



Opening Government, Closing Civic Space: Resolving the Paradox

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At its recent global summit in Ottawa, the Open Government Partnership (OGP), a multilateral initiative comprising seventy-nine national governments, twenty local governments, and thousands of civic organizations, released its first flagship report assessing the state of open government globally, “Democracy Beyond the Ballot Box.” The report analyzes and evaluates both progress and shortcomings in OGP members’ efforts to make governance more transparent and accountable to citizens. Building on this valuable stocktaking report, and reflecting the importance of this topic globally, the Democracy, Conflict, and Governance Program is publishing a series of three articles exploring key issues facing the open government agenda. This is the first article in the series.

A broad transnational movement for government openness has grown rapidly over the past decade, fueled by technological advances and the compelling idea that citizens have a right to know what their governments are doing. Hundreds of advocacy groups in countries all around the world are scrutinizing public finances and service delivery and are pushing

for greater transparency in government budgets, contracts, and spending. Various related multi-stakeholder initiatives and international NGOs have gained prominence, including the [Open Government Partnership](#), the [Extractive Industries Transparency Initiative \(EITI\)](#), the [International Budget Partnership](#), and the [Open Contracting Partnership](#). More than a hundred governments now have freedom of information laws on their books; dozens have taken a wide range of legal and regulatory measures to ensure greater openness in areas ranging from health service delivery to natural resource management. Fiscal transparency has become a global norm of good governance that commands at least rhetorical adherence in many different international forums and agreements.

Yet over the same period, another, much less positive global trend has also garnered increased policy attention: governments across multiple regions are using new legal and extralegal measures to restrict civil society and citizens’ rights to organize collectively, protest, and freely express their opinions.



Between 2015 and 2018 alone, seventy-two countries [introduced](#) laws to restrict the operations and activities of civil society organizations. [Media rights groups warn](#) of a growing trend of governments targeting journalists for their investigative work. Moreover, global indices such as [Freedom House](#) show declines in freedom of association not only in authoritarian and backsliding states, but also in some established democracies. This phenomenon, often termed “closing civic space,” has triggered various local, national, and global [responses](#)—yet so far, it shows no signs of abating.

The coexistence of these two trends is paradoxical. On the surface, opening government to public oversight should go hand in hand with enabling greater civic participation. Open government initiatives such as the OGP view citizen engagement as central to their mission. Why or how has the open government movement gained traction at the same time more and more governments are closing civic space?

ARE THEY DIFFERENT SETS OF COUNTRIES?

One explanation could be that there are simply two different sets of countries: as some governments commit themselves to greater openness, others become more closed.

One way of examining this claim is to analyze the track record of countries that have joined the OGP. The initiative, which was launched in 2011, now boasts seventy-nine member states and twenty subnational governments that have made nearly 4,000 [voluntary commitments](#) on government transparency and accountability. How have these governments fared when it comes to protecting civic space? The CIVICUS global [monitor of civic space](#) reveals a mixed picture. On the one hand, OGP countries have better records protecting citizens’

right to organize and participate than non-OGP countries (which is not particularly surprising, given that the OGP sets certain minimum standards for membership). Almost half of the countries classified by CIVICUS as “open” are also OGP members, and no OGP members are categorized as “closed.”

On the other hand, OGP member states are not exempt from the global negative trend of closing civic space. For example, [according to CIVICUS data](#), in 2018, nearly 40 percent of OGP countries experienced challenges to freedom of association, including restrictions on access to funding, burdensome reporting and registration requirements, and other hurdles. More than half of OGP countries have some [barriers](#) that prevent citizens from protesting, including reports of excessive use of police force against demonstrators, and 58 percent face [challenges](#) related to the harassment of activists and journalists. In over half of OGP countries, the [Varieties of Democracy](#) Freedom of Association Index shows a decline in freedom of association since they joined the initiative—though the rate of decline was slightly lower than that in non-OGP countries.

In sum, a significant set of countries have at least formally committed to greater transparency and accountability, while they are also maintaining or taking new measures to limit civic activism and participation.

ARE GOVERNMENTS MAKING SUPERFICIAL COMMITMENTS TO OPENNESS?

A second explanation might be that governments’ commitments to greater openness are merely superficial. Some may have joined initiatives like the OGP and EITI and announced new transparency efforts but have never seriously planned on opening up. Instead, they may hope to reap [other benefits](#)

from these initiatives, such as greater international legitimacy or private sector investment. In countries such as the Philippines, [activists deplore the practice](#) of open-washing: governments make pro forma commitments to greater openness while pursuing policies that restrict citizen participation and mobilization and obstructing other reforms in significant ways. The OGP’s [Independent Reporting Mechanism also finds](#) that a lack of high-level political support is one important reason why member states announce but then fail to implement open government reforms.

In some cases, democratic backsliding is to blame: elected officials lose their appetite for public oversight as they seek to consolidate power, or new governments that have no interest in following through with previous commitments enter office. They may decide to stay in the OGP or similar initiatives in order to prevent negative international attention, but they often undercut those mechanisms by rolling back the more ambitious reforms, falling behind on implementation, and restricting space for critical civil society voices. This risk is particularly high in new democracies with weak checks and balances—though more established democracies are not immune from the trend.

Hungary is a stark [example](#). Just days after Prime Minister Viktor Orbán’s government published its first OGP Action Plan, it amended its Freedom of Information Act in a way that directly contradicted the principles of open government. When it published its second, less ambitious action plan, Hungary simultaneously ramped up its campaign against civil society organizations, including groups that had participated in the OGP process. In 2016, Hungary withdrew from the initiative—and one year later, it passed one of the most [restrictive NGO laws in Europe](#). Tanzania and Turkey have similarly left the OGP, while Azerbaijan has been officially suspended. The United States is another case in point: although it was one of the Open Government

Partnership’s founding members, President Donald Trump’s administration has shown little interest in realizing its underlying principles, has withdrawn from the EITI, and has [reversed](#) a number of other transparency gains. Advocates [criticized](#) the U.S. government’s recently published fourth national OGP Action Plan for lacking “ambition, specificity or relevance.”

These examples raise [a number of crucial questions](#). Are those working on open government initiatives in politically restrictive or backsliding contexts playing into the hands of undemocratic leaders seeking to boost their image, or can such efforts nevertheless be a useful entry point for advocacy? And, relatedly, is a bad [OGP Action Plan](#) better than no plan at all if it provides space and political cover for committed bureaucrats to continue pushing the agenda forward?

Yet despite these important concerns, not all state actions on the open government front have been surface-level or backpedaled. Many national and local governments have made genuine progress in opening up their budgeting and procurement data, for example. The parallel problem of shrinking civic space in many of these places points to another debate at the heart of the open government movement: What do different actors mean when they talk about open government?

DO CONCEPTIONS OF OPEN GOVERNMENT DIFFER?

A third explanation is that governments have different conceptions of openness. While some governments hold to a narrow conception, one that equates open government primarily with greater transparency, others take a much wider view of the concept, seeing it as not just about transparency but also about fostering great citizen participation and governmental accountability.



Transparency has traditionally been at the heart of the open government movement: the underlying idea is that citizens should have access to government-held information and be informed of government activities. Yet over the past decade, many advocates, researchers, and civil society organizations in the open government community have moved toward a broader conception that views transparency as only one crucial element of the open government agenda, alongside [meaningful citizen participation](#) and other accountability mechanisms.

Behind this evolution is the recognition that the relationship between transparency and other good outcomes is more complex than initially assumed. “The history of transparency-enhancing initiatives is replete with great efforts to create disclosure regimes that subsequently are used only slightly or yield little benefit,” [note](#) Sanjeev Khagram, Paolo De Renzio, and Archon Fung. Simply making information public does not ensure that it will be used wisely or at all. Citizens need to [overcome significant barriers](#) to collective action. Moreover, transparency is only meaningful to the extent that citizens can freely participate, organize, and scrutinize government action, and have channels to exert pressure on governments in areas lacking oversight. Open data cannot change government behavior if journalists who report on discrepancies or problems fear reprisal and if citizens face barriers to forming organizations and protesting.

In some areas, civil society activists and multilateral initiatives have succeeded in integrating channels for greater citizen engagement and accountability into open government reforms. Right to information laws, for example, have enhanced transparency in some countries while also shifting power to citizens in meaningful ways. Yet in many areas, governments still foreground a rather thin notion of openness centered on disclosing data and technocratic approaches to citizen participation that focus more on soliciting citizen feedback than protecting civil rights

and affording legal and political space for collective action. The Open Government Directive introduced by former president Barack Obama’s administration [represents](#) one example: in spite of its ambitious-sounding name, its central component was an open data requirement, which tasked federal agencies with publishing at least three high-value datasets. Most agencies released data that helped serve their goals but did not invite public scrutiny.

Some observers explain the fact that governments are committing themselves to greater openness while simultaneously restricting civic space by pointing to divisions and diverging interests within governments. Those parts of government responsible for open government initiatives are not necessarily the same as those that regulate civil society or respond to protests. This is certainly true. Yet the fact that governments to date have largely divorced their open government reforms from their actions, laws, and institutions related to civic space epitomizes their narrow approach to the issue—and may in some cases indicate internal resistance to taking a broader view. This problem clearly [comes through](#) in OGP Action Plans. While the OGP from the outset has emphasized the importance of citizen participation as a key open government principle, as of 2017, only two out of 2,733 commitments made by member states focused on the right to peaceful protest, despite significant problems in this area. Only thirteen commitments related to freedom of expression, while forty-four focused on freedom of association. A small group of countries—including, for example, Ukraine and North Macedonia—accounted for many of these commitments. The relative lack of reform on this front stands in contrast to progress around budget and contracting transparency and other areas.

The worsening of the closing civic space trend highlights the risks of a narrow, top-down conception of openness that sidelines citizens’ rights to freedom of association, assembly, and expression. Governments of course have an inherent interest in

preserving opacity in certain domains. And in some cases, their concerns may be justified, for example due to national security reasons. Yet if open government means the existence of multiple channels and mechanisms to enable public scrutiny and challenge official justifications for secrecy, then transparency cannot be meaningfully separated from the right to civic participation and mobilization.

LOOKING AHEAD

The paradox of open government and shrinking civic space has two main resolutions. In some countries, governments are clearly engaging in open-washing or have rolled back open government commitments as political interests have shifted. In these contexts, international open government initiatives need to carefully weigh their role and leverage, particularly if the partner government lacks real reform commitment. Are current monitoring and assessment mechanisms sufficient to diagnose open-washing? To what extent can even limited transparency initiatives help preserve spaces for civil society participation, and when do the costs of such engagement outweigh the potential benefits?

In other countries, governments have made real transparency and accountability gains in some domains, but they still interpret openness too narrowly. Citizens' rights to organize, protest, criticize, and investigate government action have not been central components of their commitments—and they have generally not faced significant international

sanctions for eroding these core civil liberties while proclaiming their dedication to openness. In order to address this challenge, open government advocates need to continue pushing for civil society and media protections as central rather than peripheral components of open government. For initiatives such as the OGP, this means resisting government efforts to reduce civic space to individual-level or invited participation, promoting positive reform commitments and models that relate to civic space, and pushing back against the use of transparency and accountability discourse to over-regulate civil society. Meeting this challenge also means regularly evaluating member states' records on civic space in relation to other open government commitments and forging strong partnerships with local human rights, labor, and governance groups that can identify gaps and shortcomings and take advantage of reform opportunities.

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NOTES

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