Short Session Report

**Session Title:** Anti-Corruption and the Open Government Partnership

**Date & Time:** Thursday, 1 December, 2016 18:00

**Report prepared by:** José María Marín, Transparency International Secretariat

**Experts:**

Tinatin Ninua, IRM Research Manager, OGP  
Ricardo Herrera, Founding Director, Generación Sin Límites  
Pavlo Petrenko, Minister of Justice, Ukraine

**Moderated by:** Robin Hodess, Transparency International  
**Session coordinated by:** José María Marín

**Main issues raised in kick off remarks. What’s the focus of the session?**

The OGP is an important player in anti-corruption, for the past five years it has included in the national action plans many anti-corruption commitments. In 2017 several countries will be drafting their new national action plans, which creates an opportunity to include more anti-corruption commitments.

**What initiatives have been showcased? Briefly describe the Game Changing strategies/ ideas (if applicable)**
Tinatin Ninua:
OGP – 7 to 8 % of commitments in the OGP are on anti-corruption. OGP commitments need to increase or improve the information disclosed, increase the mechanisms to hold governments accountable and/or provide an opportunity for participation.

A big bulk of anti-corruption commitments relate to e-government as a way to decrease the opportunities of corruption by eliminating discretion, for example, Georgia e-government portals.

Another big bulk of commitments seek to increase the data sets of information on government funds, assets or services, for example, Ghana information disclosure portal, datasets.

Commitments with anti-corruption focus:
- Detection Ukraine: e-declaration system (asset declarations);
- Investigate – Honduras: Tracking acquisitions in health sector through monitoring systems like integrity pacts;
- Sanction – Indonesia: Publishing list of blacklisted companies.

Emerging priorities in OGP NAPs:
Whistle-blower protection, beneficial ownership, asset disclosure, open contracting, lobbying regulations, service delivery

Ricardo Herrera:
In Panamá, the political system gives parliamentarian discretionary funds to expend in their district. This was on the margins of legality, and allowed for expenditure without accountability and generated a clientelistic system.

Through the OGP national action plan, Panamá has committed to provide the National Assembly with a mechanism to regulate the funds they get assigned through procedures that guarantee transparency in the administrative process. In addition, the General Comptroller will be able to exercise prior and subsequent control, lastly the president of the assembly will assign the funds instead of the President. Although it would be best not to have the discretionary funds for parliamentarians, thanks to the OGP NAP there is now a mechanism to make these expenditures more transparent and accountable.

Minister Pavlo Petrenko:
After the Revolution of Dignity in the Ukraine, there was a big lack of citizen trust in the government. As a response, through the OGP National Action Plan, they developed an online and open asset declaration system. This system was developed in conjunction with OGP more than 100 thousand declarations, and included information on property and assets of top level public officials. The legislation that regulates the integrity of public officials includes a 2 year sentence for lying in an asset declaration. The online asset disclosure platform started functioning in September 2016.

Another reform in Ukraine related to increasing the number of databases such as open registers of property and business, and the implementation of online services that seek to reduce corruption risk. More than 5 million people using the e-services today in Ukraine.

Public procurement was a very big problem in the Ukraine in the previous government. Approximately 70% of public procurement was corrupt. More than 8 billion dollars operated through the public procurement system. A new online and open public procurement platform (ProZorro) was developed to reduce corruption in public procurement and it now is used nationally and sub-nationally to conduct public procurement.

A beneficial ownership legislation and registry was developed and it now contains 3 million companies. New legislation that obliged all companies to provide information of all beneficial owners. This information is completely open online.

Lastly, the NAP included the development of a new platform that allows citizens to view all expenditures for ministries and national agencies. Next year this platform will be extended to the rest of public offices, including local governments.

Briefly describe the highlights including the thematically interesting questions and ideas that were generated from the discussion or from the floor, and session quotes.
How does Ukraine enforce asset declarations? No single prosecution for illicit enrichment in Peru?

The legislation allows methods for cross referencing with other data and assists in the identification of irregularities. The new anti-corruption body and prosecutor is responsible for prosecuting irregularities on asset declarations.

How does the OGP determine and define ambition of transformative commitments?
It first identifies the status quo of a country and after a comparison performs an analysis to determine to the degree that ‘business-as-usual” is changed thanks to a commitment.

What is the ideal number of commitments in the OGP NAP?
Depends on how much your country can implement in a two year period. Experience shows that 10 to 15 commitments have shown a high level of implementation.

It is possible to sequence and to repeat commitments in OGP national action plans.

What has been the role of OGP in catalysing reform? How do we know the OGP reform are generating real change and development impact?
OGP is supposed to be a co-creation process, which is assessed by the IRM.

OGP is a process and a philosophy. In Panamá the government has not adopted the philosophy; however, it has been a useful tool.

IRM does not do assessment of impact, however, it looks for change in government practice.

If inclusion of a pre-existing commitment in the OGP national action plan bring additional attention and gets assessed by the IRM, then that is a contribution of OGP. The OGP has had commitments that would not have happened without OGP. Lastly, there is a

In each country OGP serves a different purpose. In some countries it is a
mechanisms for CSO to push for reforms, despite lack of political will. In countries with political will, the OGP is a platform for discussion and construction. In the case of Ukraine, after the dignity revolution it was a good platform to make fast changes. When there is a political will, the OGP platform is important to communicate with civil society.

*Can the ACWG help and support to learn and share about the power and political dynamics that generate change?*

*Should more business be involved in OGP?*
We should hope so, but this is not always the keen.

What’s the hierarchy of priorities for open governance vis a vis levels of development. For example, how do you prioritize reforms on open data in a country with low literacy and internet penetration.

How international organizations can step in when there is a massive public outcry for change?

*Has business been helpful for the work on beneficial ownership work in Ukraine?*

*How do we make OGP more palatable to the citizenry in general? How do we make OGP sustainable in the long-run, for example, when government champions move away?*

The experience of the UK is that companies want to be on board on issues such as public procurement.

Should business be invited to OGP more directly and frankly?

Private sector engagement: EITI includes business in the extractive sector. A large part of business sector is not aware of OGP.
What are the key recommendations, follow-up Actions (200 words narrative form)

None

Key Insights that could be included in the IACC Declaration

The Open Government Partnership has started to demonstrate that it can be an important platform to advance anti-corruption commitments. It allows for these reforms to be developed in conjunction with civil society and other relevant actors that seek to reduce and are affected by corruption. It is essential then for the fight against corruption that more ambitious anti-corruption commitments are included in OGP national action plans. The OGP not only provides a mechanism for tracking of and learning from anti-corruption commitments, but it also provides a space for stakeholders from civil society and the private sector to be part of the fight against corruption.
Rapporteur’s name and date submitted

José María Marín, 1 November, 2016
Remember! This Short Report needs to be emailed to reports@17iacc.org within 2 hours after the session and will be uploaded instantly to the IACC website. Thanks.