

Promoting Private Sector Engagement in the Open Government Partnership: A Discussion Paper¹

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1. Executive Summary

There has been limited private sector engagement in OGP to date. This discussion paper commissioned by the OGP Support Unit seeks to explain why this is so and suggests some options for promoting increased private sector engagement going forward.

History/Context: OGP's policy and guidance documents take an ambivalent position towards the private sector as a stakeholder to engage, without acknowledging the private sector's unique potential value. The private sector includes a diverse set of actors and an effective OGP engagement strategy must pay attention to different entry points and concerns of the private sector at various levels. Two attempts at engaging the private sector – through OGP's Networking Mechanism and the Private Sector Council – failed to gain traction, mostly because they focused on creating a “supply” of private sector expertise without facilitating the demand from governments and civil society. Among the many actors in the global governance and sustainability fields, OGP is poorly known by the private sector. Articulating clear value propositions regarding the mutual benefit of the private sector to open government/OGP is critical to attracting private sector interest.

Two-Way Value Proposition: The private sector contributes to open government by improving public services, spurring civic innovation, capitalizing on open data, potentially linking open government and financial performance, and improving transparency, integrity, and anti-corruption. For its part, open government can benefit the private sector by unleashing economic potential through open data, improving the business climate and business efficiency, leveling the playing field and promoting a fairer business environment.

More compelling, however, are examples of private sector impact through and on the OGP process. For example, the private sector can serve as a catalyst for open government reform, as in the Philippines, where the Makati Business Club as part of the OGP national-level Steering Committee promoted anti-corruption and competition reform. In Pakistan, the private sector, interested in open data on customs, taxation and other business issues, even served as the catalyst alongside civil society in advocating that the country become an OGP member. For its first National Action Plan (NAP), the United Kingdom formally consulted the private sector in selecting which data sets to open. The private sectors in Nigeria and Kenya have seized on the OGP NAP process as a means of advocating that their governments adopt and implement concrete anti-corruption and climate change legislation to hold them accountable for translating high-level commitments into concrete action.

Recommendations for operationalizing private sector engagement at the national, thematic, global policy, and institutional levels: OGP should more clearly illustrate how the private sector can have a seat or voice at the table alongside governments and civil society in the OGP process and promote those examples across the partnership. At the thematic level, the OGP

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Paris Declaration now provides a concrete road map for clarifying the private sector's potential contributions to commitments in its 20 issue areas. That said, OGP could do a better job of articulating its role in promoting the SDGs and capitalizing on private sector support for the SDGs for OGP ends. OGP should undertake a more comprehensive stakeholder mapping of MSIs and initiatives related to the SDG, particularly pertaining to private sector engagement, to effectively identify synergies for complementary collaboration. Global policy forums such as the G20/B20 or WEF/PACI forums provide additional platforms for private sector engagement on OGP issues, but OGP partners are already influencing those debates.

The report concludes with additional suggestions for OGP to improve private sector engagement such as: adopting and publishing a clear policy statement encouraging private sector engagement and harmonizing guidance publications to support this policy; develop a group of private-sector OGP champions; consider incorporating members of its Steering Committee or Support Unit (in the form of a program officer) dedicated to promoting private sector engagement on a transversal basis; and pursue deeper research in a number of private sector issues to strengthen the two-way value proposition for engagement.

2. Introduction

This discussion paper explores the opportunities and challenges of promoting increased private sector engagement with the Open Government Partnership (OGP). It is designed to inform discussion and provide options for the OGP Steering Committee's consideration on how best to encourage and frame private sector engagement in OGP going forward.

This paper is based on a desk review of OGP materials and comparable experiences of private sector involvement in multi-stakeholder initiatives and public-private partnerships. The authors also conducted interviews, covering a balance of viewpoints from government, civil society, and the private sector, which were representative, but not comprehensive.² Opinions shared by interviewees are included anonymously in this paper.

Two words of semantic caution should be noted from the outset. First, it is crucial to underscore that the private sector is not monolithic, but rather encompasses a diverse range of actors at the global, national, and sub-national levels. For the purposes of this paper, the private sector is defined as for-profit entities that have majority private (i.e. non-government) ownership and includes multinational companies operating at the global level, micro- or small- and medium-sized enterprises (SMEs) engaging in different national contexts—from industrial economies, to emerging markets, to less developed countries which are part of OGP—entrepreneurs, and business associations. An effective private sector engagement strategy for OGP depends on attention to the nuances and different concerns and entry points of different private sector actors.

Second, “open government” means different things to different people. While flexibility has some advantages, the OECD has cautioned that successful open government initiatives depend on “a single definition fully recognized by the whole public sector and communicated to all

² The authors conducted a total of 14 interviews for the purpose of this study, including four individuals representing a government perspective, four representing a civil society perspective, and six representing the private sector perspective. The individuals interviewed were located in the following countries: United States, United Kingdom, Argentina, Kenya, Georgia, Nigeria, Pakistan, and the Philippines.

stakeholders.” For some, open government means open data, although open data itself is defined differently by different actors. Yet OGP defines open government more broadly than open data and access to information and the 2016 OGP Paris Declaration provides a road map of concrete open government goals in three priority thematic areas: (1) transparency, integrity, and anti-corruption; (2) climate change and sustainable development; and (3) common digital tools and capacity. This paper seeks to broaden debate to private sector engagement to these and other thematic issues.

3. History and Context of Private Sector Engagement in OGP

This overview of how OGP policy and guidance documents frame private sector commitment and discussion of two previous attempts at private sector engagement provides crucial institutional learning from past experiences to inform the path forward.

OGP’s Articles of Governance foresee OGP as a triangular platform for co-creation, with its main stakeholders comprised of governments, civil society, and private sector entities. Despite this, few countries have included the private sector in their OGP National Action Plan (NAP) processes. OGP is rather primarily identified as a platform for dialogue between governments and civil society reformers. In fact, this is lauded as OGP’s unique attribute and added value. OGP’s most recent guidance on participation, co-creation standards, and design of OGP multi-stakeholder forums affirms OGP’s self-perception of the OGP process as primarily a dialogue between governments and civil society, while encouraging these main constituents to consult broadly with other actors, including the private sector.

Partly in response to the focus of the OGP co-creation process as between governments and civil society, strategic priority #2 of OGP’s *Strategic Refresh* seeks to broaden collective ownership domestically, in part by welcoming and integrating “new actors, such as local governments, legislatures, private sector, the media, and youth.” Including the private sector on this diverse and disparate list, raises questions as to whether OGP sees the private sector as a unique stakeholder and has the appropriate tools in place for effective private sector engagement. This discussion paper is intended to spur discussion to this end.

There have been a few attempts at stronger integration of the private sector in OGP. Between 2011 and 2013, OGP developed the “Networking Mechanism,” a roster of around 100 experts, including one or two dozen companies in the civic technology or geo-mapping space, who were on stand-by to provide technical assistance to countries developing NAPs who would ask for assistance. Over two years, however, few countries requested assistance from the Networking Mechanism and OGP abandoned it, adopting other peer learning approaches. Although no formal evaluation was made of the Networking Mechanism, several interviewees cite it as a critical moment of institutional learning. Their main take away is that country NAP development is driven in a bottom-up manner and that offering a supply of private sector or other technical expertise will not automatically lead to demand from governments or influence change at the national level.

A next phase of consideration of private sector engagement in OGP came in 2014-2015. During its tenure as OGP Co-Chair, Indonesia raised interest in this issue, as did the U.S. State Department, which tapped the Center for Private Enterprise (CIPE), a Washington, D.C. based non-profit that promotes democracy abroad through market-oriented reforms and private enterprise, to brainstorm proposals. CIPE then created the Private Sector Council (PSC) in 2014

as a joint initiative with the National Information Society Agency of Korea and Microsoft. Additional big firms such as IBM, KPMG, and Thomson Reuters also joined the PSC, with interest expressed from others such as GE, CISCO, and Amazon. The PSC delivered a white paper to the OGP Steering Committee in 2014 proposing that it become a formal OGP working group that would define a strategy for OGP to engage the private sector and has repeated that proposal in 2015 and 2016. This was an informal pitch, however, that was not subject to debate by the OGP Steering Committee, which did not give a formal response on the proposal in light of outstanding questions on the potential role of a working group dedicated to private sector issues. The lack of feedback to the PSC has created the perception among some that OGP is not seriously interested in engaging the private sector.

That the PSC has not gained traction with OGP could be due to several factors. For one, the role and scope of intervention of OGP working groups have evolved and remain a matter of debate. Without greater clarity on their role it did not make sense to create a new one dealing exclusively with private sector engagement. Furthermore, the PSC adopted a similar approach to the Network Mechanism by focusing on the supply side of technical expertise rather than on demand from governments. Finally, the predominance of large corporates and the U.S. government's backing of the PSC might have spurred skepticism among some government and civil society reformers from different countries around the world. The lack of engagement with the private sector at the national level can also be detected according to an analysis of the NAP commitments. From the nearly 2800 OGP commitments to date, just 106 of them refer to the private sector according to the OGP Explorer. Furthermore, only 33% of these commitments involved directly engaging the private sector, with an additional 25% focusing on establishing private sector databases, and another 16% focused on increasing private sector responsibilities in transparency efforts such as beneficial ownership or whistleblowing legislation.

4. Challenges and Risks of Engaging the Private Sector

Several cultural hurdles present challenges and risks for engaging the private sector. Interviews with stakeholders revealed the following issues.

From the private sector perspective, companies have finite resources and have to be selective where they engage. One private sector representative said that the best policy or action platforms for corporate engagement are the ones that have a real understanding of how businesses work, their needs, and how and what businesses can contribute to their shared objectives. The majority of interviewees affirmed that OGP is poorly known among private sector actors. In the good governance and sustainability fields, OGP is one forum among many. Companies see that there are overlapping initiatives and it is difficult for them to figure out who is doing exactly what and how it all fits together. From a substantive standpoint on open data, many companies remain defensive, concerned about the consequences of opening up proprietary business information, or that increased access to information will lead to greater whistleblowing. Several interviewees representing the private sector commented that OGP appears to champion access to information without sufficient concern for individual or corporate privacy. In terms of engagement, companies see some value in participating in global high-level events, but generally prefer avoiding policy talk shops and would rather find strategies for engagement in countries where the possibility of

impact is greatest. That said, the varied nature of how the OGP process works at the national level makes it difficult for some global companies to find entry points for engagement.

For their part, many civil society actors do not trust the private sector's motives in participating in global policy and action forums. Given the crackdown on civic space in many countries and rising inequalities, it is paramount to preserve OGP processes at the national level as a level playing field for multi-stakeholder dialogue. Finally, as with governments, some express concern that private sector actors not use the OGP process as a way of "open-washing" some corporate practices which are at odds with the value of supporting effective government, such as through lack of transparent corporate practices or adopting forum shopping for tax optimization that has budgetary implications for governments.

Governments have their own bureaucracies and politics, adopting a wide range of approaches from collaboration to consultation to confrontation with non-state actors.

5. What are the value propositions for private sector engagement in OGP?

Almost all interviewees shared the opinion that the two-way value propositions of (1) what benefits the private sector brings to OGP and conversely (2) what open governance does for the private sector remain unclear. The conceptual vagueness of "open governance" has resulted in a lack of concrete issue areas that lend themselves to a quick sales pitch of the business case for open governance. Furthermore, the limited engagement of private sector to date has left the debate at a rather abstract level, with few helpful illustrations of private sector engagement in OGP. Despite these challenges, this section outlines the broad-line arguments that form an initial basis of a two-way value proposition with some brief illustrations. More concrete arguments and options for operationalizing private sector engagement with OGP are set out in Section 6.

5.1. *The value of the private sector to open government and OGP*

The private sector can contribute to open government in numerous ways:

Improving public services: The private sector has financial and material resources, human capital, data tools, process frameworks, and problem-solving capabilities that can be put to use in improving public services. As financial constraints are squeezing government services and citizen demand and scrutiny are rising, more governments are under pressure to streamline bureaucracy and pay attention to cost-benefit bottom lines. The private sector can share and adapt tools that help governments improve business processes, data processing, and information analysis with the view to improving public services. These tools can just as well come from large multinational ICT firms with advanced data systems, such as cloud computing, as from national SMEs who are most familiar with national government contexts and have simple, but effective solutions to improve public services. This can be seen in smart city initiatives ranging from IBM's Digital Delta in the Netherlands, which uses big data to improve flood control and management of the entire Dutch water management system, to the successful use of open data by the city of Bahia Blanca in Argentina to reduce accidents (by 25%) and optimize their transportation system through implementation of an open data platform by the company Junar.

Civic technology / innovation: The same private sector tools mentioned above can also be put at the disposal of citizens as a means of empowerment. One example is through hackathons. For example, Open Data Philippines, the government open data portal developed as a result of joining OGP has sponsored a series of hackathons. One hackathon in partnership with Microsoft in 2013 focused on finding citizen solutions to transparency in budgetary practices and another in partnership with the World Bank called the “Readysaster Hackathon” in 2014 called “Code for Resilience” focused on creating solutions for community resilience to natural disasters using ICT tools.

Private sector contributions on open data: Open data is but one tool to achieve improved public services and civic innovation as outlined above and the private sector has an important and symbiotic role to play alongside governments in what Deloitte is calling the new “open data ecosystem.” In this new ecosystem, governments have a responsibility to inform the private sector of the data it has at its disposal for the private sector to exploit that data, just as businesses play an important role in demanding that governments open up more, and more varied, data. In turn, private companies will begin to open their own proprietary data, with new business models and commercial ventures emerging to spur economic growth. The United Kingdom’s first NAP process structurally incorporated a private sector consultation process on open data. The Open Data User group played an instrumental part in helping the government ascertain what data had business-relevance. This led to collaboratively established mechanisms to ensure accessibility of data, as well as quality and consistency of data provided by the government.

Financial institutions and ratings agencies: Several open government reformers have argued that financial institutions and ratings agencies have a role to play in demanding that governments share indicators on open government as indicative of better investment climates. However, the gradual mainstreaming of environmental, social, and corporate governance (ESG) factors as salient to financial performance has not yet examined the role of open government as a pre-condition. Aside from a few blogs and public statements at OGP gatherings, this issue is absent from the open government literature and is worth exploring in further detail among the other value proposition arguments.

Improving private sector transparency, integrity and anti-corruption: Most interviewees who discussed transparency and integrity issues underscored the shared responsibility of governments and the private sector in this regard. As such, private-sector initiatives to improve their own corporate governance, transparency and integrity will therefore lead governments to improve the same. Strong corporate interest in transparency and accountability, while spreading, has largely emerged in notable sectors, such as the oil, gas, and extractives industries and companies engaging in large-scale public procurement projects, as described further below. Interestingly, in a recent OECD survey on open government, very few countries say that the goal of open government is “to improve the transparency of the private sector.”

The private sector can contribute to OGP in additional ways:

The private sector as catalyst for open government reform: A novel value proposition that emerged from this research is the private sector’s role as driving force behind open government or regulatory reform at the national level. A compelling example comes from the Philippines where the Makati Business Club, a business association, has launched a multi-stakeholder anti-

corruption Collective Action known as the Integrity Initiative. This initiative promotes the signing of an Integrity Pledge to commit to integrity and anti-corruption measures. To date, over 2,000 private sector actors, 45 government agencies, 200 organizations, and 86 academic institutions have signed the Integrity Pledge. In addition to the Integrity Initiative, the Makati Business Club has played an important role in promoting regulatory reform on anti-competition issues, for example promoting reforms on business registration to improve transparency and ease of doing business to encourage investment in the Philippines. The Makati Business Club has representatives on the Philippines OGP national-level Steering Committee and is actively involved in promoting reforms in these two areas of anti-corruption and improved business environment.

The private sector as catalyst for a country to join OGP: Another unique perspective on the value of private sector engagement in OGP can arise at the country level where private sector leaders take a lead role in joining forces with civil society in advocating that a government sign on to OGP. This was the case in Pakistan where the private sector saw OGP as a unique opportunity to improve implementation of Pakistan's freedom of information law, particularly to access government data relevant to customs, taxation, and other relevant business issues. The private sector efforts were supported by a number of foreign development actors, including CIPE, the Open Society Foundations, DFID, and the Asia Foundation and a Pakistani economic think tank. The Pakistan government is currently developing its first NAP and the private sector is disappointed with the lack of consultation with either civil society or the private sector to date. To prevent this scenario from occurring elsewhere, one suggestion is that in the future, OGP should condition a country's admission on proof of the creation of a multi-stakeholder forum, with concrete names of participants, prior to a country's signature as a sign of genuine commitment; this way all actors would be held to account to undertake a genuine NAP co-creation process.

5.2. *The value of open government and OGP to the private sector*

Open government benefits the private sector in numerous ways:

The business case for open data: A business case with concrete figures can be made for the value of open government to business. According to an OECD study, furthering business opportunities and supporting innovative economic growth is one of the main aims of governments opening up their data. The McKinsey Global Institute estimates that open data could unlock \$1.1 trillion a year in economic value by 2025 and within the EU28 the direct market size is set to grow 36% by 2020. These statistics illustrate the inter-dependency and necessity of cooperation between governments and the private sector to unlock the potential benefits of open government data and translate it into innovative business opportunities. Canada provides a successful example of public-private partnerships to promote the use of open data. Canada's Open Data Exchange platform encourages the re-use of data and informs companies of the business potential of open government data. It provides case studies of companies using open data as part of their business model and offers consultation from open data businesses champions to support other companies in harnessing the benefits of open data through a collaborative-networked approach.

Government transparency improves the business climate and increases business efficiency: Access to government information can enable companies to better assume their

business risks and increases market predictability. Companies are fully reliant on the quality; consistency and reliability of the government data provided as a baseline for their business decisions and can greatly benefit from direct or even “real-time” access to government data. A more transparent government can help business understand country’s regulations and accordingly hedge its reputational and asset risks to improve investor customer confidence.

Leveling the playing field and promoting a fairer business environment: Through the mechanisms of open contracting, open budgeting and other government data the economic environment can move towards leveling the playing field, particularly in favor of SMEs, and breaking IT monopolies. This increases the confidence of companies to enter new markets, even those previously regarded as “no-go-areas“. Opening up government data can help to foster a more competitive environment and ensure competition on the basis of quality, innovation and price.

The OGP process can further add value for the private sector:

OGP spurs tangible commitments that allow the private sector to hold them to account: Nigeria joined the OGP in July 2016, shortly after Nigerian President Buhari made a number of strong anti-corruption commitments in the context of the U.K. Anti-Corruption Summit in May 2016. All actors brought into the OGP process immediately seized on the development of Nigeria’s NAP as a means of institutionalizing and concretizing President Buhari’s anti-corruption commitments in an accountable process.

OGP as a catalyst for legislative change: As in Nigeria, the Kenyan private sector through the Kenyan Association of Manufacturers (KAM), credits the OGP process as providing the necessary platform for effectively pushing legislative developments in two areas. In the field of anti-corruption, the Kenyan NAP incorporated a generic commitment to “enhance preventive and punitive mechanisms in the fight against corruption and unethical practices.” Although it was not explicitly foreseen in the NAP, the private sector seized on that commitment as a way of advocating for the adoption of the Kenyan Anti-Bribery Act in December 2016. This bill had been developed by the private sector and presented to parliament some time before the NAP cycle, but it was the NAP commitment that the private sector capitalized on in successfully persuading Parliament to enact the bill into law. In the area of climate resilience, the private sector also used the NAP process to enshrine a government commitment to accept participatory development of climate policies to implement the Climate Change Act of 2016.

6. Recommendations for Operationalizing Private Sector Engagement in OGP

Section 5 above demonstrates that articulating value propositions for private sector engagement in OGP remain quite abstract at a theoretical level, but come to life through concrete initiatives, which to date have emerged predominantly at either the country level, or the global thematic level. As part of its *Strategic Refresh*, the OGP Support Unit is striving to streamline its engagement at the country, thematic, and global policy levels. Section 6 here provides options for the OGP Steering Committee to consider how to promote private sector engagement along these three lines in an emerging organic approach.

6.1. At the country level

The most innovative examples of private sector engagement in OGP have occurred at the national level. Consistently, this has occurred when countries give the private sector a formal seat in their multi-stakeholder leadership structures in NAP development, implementation, and monitoring.

Several preconditions for successful private sector engagement have emerged. Almost across the board, where the private sector plays a leadership role in OGP, it is because the government has invited them to the table. This often occurs in countries where the private sector has already self-organized into business associations along regional or industry lines and has already established certain industry advocacy relationships with the government. Business associations in developing countries might benefit from the capacity building offered by some programs such as the World Bank's partnership with CIPE in promoting Public-Private Dialogues. In some countries, civil society is able to vote to select who represents the voice of the private sector. These success factors might also be a cautionary sign that private sector engagement at the national level might be more difficult in some countries, for example, where the private sector has not yet developed a chamber of commerce model of business advocacy or civil society distrust of the private sector is high. As such, private sector engagement is likely to be uneven across OGP members.

There has been limited peer learning on how the private sector has engaged in the OGP process at the country level to date. Some successful examples include the following:

In **Peru**, the multi-sectorial commission for monitoring and implementation of the NAP includes representatives from the following sectors: government; civil society organizations (3), business representative (1), and observers.

In **Brazil** the Advisory Working Group of the Interministerial Committee for Open Government is a self-selecting group. Candidates clustered in three electoral colleges representing civil society, the private sector, and labor unions, register online and are subject to vote from civil society.

In **Colombia**, the NAP Follow-up Committee includes members from government (2), civil society (3), and the private sector (1), representing the viewpoints of 60 organizations at the national and regional levels.

In **Georgia**, an Open Government Forum comprised of government, NGOs, international organizations, and the private sector meets on a monthly basis to support NAP development implementation, monitoring of progress and awareness-raising.

In **Nigeria**, the government adopted a triangular consultation process with civil society and the private sector from the start of its joining OGP. The country-level OGP Steering Committee is comprised of 21 state actors and 21 non-state actors. Private sector representatives are considered non-state actors similar to civil society groups. The main private sector actors are large industry associations with national reach that represent a broad range of business interests. The OGP Steering Committee has two chairs – one from the government, the other a non-state actor. The current non-state Co-Chair is a civil society group, but the next non-state Co-Chair will be a private sector representative.

Country examples described above from **Kenya** and the **Philippines** also demonstrate how their OGP NAP steering committees include the private sector.

These case studies demonstrate various ways that OGP governments have invited the private sector to participate in the OGP process at the national level. OGP should undertake further research to create a comprehensive picture of private sector engagement in OGP processes with the view to promoting peer learning on this issue. This could be done through an in-depth review of all Independent Review Mechanism (IRM) country reports and additional interviews to evaluate the OGP co-creation process in different countries. Once it is known where the private sector sits at the OGP table, it will be easier to further ascertain the impact of such participation on the substance of OGP commitments and their implementation process.

6.2. At the thematic level

Another angle for increasing private sector engagement would be at the thematic level. OGP has been experimenting with various ways of raising the profile of thematic priorities related to open government, with various degrees of traction. First, the OGP Articles of Governance propose the **OGP five grand challenges**, all of which would be pertinent to the private sector. These issues are framed in such a big-picture manner, the Steering Committee might consider how relevant these grand challenges remain in light of subsequent developments such as the OGP Working Groups and the Paris Declaration.

Seven **OGP Working Groups** have been formed, but without any direct private sector membership in any of them. Although the themes are more focused than the grand challenges, several interviewees commented that the activity level of the working groups has been uneven and the content of the conversations in the working groups has not yet been concrete enough to spur private sector interest. Furthermore, the current Working Group model emphasizes proportionate representation of government and civil society co-anchors, which might also be off-putting to the private sector. In any event, OGP is currently considering how to evolve the working groups into new forms of thematic leadership that would be more effective.

Most recently, the **Paris Declaration on Collective Actions to Accelerate Open Government** articulate 20 specific issues in the three thematic areas of (1) transparency, integrity, and anti-corruption; (2) climate change and sustainable development; and (3) common digital tools and capacity. The collective action compilation alludes to direct private sector engagement in various countries on the sub-themes of: open public procurement, innovation and data driven approaches to expose and fight corruption; harnessing the data revolution for sustainable development and climate risk resilience; collaborative data infrastructures; and guiding principles for open data policies.

But additional private sector engagement on other Paris Declaration themes can emerge through existing multi-stakeholder initiatives (MSIs) that already incorporate private sector engagement at an industry/sector, or thematic level. For example, on the issue of transparency in the natural resources sector, the Extractive Industry Transparency Initiative (EITI), which is a tripartite structure between government, private sector, and civil society, has already begun to strategize on how OGP can be a platform to obtain a country government to commit to sign up to EITI broadly, or incorporate specific EITI industry standards as part of their OGP commitments. This strategy is already in the process of being implemented. Fifteen countries have to date committed to EITI as part of their NAP. There are further promising examples of countries commitments directly linked to their OGP process such as the Phillipines, Columbia and the

Ukraine. Similarly in open public procurement, MSIs that already include private sector participation, such as the Open Contracting Partnership or the Construction Sector Transparency Initiative (CoST), use the OGP platform to obtain issue-specific commitments and include private sector engagement at the national level. A more comprehensive stakeholder mapping for OGP might be able to spell out additional synergies for private sector engagement at the more granular and concrete sub-thematic level of the 20 Paris Declaration issue areas.

A final discussion of the particular role that the **Sustainable Development Goals (SDGs)** can play in steering greater private sector participation in OGP is warranted. Interviewees from all perspectives (government, civil society, private sector) agreed that despite the Joint Declaration on Open Government for the Implementation of the 2030 Agenda for Sustainable Development endorsed by the OGP Steering Committee in 2015 and the issuance of a few policy papers on OGP and the SDGs, OGP has not yet effectively defined the synergies between open government and the SDGs effectively, although some countries, like Mexico, have begun to harmonize their OGP commitments along the SDGs. Perhaps the OECD has addressed this most effectively, by suggesting that open government strategies can inform both (1) the substance of achieving the SDG goals; and (2) the process by which countries strive to achieve the SDGs throughout their policy cycles, “engaging citizens, civil society organizations, and the private sector as partners in the policy cycle helps ensure that their needs are identified and responded to, thereby leading to higher user satisfaction.”

In their short 2-year existence, the SDGs have attracted greater private-sector interest than OGP. This can be seen through the proliferation of business platforms to address the SDGs – such as the Business and Sustainable Development Commission or Business for 2030 to mention only two such business associations on the SDGs – as well as the annual SDG Business Forum in New York or the recurring focus of the UN Private Sector Forum on SDG issues. Furthermore, climate resilience issues have increasingly captured companies focused on open data, with numerous emerging multi-stakeholder partnerships related to open government goals, such as the Global Partnership for Sustainable Development Data, with which OGP has begun conversations exploring potential collaboration.

The takeaway point from this discussion is not that the OGP needs to be everywhere, but rather that OGP needs to better articulate its synergies with a very broad range of MSIs with private sector participation engaged in complementary goals. As the OGP Steering Committee considers the broader question of how OGP can better institutionally address thematic issues, for example through the creation of a thematic leadership sub-committee, it should consider how these themes would benefit from private sector contributions. Perhaps a bigger thematic stakeholder mapping than allowed for in the scope of this discussion paper would be helpful to this end.

6.3. At the global policy level

Of the three areas of OGP strategic engagement, the global policy level might appear to be the most challenging to frame. Here again, the relevant question is how can OGP find effective synergies with global policy platforms with the Support Unit’s limited resources.

To start, OGP already has eight established multilateral partnerships: three at the global level (the World Bank Group, the United Nations Development Program (UNDP), and the Organization

for Economic Cooperation and Development (OECD); and five at the regional level in the Americas (United Nations Economic Commission for Latin America and the Caribbean (ECLAC), the Organization of American States (OAS), the Inter-American Development Bank (IDB)); Asia (Asian Development Bank (ADB)); and Africa (New Partnership for African Development (NEPAD)). The Mid-Term Review of OGP's Strategic Plan published in January 2017 cautions the following: "There are significant synergies between OGP's objectives and the objectives of its multilateral partners to promote better governance. Working together, OGP, the multilaterals, and civil society can be a strong leveraging tool on many governments. This leveraging tool is not working as it should, and the obvious synergies are not being exploited." This commentary fails to acknowledge that OGP's multilateral partnerships can also be a tool for promoting private sector engagement at the country, or perhaps regional, levels. OGP should continue to strive to harness the potential synergies with its multilateral partners on a more effective basis, including on the issue of attracting private sector engagement.

In addition to OGP's multilateral partnerships, there are several global policy forums where open government norms are developed directly with the private sector, in particular the G20/B20 process and the World Economic Forum Partnering against Corruption Initiative (WEF PACI). OGP Steering Committee members have a particular role to play in demonstrating leadership in advocating for OGP issues at the global policy level. OGP does not currently have an independent profile at these policy forums, but that is not a disadvantage. The current approach of OGP's partners in governments and civil society organizations participating in those forums and bringing open government issues before them seems to work. For example, the G20/B20 process over the last three years endorsed important commitments such as open data principles and greater transparency in procurement processes. This year, the B20 endorsed a strong recommendation on the issue of beneficial ownership transparency, widely seen as one of the most tangible outputs of the B20 in recent years. OGP partners, such as the Open Contracting Partnership, the B-Team, Transparency International, and others, played a critical role in promoting those issues in these forums. The key next step will be getting those international endorsements translated into policy commitments in OGP countries through their NAP process. This is what is happening with many high-level commitments made at the U.K. Anti-Corruption Summit in May 2016: the Nigeria and Kenya case studies above demonstrate how governments, civil society, and the private sector are using the OGP NAP process as the domestic policy platform to turn those political statements into tangible, transparent, and measurable outcomes at the national policy level.

6.4. At the OGP institutional level

What can existing OGP structures do to promote increased private sector engagement in the OGP process?

For one, numerous interviewees expressed an interest in OGP publishing a clear policy encouraging private sector engagement in OGP. The uneven references to the private sector – from the unrealized vision of OGP as a triangular co-creation process between governments, civil society, and private sector in the Articles of Governance to boilerplate entreaties for the private sector to be included in the multi-stakeholder OGP process at the national level scattered through OGP documents to OGP's perceived ambivalence towards the private sector from some actors – means that if OGP wants to engage the private sector meaningfully, it must state that explicitly

and then mainstream that position throughout its guidance manuals, including, for example, its Co-Creation Manual, which it just published, but does not give unique attention to the private sector.

Second, it might be interesting to consider finding a group of private-sector OGP champions. This could be through the appointment of a prominent private sector OGP Ambassador, such as an acting CEO. Such a CEO would not need to represent a multinational, but might be a corporate leader with regional recognition and resonance.

Third, OGP's institutional structures – its Steering Committee and Support Unit – should consider incorporating members dedicated to following the issue of private sector engagement on a transversal basis. For example, the Steering Committee might invite one or two private sector representatives to be elected to serve on that body. The Support Unit might consider adding a program officer dedicated to promoting private sector engagement. Even though the approach of developing a menu of private sector technical expertise has not worked, this does not mean that a more proactive matchmaking effort between private sector expertise supply and government demand would not. An OGP private sector program officer (or 50% of one) within the Support Unit would have the advantage of the knowledge of what is emerging at the country NAP level and could be tasked with streamlining synergies with multilateral partners and global policy initiatives on open government issues. The most effective profile of such a person would be someone who has worked with the private sector and can frame “asks” for the private sector in tangible terms.

Fourth, this paper has highlighted several areas ripe for research such as: a deeper understanding for peer-learning purposes of experiences of private sector engagement in OGP processes at the country level; a comprehensive mapping of open-government thematic issues with existing multi-stakeholder initiatives that incorporate private sector participation and subsequently, a more nuanced articulation of OGP's value proposition at a more targeted level combining thematic or industry specific issues within specific country targets ripe for engagement. Further efforts to develop the OGP value proposition to different types of private sector stakeholders would also be warranted.

7. Conclusion

This discussion paper has raised more questions for the OGP Steering Committee to explain more explicitly why it seeks to increase private sector engagement in OGP and what the best means of doing so would entail than provide clear answers to either of those questions. OGP's institutional history of engaging the private sector has revealed that articulating the two-way value proposition of what the private sector brings to open government and vice-versa can be done, but remains quite abstract. By contrast, OGP's new three-pronged approach since its *Strategic Refresh* of strategizing priorities at the country, thematic, and global policy level provides a more tangible framework for promoting private sector engagement. In the end, pursuing a gradual, even organic, approach to private sector engagement might be the most fruitful approach.

Annex I: List of Referenced Sources

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