will be a junior or token partner in this endeavor.

Sovacool and Andrews identify several core benefits of EITI membership.¹¹⁹ The first two sets of benefits, enhanced access to information and improved governmental accountability, speak directly to the core components of the EITI mandate – to promote transparency in extractive industries. The EITI also benefits extractive industry companies by limiting a “race to the bottom,” where corrupt practices are incentivized for the sake of competitiveness. It also contributes to an improved investment climate and decreased political risk perceptions, which may boost investment flows. The EITI compliance procedures are seen to empower citizens and ameliorate social conflict.¹²⁰ Donors have increasingly linked development assistance to governance indicators.¹²¹

Beyond the direct benefits of EITI participation, it also functions as a signal to attract increased aid and foreign investment. Where motivations for joining the EITI are dominated by ancillary benefits such as access to aid and investment flows, there is potential for “open-washing” whereby states may meet the minimum

¹¹³ Sovacool, B et al., *op cit*.

¹¹⁴ *Ibid*.

¹¹⁵ *Ibid*.

¹¹⁶ *Ibid*.

¹¹⁷ *Ibid*.

¹¹⁸ Validation assesses performance and promotes dialogue and learning at the country level, and safeguards the integrity of the EITI by holding implementing countries to the same global standard. It is intended to provide all stakeholders with an impartial assessment of whether EITI implementation in a country is in line with the provisions of the EITI Standard. The Validation report, in addition, seeks to identify the impact of the EITI in the country being validated, the implementation of activities encouraged by the EITI Standard, lessons learnt in implementation, as well as address any concerns stakeholders have expressed and recommendations for future implementation of the EITI. For more, see <https://eiti.org/validation>.

¹¹⁹ Sovacool, Benjamin and Nathan Andrews, “Does Transparency Matter? Evaluating the Governance Impacts of the Extractive Industries Transparency Initiative (EITI) in Azerbaijan and Liberia in Resources Policy,” *EITI*, June 2015, <https://eiti.org/document/does-transparency-matter-evaluating-governance-impacts-of-eiti-in-azerbaijan-liberia>.

¹²⁰ A. Gillies and A. Heuty, “Does Transparency Work-The Challenges of Measurement and Effectiveness in Resource-Rich Countries,” *Yale Journal of International Affairs*, 6 no. 25 (2011).

¹²¹ David-Barrett and Okamua, *op cit*.

requirements of EITI reporting without providing the funding, institutional support, and accessible data that would meaningfully improve governance.¹²²

The emerging narrative, then, is a positive but contested one. Significant differences in interpretation exist, attributable to differing methodologies and a significant reliance on opinion and anecdote. There is both evidence of economic gain and evidence to the contrary. It is possible that given the scale of finances and the long lead times involved in investments in extractives that this may begin to manifest itself at a later time.

The EITI has also been studied at the country level. In general, case studies reveal its shortcomings in certain countries such as in Mozambique, where the EITI is largely ineffective in preventing the diversion of public funds. According to Ossemame,¹²³ these diversions occur at stages where companies, both foreign and national shareholders, and individuals linked to government power can take advantage of the lack of transparency, such as at stages where payment terms from companies to the state are fixed and at the stage of contract implementation, neither of which are monitored by the EITI. To tackle this, the mechanism should ideally broaden its scope to monitor public revenue diversion at every stage of the extractive process.

Of the three MSIs, only the EITI has generated comprehensive impact studies.¹²⁴ They suggest that transparency is a necessary but insufficient condition for accountability, and the benefits of transparency are conditional and contextual.¹²⁵

Brockmyer and Fox of the Transparency and Accountability Initiative note in their assessment that there is evidence for the EITI's effectiveness on public debate and policy, in which civil society plays an important part.¹²⁶ A number of governments have enshrined rules for revenue disclosure in national law following accession to the EITI, while the multi-stakeholder group plays an important role in providing civil society access to decision-making structures that had previously been exclusively for government and companies.

CONCLUSION

Two themes stand out from the literature: the importance of process and the importance of impact. MSIs are becoming relevant in establishing partnerships among governments, civil society, and the private sector, and in promoting transparency, accountability, and good governance. Many stakeholders have argued that by participating in these MSIs, governments, especially those that lean towards more authoritarian characteristics, might become more transparent and open up political space for civil society engagement. While few comprehensive studies have been conducted on process benefits, there are demonstrative cases that support process effectiveness, such as with Rwanda and Ethiopia in the APRM. Considering the evidence gap, the larger question remains: Do MSI processes really add value? This paper has attempted to begin to address this. MSIs have opened up of political space in many countries. The EITI, for instance, has successfully provided a platform for civil society to engage with governance processes from which they would otherwise have been excluded. Meanwhile the OGP, by design, is intended to put civil society on an equal footing with state officials and include them in all stages of the process, but participating governments do not always adhere to this.

¹²² Brockmyer and Fox, *op cit*,

¹²³ Rogerio Ossemame, "Is the Extractive Industries Transparency Initiative Relevant for Reducing Diversions of Public Revenue? The Mozambique Experience," *SAIIA*, January 2013, <http://www.saiia.org.za/policy-briefings/175-is-the-extractive-industries-transparency-initiative-relevant-for-reducing-diversions-of-public-revenue-the-mozambican-experience/file>.

¹²⁴ *Ibid*; Julia Kesperu and James Chan, "The Social Impact of Open Data," *Sunlight Foundation*, 2016, www.opendataresearch.org/dl/symposium2015/odrs2015-paper20.pdf.

¹²⁵ Benjamin Sovacool, Gotz Walter, Thijs Van de Graaf, and Nathan Andrews, "Energy Governance, Transnational Rules, and the Resource Curse: Exploring the Effectiveness of the Extractive Industries Transparency Initiative (EITI)," *World Development* 83 (2016)

¹²⁶ Brockmyer and Fox, *op cit*.

Governance challenges are fundamentally political in nature and therefore political astuteness is essential for MSIs. For developing countries, MSIs can present an opportunity to initiate reforms, in the face of resistance from some officials and even civil society members who might label them imperialist or neo-colonial initiatives. In such environments, MSIs can promote transparency, accountability, and debate on contentious issues in hitherto inhospitable political cultures. Peer-learning also becomes crucial for both state and non-state actors.

The second important theme is impact and specifically the difficulty in determining the extent to which reforms have actually benefitted citizens. Policies and social change take years and even decades to manifest an impact. In this sense, the OGP is in a difficult position as its short two-year review cycles potentially complicate the measurement of impact. While the OGP may move too quickly, a process like the APRM moves too slowly, although it does provide a comprehensive governance baseline at a point in time. In a country like Zambia, three different presidents and administrations have already changed, all with different levels of commitment to the APRM. As a result, the country has only undergone one review and is struggling to implement its NPoA. However, given their longevity, both the APRM and the EITI are more suited for impact assessments than the OGP.

MSI reports attract donors and keep the interest of stakeholders because they can provide tangible evidence of progress and opportunities for stakeholders to engage with other actors.¹²⁷ Still, more process and impact studies need to be conducted to measure what has actually changed as a result of these interventions. Such studies would be important in providing an evidence base of why MSIs are important, why governments should keep funding them, and why civil society organizations should keep assigning their time and other resources to participate in them. Given the concerns about the extent to which electoral democracy reduces participation in governance to casting a ballot every four to five years, the concept of active citizenry, embedded in most MSIs, could provide opportunities for more meaningful engagement and decreasing the divide between governments and their citizens.

Each of the three initiatives has shown promise and instances of success, but there is little evidence to show that they have been fundamentally transformative in line with their objectives. The description of the OGP as an “accelerant” is arguably applicable to each of these MSIs. Understanding the issues they face, as well as considering shared challenges and opportunities, is crucial if stakeholders are to strengthen their contribution to governance.

The first issue is the institutional design governing relations between participants and stakeholders in the various MSIs. The three MSIs examined here are designed with checks to keep any one stakeholder from gaining overbearing influence, and the role of civil society, or review panels, is intrinsic to their operations. The reality however is that government is the central and indispensable stakeholder in each of MSI; without the cooperation of government, none of these MSIs can be effective. Governments, after all, make accession agreements and will inevitably provide most of the resources for their country-level operations, and to an extent the global operations of the initiative. The virtual halt in the APRM's activities between 2013 and 2015 owed much to the indifference of its member states. Political will on the part of government to deal with problems is therefore foundational to MSI's success.

This suggests that MSIs might benefit from a design that takes this imbalance into account. The EITI and OGP have attempted to build minimum preconditions for participation into their systems, seeking upfront assurances that civil society will have an opportunity for meaningful participation. This provides no guarantees, but it is something to be considered by other initiatives.

The ambition of the MSIs is another significant issue. For the three MSIs in this paper, there is an inverse relationship between ambition and impact. There are innate difficulties in monitoring the impact where the focus is larger. Where MSIs grant great latitude to participating countries as to the span of issues they address,

¹²⁷ Halloran, *op. cit.*

they risk creating an environment in which some countries can deliberately choose low-impact options – in effect, open-washing.

Champions can play an important role. A respected national figure – a prominent institution – who is able to keep the MSI in the public eye can be a great asset. When an initiative produces results, this will encourage further engagement, creating a virtuous circle, provided citizens and groups are aware of successes. In MSIs that deal with a range of issues, such as the APRM and OGP, this is especially true. As these initiatives are not bound to a specific sector or issue, they will often fall beneath public consciousness, producing moderate impacts in disparate areas. Attention needs to be focused on the role they play in this, and the role that they can play in driving new policy ideas. The OGP and EITI demonstrate the value of supporting reform-minded officials to steer these processes.

Monitoring and evaluation systems are important tools for measuring progress. MSIs may operate differently in practice from what was intended in conception. They need to be adapted in light of experience. They need to identify the “return on investment” from participation in these initiatives. It is difficult to draw a connection between the ripples created by MSIs and subsequent policy and governance advances. MSIs are unlikely to be instantly transformative; rather, in practice, they will tend to take on or fit into existing policies. This need not be a problem, if the MSI is able to provide additional impetus for positive change. But it is necessary to understand exactly what contribution the MSI has made, how it did so, and to communicate it to the public. Ultimately, citizens do not care which acronym gets credit for improving their circumstances.

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