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**OPENING CIVIC SPACE
THROUGH THE OPEN
GOVERNMENT PARTNERSHIP:**

**A Toolkit for Civil Society
Organizations**

SEPTEMBER 2021

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What is OGP and how can civil society use OGP to build an enabling environment?

WHAT IS OGP?

The Open Government Partnership (OGP) is a partnership between governments and civil society organizations that aims to promote accountable, responsive, and inclusive governance.

WHO CAN JOIN OGP?

National governments meeting the [eligibility criteria](#), as well as local governments located within OGP national members. Civil society organizations work closely with government OGP members to create and implement OGP commitments.

WHAT DOES OGP DO?

Governments and civil society organizations co-create and implement local or national-level action plans, which are a collection of concrete commitments across a broad range of issues that are typically related to the open government values of transparency, accountability, and public participation. Members also commit to independent and public evaluation of progress on these commitments. National action plans span two years, while local action plan periods can vary.

The multi-national structure of OGP also facilitates peer learning among its members, who can share success stories and lessons from national and local-level initiatives on target issues.

Collectively, more than 4,000 commitments by seventy-eight countries and seventy-six local governments have been made globally.

HOW DOES OGP ENHANCE CIVIC SPACE AND WHY SHOULD CSO ENGAGE IN THE OGP SYSTEM?

OGP has from its beginning recognized that open civic space is an essential component of open government, with a core “commitment to freedom of expression, association, and opinion” enshrined in the [OGP Declaration](#). The creation of the OGP Support Unit to serve as an intermediary between CSOs and government has matched this commitment with action, prioritizing civic space in action plan development and implementation, and elevating civic space as a priority cross-cutting issue in its most [recent three-year plan](#).

Through OGP, civil society can work with counterparts in government to develop and implement commitments addressing key constraints on civic space – from bolstering opportunities for public participation, to addressing obstacles to CSO registration and reporting, to promoting more effective oversight of government surveillance programs, to developing mechanisms for granting and contracting to local CSOs. OGP

provides a structured process for civil society to participate in designing government policies and programs that can empower and support the civil sector.

The open government model and civic space have a symbiotic relationship. Civil society's participation in OGP ensures that OGP commitments reflect the needs and concerns of the people, while the open government model contributes to healthy civic space by holding members accountable to the principles of transparency and citizen engagement. Broad participation in OGP helps to guarantee representation of a wide range of policy areas and views.

The OGP has centered its response to the ongoing global contraction of civic space around three areas: defending journalists and activists, freedom of assembly, and freedom of association. However, civic space commitments in action plans are not limited to these three themes and can address any key constraints affecting civil society in OGP member countries.

OGP SUCCESS STORY: In Sekondi-Takoradi, Ghana, the local government worked with civil society leaders through the OGP co-creation process to develop and implement participatory initiatives such as citizen scorecards for assessing public services, programs to engage poorer communities in budget decisions, and a transparency portal that captures citizen feedback. These participatory initiatives led to tangible benefits for Ghanaians: the Sekondi-Takoradi Metropolitan Assembly (STMA) worked with landlords in the Fijai and Engyresia villages to install household toilets to implement a commitment for better sanitation; STMA also worked with the Ministry of Energy to replace streetlights to implement a commitment for better public provision of security.

An Opportunity to Address Civic Space Issues in Kenya through OGP

Kenya's 2020-22 Action Plan does not include any commitments specifically related to civic space. However, it has two commitments that involve public participation and **provide potential opportunities for engagement in government processes by CSOs during the current Action Plan cycle:**

“Commitment 4: Mainstream meaningful public participation in all developmental spheres in the country thereby ensuring that the voice of the public counts and shapes the eventual developmental outcome for ownership.”

The Senate of the Republic of Kenya is leading this commitment, with support from other government stakeholders as well as the CSO Mzalendo Trust. Activities imagined under this commitment include advocating for all Parliamentary and Country Assembly proceedings to be availed to the public,

engaging in education campaigns to equip the public to meaningfully engage in available public participation mechanisms, and building up the use of technology to assist public participation. Organizations could consider expressing their interest in the implementation of Commitment 4 by reaching out to their peers at Mzalendo Trust.

“Commitment 8: Build institutional support of OGP by ensuring engagement of broader interest groups across Public institutions, Private sector, Academia, Civil Society and strengthen multilateralism with other OGP participating countries.”

The Office of the Deputy President and Commission on Administrative Justice are leading this commitment, with support from other government stakeholders, the Institute of Development Studies at the University of Nairobi (IDS- UON), and other unidentified universities and colleges and CSOs. Organizations could consider expressing their interest in the implementation of Commitment 8 and inquiring about in-country peers involved in the implementation process by reaching out to IDS-UON.

Beyond supporting the implementation of Kenya’s current Action Plan, CSOs may also prepare to engage in the process to create Kenya’s next Action Plan, which will likely begin in 2022, to encourage the adoption of commitments specific to civic space. This toolkit will outline tips for CSOs to undertake both approaches.

CSO Engagement in the OGP Co- Creation and Implementation Processes in Kenya

The Kenyan OGP Process: Background Information

STATUS OF KENYA’S NATIONAL ACTION PLAN

Kenya began implementing its current Action Plan cycle in March 2021, and is scheduled to complete the implementation cycle in December 2022. CSOs interested in supporting implementation of OGP commitments under the current action plan may reach out to the key points of contact listed below as well as in the “Consolidated Contact List” section. Furthermore, as the current Action Plan cycle concludes in 2022, CSOs may have an opportunity to participate in consultations, meetings, and calls for public input to create and implement the next Action Plan.

DIGITAL RESOURCES ON OGP IN KENYA

Kenya’s page on the OGP website has a database of commitments from current and past action plans and their progress, data and documents from the Independent Review Mechanism (IRM), which assesses the implementation of OGP commitments annually, reporting on previous action plans, and points of contact in government.

The Kenyan government also has its own [webpage for OGP](#), which provides more information about the composition of the Steering and Technical Committees and has a blog and calendar for events.

International NGOs such as Article 19 and Hivos as well as the national political monitoring and research organization Mzalendo Trust are all listed as members of these committees, as are local and national-level government officials.

Organizations interested in joining the OGP process in Kenya could also look to the websites of CSOs that are already involved in Kenya’s OGP process, such as Article 19 and Mzalendo Trust, for information on how to become involved in OGP or events related to the Open Government Partnership. See the “Consolidated Contact List” section below for a full list of CSOs leading OGP initiatives in Kenya.

KEY POINTS OF CONTACT (POC) FOR THE OGP PROCESS IN KENYA

OGP members must maintain a “Multi-Stakeholder Forum,” which acts as a standing consultative body that assists in the creation and implementation of action plans. At the national level, Kenya refers to its MSF as the [OGP Steering Committee](#).

The POC for OGP in the Kenyan government is Philip Thigo, Data and Innovation Lead at the Executive Office of the Deputy President.

Mzalendo Trust is the current OGP civil society lead in Kenya, and in the past have posted news about MSF events on its [blog](#) and Facebook page. Various CSOs also act as leads for the different thematic clusters under the national action plan.

See the “Consolidated Contact List” section below for suggested contact persons at the government and civil society levels.

OGP MEMBERSHIP AT THE NATIONAL AND LOCAL LEVELS

OGP in Kenya is not just limited to the national level; several town and city governments are also members of OGP, and their local initiatives may provide interesting opportunities for CSOs to engage. Unlike at the national level, smaller CSOs have played a key role in the co-creation and sensitization process at the local level.

Four local governments in Kenya participate in OGP: [Elgeyo Marakwet](#), [Makueni](#),

OGP SUCCESS STORY: Kenya has used the OGP process to address its historical issues with corruption in procurement processes. As a result of an [OGP commitment](#), Kenya became the first country in Africa and one of only two dozen in the world to create a [public registry](#) of companies, making it more difficult to launder money and conduct other corrupt activities through shell companies. To ensure equal access to contracting for underrepresented groups, Kenya has also committed through the OGP process to give 30 percent of public procurement opportunities to women, the youth, or people with disabilities. Additionally, to improve transparency in procurement practices, Kenya has [committed](#) to adopt the [Open Contracting Data Standard](#) and to publish procurement information.

Nairobi, and Nandi. Makueni, Nairobi, and Nandi are all currently in the process of creating their first Action Plans, which are due July 31, 2021. Each local page has information on points of contact for civil society. Mzalendo Trust, the national-level OGP civil society lead in Kenya, can also put interested CSOs in touch with the relevant local contacts.

Effective CSO Engagement in the OGP co-creation process in Kenya

To have an impact on the development of OGP action plans in Kenya, CSOs should work with partners and build coalitions to advance commitments that could successfully address key constraints on civil society. The right course of engagement may depend on the specific issue and commitment under consideration, but CSOs should consider the following steps in structuring their engagement:

1. **Identify key issues, potential commitments, and recommendations.** Take the time to reflect on pressing issues for civic space, and brainstorm potential OGP commitments and recommendations.
2. **Work with partners to develop ideas for commitments.** Collaborate with other CSOs, media, and technical experts to identify commitments.
3. **Develop an advocacy strategy to advance the proposed commitments.** Create a concrete plan to advance the proposed commitments, including identifying the target audience, allies, and opponents; developing key advocacy messages; selecting tools to convey the messages; identifying opportunities for advocacy; assessing any associated risks; and having a metric for measuring and assessing progress on the advocacy goals.
4. **Build civil society coalitions to develop and advance proposed commitments.** CSOs such as Article 19 (Kenya office), Mzalendo Trust, and the Local Development Research Institute are long-term participants in the OGP process in Kenya.
5. **Reach out to government counterparts who could co-champion proposed commitments.** Kenya's [Open Government page](#) lists members of its OGP Steering Committee and Technical Committee, which include local and national level government officials and CSOs.
6. **Participate in OGP co-creation processes** through connecting with the OGP Steering Committee, Points of Contact, and CSOs such as Mzalendo Trust, and responding to calls for inputs found on OGP websites. Contacting the OGP Support Unit in Africa will also help connect interested CSOs with consultative meetings in which organizations can bring their issues to attention.
7. **Promote proposed commitments through the media.**
8. **Kenya's OGP Steering Committee approves the Action Plan.**

SUPPORTING IMPLEMENTATION AND MONITORING OF OGP COMMITMENTS

As noted above, each OGP action plan cycle centers around: (1) the development of action plan commitments, and (2) the implementation and monitoring of these commitments. There are a variety of ways that CSOs can contribute to implementation and monitoring activities.

- **Contact institutions responsible for implementing specific commitments.** The [National Action Plan](#) (pages 13 and 14) names the government institutions and organizations responsible for implementing each commitment, whom CSOs may contact if they wish to participate in the implementation of commitment objectives.
- **Monitoring and evaluation of Action Plan Commitments as part of the Multi-Stakeholder Forum.** Consider reaching out to Steering Committee members or to the national point of contact, to express interest in MSF monitoring activities.
- **Joining the IRM process.** The [Independent Reporting Mechanism \(IRM\)](#) is an independent body that is overseen by an international experts panel and guided by the OGP's Steering Committee. IEP members are experts in transparency, participation, and accountability. The IRM periodically [issues a call for national researchers to author IRM progress reports](#) monitoring implementation of each country's OGP plan. The latest [IRM report on Kenya's national-level commitments](#) was prepared in collaboration with independent researcher Linda Oduor-Noah.
- **Participation in the African Peer Review Mechanism (APRM),** implemented by [NEPAD/APRM](#). CSOs participate in a country review process, identifying issues in civic space and governance which the APRM works with OGP to incorporate in future Action Plans. At the local level, Kenya has committed to introduce a County Peer Review Mechanism (CPRM) based on the APRM to increase citizen engagement with county governments. NEPAD/APRM and

OGP SUCCESS STORY: *Sierra Leone's dual system for monitoring the success of the Action Plan has been praised by OGP. It features a large General Forum (also called the national Steering Committee) of stakeholders that meets every month as well as ad hoc when necessary. There are also smaller forums that monitor progress on bigger thematic challenges or specific commitments.*

Each quarter, the Office of the President of Sierra Leone develops a report that is presented to the Steering Committee, OGP, and the CSO monitoring group. Members of the Steering Committee then consult stakeholders around the country in preparation for a national presentation of the report. These levels of review ensure accountability and aid in the project's sustainability.

Kenya's Council of Governors is leading the implementation of this commitment.

Other ways of getting involved in the OGP Process

- **Develop partnerships at the global OGP secretariat.**
- **Engage the OGP Support Unit**, which serves as a neutral, third-party between governments and civil society organizations. Maureen Kariuki oversees Support Unit activities related to Kenya.
- Attend OGP's global and regional events.
 - OGP hosts an annual Global Summit, which provides an opportunity for government and civil society to exchange experiences, best practices, and progress on open government initiatives and implementation. As each Global Summit approaches, information about the event is presented on the main OGP website.
 - OGP also convenes regional meetings, including on specific thematic issues. For additional information on these meetings, partners should reach out to the contacts at the OGP Support Unit listed above.

Tips for Designing an Effective OGP Commitment

OGP commitments should be **SMART**: **S**pecific, **M**easurable, **A**ctionable, **R**elevant, and **T**ime-bound. CSOs can work with partners and government counterparts in the OGP process to ensure that commitments are designed and drafted in a way that satisfies these requirements, which makes it more likely that the commitments will be implemented successfully and have a positive impact. After the government submits its action plan to OGP, the IRM assesses the commitments' strength and incorporates its findings into its final evaluations.

Elements of a good OGP commitment

- a. A **clear title** that explains the main goal of the commitment or the area of action.
- b. A **brief description of the status quo or the issue** addressed by the commitment, including the main objective of the commitment.
- c. A **brief description of the commitment**, including potential activities and proposed laws or regulations.
- d. A **list of commitment milestones**: major action points which can be used to broadly track commitment progress.

- e. Details of the designated responsible government institution(s) and individual(s).
- f. A **description of the anticipated impact** of the measures outlined previously on opening the government and society.
- g. A **list of indicators** for measuring success.

Sample Commitments Relating to Civic Space

The following are excerpts of commitments by countries in Africa that specifically address civic space. Some excerpts have been lightly edited for clarity. CSOs may use these excerpts as guidance when working with government stakeholders to develop actionable commitments to promote an enabling environment for civil society.

Côte d'Ivoire

Invite civil society to participate in budget planning at the Directorate General of Budget and Finance seminar.

How will this commitment contribute to solving the problem? Collaboration with civil society aims to inform the population and collect their observations and proposals regarding the budgetary choices that the government is considering. It will enable citizens to better understand and apprehend the priorities of the State for the coming year and to see that their concerns are taken into account in the draft budget.

Nigeria

Ensure that citizens and citizen organizations can freely assemble, associate, and express their opinions on government policies and programs.

MILESTONES:

1. Work with regulators such as Corporate Affairs Commission, Federal Inland Revenue Service and Special Control Unit Against Money Laundering to register CSOs, especially those working on governance and rights issues, within a set time limit on clear grounds that are legitimate.
2. Advocate for adequate safeguards against undue supervision of CSOs and the media such as random inspections and searches, ad-hoc demands for information, burdensome or invasive reporting requirements, etc.
3. Establish strategy for the development of an effective CSO-Government relationship through the inclusion and timely release of a funding line in the national budget.

4. Work with FIRS to ensure that tax treatment and eligibility requirements of CSOs are clear in law and regulation to promote consistent and impartial tax treatment.
5. Work with the Nigerian Police and other security agencies to develop a guide on peaceful protests and assembly that is in line with international and ACPHR legal standards.

Liberia

Increase transparency in the legislative process and increase citizen participation in public policymaking.

The commitment aims to provide citizens with information to help them better understand which bills and laws will be voted upon. It will create spaces for public hearings, citizen engagement on draft legislation, and relevant advocacy campaigns. The commitment will increase participation by providing opportunity for citizens and civil society organizations to track, support and organize around the legislative processes. It will increase transparency by opening the parliamentary process to public scrutiny.

MILESTONES:

1. Track status of bills in the House of Representatives and the Senate through a central database which lists all bills under consideration.
 - a. Provide information on the progress of bills, the sponsor of each bill and who has voted for each bill.
 - b. Publish ongoing results and analysis in quarterly reports and online.
2. Work with relevant groups inside and outside government to deliberate on draft bills.
 - a. Organize at least 2 rounds of consultations on 2 existing bills with multiple stakeholders relevant to the issue- including relevant government agencies, youth, private sector, CSOs.

Sierra Leone

Ensure access to justice for all by expanding community-based justice services and increasing transparency in local level structures.

This commitment seeks to increase access to justice for all by expanding legal services to marginalized, vulnerable, poor, and/or rural populations provided by legal aid boards, community-based justice service providers (paralegals), NGOs, and CSO non-lawyers. It also seeks to increase local provision of justice services through grievance redress mechanisms within local councils and existing community governance structures. The commitment's emphasis on supporting non-lawyer interventions and

the informal justice sector are meant to increase citizen participation in justice delivery, while promoting transparency and accountability in the local justice delivery structures that communities are most likely to engage.

MILESTONES:

1. Develop a national access to justice policy framework.
2. Establish an Access to Justice Directorate within the Ministry of Justice.
3. 300 community-based justice service providers identified or recruited and trained. Data on recruitment and training of community-based justice service providers reported to Ministry of Justice on a quarterly basis.
4. Administrative justice mechanisms and grievance redress mechanisms at the local level are identified and mapped.
5. A Justice Innovation Centre is established with a data aggregation system that promotes interaction between community justice service providers and the formal justice system.
6. The Legal Assistance Fund provided for in the 2015 National Land Policy for legal and paralegal assistance to communities in negotiation with large scale land investors is established.

Consolidated Contact List

OGP Support Unit, Africa region

- Maureen Kariuki, Senior Regional Coordinator, Africa and the Middle East (Maureen.Kariuki@opengovpartnership.org)

Kenya national-level OGP point of contact:

- Philip Thigo (pthigo@opengovernment.go.ke or Philip.thigo@gmail.com)

Civil society organizations involved in OGP in Kenya:

- Mzalendo Trust (info@mzalendo.com) and Caroline Gaita (caroline@mzalendo.com) Article 19's Kenya office (kenya@article19.org) and Sandra Waswa (sandra@article19.org) Hivos Foundation (eastafricainfo@hivos.org)

Civil society leaders for clusters under the 2020-2022 national action plan:

- Beneficial ownership: Harriet Wachira, TI Kenya (hwachira@tikenya.org)
- Open Contracting: Charlene Migwe-Kagume, Development Gateway (cmigwe@developmentgateway.org)
- Public participation: Caroline Gaita, Mzalendo (caroline@mzalendo.com)

- Access to Justice: Aimee Ongeso, Namati (aimeeongeso@namati.org) and Anette Mbogoh, Kituo chaSheria (ambogoh@yahoo.com)
- Access to Information: Sandra Waswa, Article 19 (sandra@article19.org)
- Open Data for Development: Muchiri Nyaggah, Local Development Research Institute(muchiri@developlocal.org)
- Improving Public Service Delivery Performance: Muchiri Nyaggah, Local Development Research Institute (muchiri@developlocal.org)

Additional Resources

[ICNL OGP Briefer](#)

[OGP Participation and Co-Creation Standards OGP's Co-Creation Toolkit](#)

[OGP Declaration](#)

[Kenya 2020-22 Action Plan](#)

[From Plans to Actions: How CSOs Support the OGP Process in Kenya Kenya's Member Page on OGP Site](#)

[Kenya Government's OGP Site OGP Support Unit](#)

[Independent Reporting Mechanism \(IRM\): Kenya Design Report 2018–2020 Kenya OGP Steering Committee](#)