OPEN UP CONTRACTING

Engagement with Marginalized Groups

**End-Term Evaluation of the
Citizen Agency Consortium
Open Up Contracting Program**

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Evaluation of the Hivos Open Up Contracting Programme – Engagement with marginalised groups case study

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September 2020

FINAL

Acknowledgments

OPEN UP CONTRACTING PROGRAMME
Case Study: Engagement with Marginalised Groups
FINAL VERSION 10/09/2020

Acronyms

AGPO	Access to Government Procurement, Kenya Opportunities
C&D	Capacity Development
CED	Country Engagement Developer
CSO	Civil Society Organisations
EITI	Extractive Industries Transparency Initiative
GEDI	Gender, Equality and Diversity Inclusion
IP	Indigenous Peoples
IPDOs	Indigenous Peoples Development Organisations
ITPC LATCA	International Treatment Preparedness Centre - Latin America and the Caribbean
L&A	Lobbying and advocacy
LGBQTI+	Lesbian, Gay, Bisexual, Queer, Transgender, Intersex and others
NCIP	National Commission of Indigenous People
OC	Open Contracting
OGP	Open Government Partnership
OUC	Open Up Contracting
PPRA	Public Procurement Regulatory Authority
PWD	People with Disabilities
SMMEs	Small, Micro and Medium enterprises
SPEAK	Strengthening Public Services through the Empowerment of Women-led Advocacy and Social Audit Networks

TISA	The Institute for Social Accountability
ToC	Theory of Change
TPA	Transparency, Participation and Accountability
TYVA	Tanzania Youth Vision Association
YONECO	Youth Net and Counselling

I.   Introduction

The Hivos Open Up Contracting (OUC) programme's Theory of Change (ToC) includes a specific outcome on inclusivity:

All activities will have been undertaken in the spirit of including groups that are particularly vulnerable to exclusion and impacted by contracting processes, with specific attention to women.[1]

Our report defines marginalised groups as those who are particularly vulnerable to exclusion or already subjected to exclusion, including women. This case study presents evidence on actions taken by OUC programme partners and Hivos staff to include marginalised groups in two aspects of the contracting processes. First, participation of marginalised groups as competitors in government procurement processes, and second, positive impacts of increased government contract transparency specifically for marginalised communities.

The agreement in the inception report was to look more closely at partners in the Philippines and Guatemala, fieldwork countries with showcasing experiences working with marginalised groups, also to consider partner HakiRasilimali in Tanzania; and later on, Indonesian partners Pattiro Semarang and IDEA. Hence, this case study presents more detailed evidence for the Philippines and Guatemala, integrating other

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[1] SP OC TOC Overview

notable efforts wherever appropriate. Beyond the work by partners, the national and regional-level work done by Hivos related to Gender, Equality and Diversity Inclusion (GEDI) is briefly mentioned, but the evaluation team will look at this more closely in its Synthesis Report.

The case study has eight sections. After providing an overview of the case study methodology, we briefly present Hivos's organisational approach to GEDI and its influence on the OUC programme. Then, we review evidence related to inclusion from the wider Transparency, Participation and Accountability (TPA) field, and relevant recent developments in the Open Governance sub-field. The outcomes section describes how OUC partners and Hivos worked to include marginalised populations as part of their work towards capacity development (C&D) and lobbying and advocacy (L&A); and more broadly, observations on gender sensitivity and awareness, noting how country contexts influenced these outcomes. The discussion section draws together lessons on inclusion and open contracting (OC) and links these to the programme's experience. Finally, we present a series of conclusions and questions for reflection.

II.   Methodology

At the start of the evaluation process, the Hivos OUC programme team identified the following questions to guide the work:

- What factors are needed to establish a relation of trust between the CSO and the marginalised community? and What power dynamics are at play?
- What factors are at play that determine the information is actually used by the community to demand accountability?
- How can the communities be supported directly to make effective use of such information for their own articulation of issues and advocacy?

During the inception phase we agreed that the above questions should be reframed to be more evaluative. We then used our review of evidence from the implicit

conceptual framework to guide our analysis of data collected to answer the guiding questions outlined below:

1. **Guiding evaluative questions**

- Was the OUC programme able to develop trusting relationships between partners and marginalised groups? What contribution did the programme make? How and why did it work or not?
    - To what extent did the programme equip partners or individual staff to analyse issues of power?
    - Did the programme enable marginalised groups to access and use information to demand accountability on their own? What external and internal factors influenced the approaches and outcomes?
- Did other stakeholders engage with and listen to the demands of marginalised groups or not? What was the programme's contribution? Why did it work or not?
- Did the programme have any influence on long term capacity to influence the ecosystem?
- Did engagement with marginalised actors lead to better quality services or the mitigation of negative climatic or environmental impacts? How and why did this work or not?
- What broader lessons can be taken away for engaging marginalised communities on OC?

Hivos's OUC management team provided us with initial names of prospective partners who work with marginalised groups: Bantay Kita (Philippines), ITPC LATCA (Guatemala) and HakiRasilimali (Tanzania). After the communication about the evaluation was circulated among the global OUC team, regional and country managers made further suggestions for partners to consider. We attempted to interview all of these organisations, the latest round of interviews with Pattiro Semarang and IDEA in Indonesia happened in July. We also used information from periodic reports and outcome harvests to refine our questions. We attempted snowball sampling where we could, to find additional perspectives from informants who might help us to triangulate perceptions and fill data gaps.

During analysis we reviewed and organised material from interviews, partner reports, outcome harvests and articles to answer the evaluation questions. These data summaries can be found as annexes at the end of the case study. They are intended to provide the team conducting the final evaluation with an overview of the evidence we have been able to collect to date.

2. Limitations

The data and analysis presented in this report is subject to several limitations. These reflect the broad scope of the overall evaluation; the implications of Covid 2019; the reality of several "moving targets" such as the time and availability of interviewees; and the inevitable imbalance of varied levels of engagement with diverse country programmes. Some specific and significant challenges included:

- **Broad scope:** The scope encompassing an overall evaluation and in-depth studies made it difficult to cover all the ground necessary in interviews. Some participants were already involved in research projects and were thus simultaneously responding to our requests for validation while completing documentation for the most recent outcome harvesting. This inevitably led to some respondent fatigue.
- **Challenge of reaching authorities' perspectives:** It was impossible to secure interviews with those government counterparts who were involved with issues pertaining to women and marginalised groups.
- **Covid-19:** Initially we had planned to visit three countries for in depth fieldwork: the Philippines, Guatemala and Kenya. We were able to visit the Philippines in January but trips to Kenya and Guatemala had to be cancelled. We were thus almost entirely reliant on remote interviews, which tend to be less revealing than in person meetings. In addition, we had to engage in analysis and reflection conversations in remote team meetings,a far from ideal scenario.
- **Moving targets:** Hivos's OUC programme manager provided a new consolidated list of outcomes for 2019-2020 on the 21st May and it has been

difficult to fully explore some of those relevant ones within the pre-existing timeline.

- **Balance:** The data for the Philippines is more complete than other countries both because we visited and also because of the high quality of their reporting and learning documentation. Data for Kenya and Guatemala is more complete than the remaining countries because they remained the *foci* for our cases, even without the chance to visit in person.

III.   Open Up Contracting programme GEDI context

The OUC programme has a five year outcome on inclusivity:

All activities will have been undertaken in the spirit of including groups that are particularly vulnerable to exclusion and impacted by contracting processes, with specific attention to women[2]

We noted some inconsistencies in relation to the intermediate steps outlined to attain this. The first step indicates that country scoping studies in the inception phase were supposed to identify groups particularly vulnerable to exclusion and impacted by contracting processes,[3] but the studies did not reach this level of detail. In the Guatemala study, for instance there is no mention of indigenous groups or LGBQTI+ populations, despite both groups having faced systematic discrimination. This observation was echoed by the country engagement developer (CED) who considered the studies, carried out by international consultants, as highly technical but detached from local realities and lacking full consideration of knowledge from relevant in-country actors.

Two other proposed steps were: reaching a better understanding of power and inclusion as they affect women, and building targeted engagement strategies into the design of the programme from the outset. Most of the initial partners were politically

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[2] Ibid

[3] Ibid

savvy organisations; as part of the kick-off programme activities they all conducted power analysis at country and project level. But, conducting political economy and power analysis did not translate into more inclusive initiatives and engagement strategies; only Bantay Kita in the Philippines shifted significantly its approach for it to be relevant to a marginalised population. This comes as no surprise, as the call for proposals did not include GEDI parameters and the experimental approach to the first year of implementation meant partners had the flexibility to integrate or not elements of inclusivity in their initiatives.

When the shift to ecosystems approach was agreed at the end of 2017, partners and Hivos staff decided to make aspects of gender and inclusion more explicit within projects or as part of specific lobby and advocacy (L&A) targets. Further, the development and launch of Hivos GEDI strategy later in 2018 (see Box 1),[4] was seen by country staff as useful for guiding their own and partners' plans with a more inclusive lens. The ways in which this was operationalised varied across countries, as some had more favourable context conditions and opportunities, and some CEDs actively sought partners that had previous experience and interest in working with marginalised groups. As well, several pieces of research were commissioned that touch upon aspects of citizen participation and inclusion in accountability and open contracting; some were regional in scope while others were global.

At the end of 2018, during the last revision of the OUC programme's ToC, the management team identified inclusion as an area where increased efforts were needed to make progress to achieve the outcomes set out in the ToC. This translated in more partners working alongside marginalised populations throughout

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[4]Hivos (2018), Hivos Gender Equality and Diversity Inclusion Strategy. The strategy calls for joining up the work Hivos does in gender equality with diversity inclusion; recognising the importance of a more holistic approach. It also presents a roadmap for implementation and indicates that gender and diversity concerns must be fully integrated into the implementation of both Open Up Contracting and Green Energy programmes. Further, it provides clear indication to programme directors, managers and DMEL staff to take concrete actions for advancing the strategy such as integration into planning, budget allocation, and creation of monitoring frameworks.

2019 and 2020, particularly in African countries and Indonesia.[5] We recognise the value of these efforts, but also the fact that concrete outcomes, particularly those favourable to marginalised groups, are difficult to achieve in such a short period of time.

Box 1: Key elements of Hivos organisational GEDI Global Strategy

Hivos has focused on supporting both gender equality and diversity inclusion efforts for many years, but until the launch of this strategy, these two themes have been treated as separate thematic areas.

This current strategy seeks to bring the two areas together, as Hivos recognises the power a holistic approach to gender equality and diversity can play in deepening expertise and in repositioning positioning policies and programmes in the wider field

A holistic approach requires a shift to a more "intersectional" perspective, moving from a focus on 'women' to a perspective that mainstreams a consideration of women and men, sexual and gender orientation, disabilities, and people of different status-economic, religious, political, and ethnic, amongst others into planning, policy, legislation and programmes that related to our focus areas. It also calls on partners and our own organisations to assess and continue the development of a gender-diverse, inclusive workplace culture.

Key actions to mainstream GEDI across all Hivos programming from 2018 onwards:
- All programmes allocate budget for gender mainstreaming, diversity inclusion and women's empowerment- as part of programme development and annual plans.
- PDMs responsible for all new programmes and MT & PMs for allocations within annual plans and ongoing initiatives starting in 2019
- DMELS to support PDMs & PMs to come up with a framework/matrix by 2018.

Source: Adapted by author with elements from Hivos's 2018 GEDI strategy

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[5] Correspondence with Global PM

IV.   Evidence

There is limited evidence in the open governance and open data fields regarding GEDI in policy and programming. A few raised some issues early on[6], but until the recent appearance of Feminist Open Government (FOGO)[7]issues of gender inclusion remained largely behind the scenes in Open Government Partnership (OGP) discussions at national and global levels. In relation to OC processes, research commissioned by the OUC programme found that previous studies on the potential impact of open contracting for marginalised groups arise from a limited sample of case studies or single-country research pilots.[8]

Among the GEDI studies that do exist in the OC and the wider TPA field, the issue most common across contexts is power. Issues of openness and inclusion must be analysed within the power dynamics that shape social and political life. If OC does not account for the exercise and disruption of power, it is unlikely to produce insights that are grounded in the realities facing any marginalised community. Complex challenges of governance are often gendered, and thus the relationship between power and gender shapes the pathways to change and the programme's implementation. Hence, an understanding of contextual power dynamics, particularly of invisible power as expressed in socio-cultural norms, and other relationships, must be fundamental to policies and programmes with GEDI objectives. The sector cannot assume that by making contracting data and processes more open there will be any real, lasting impact, unless there is also a change in the power dynamics of the ecosystem, with new actors entering who question processes and relationships.[9]

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[6]See: https://www.makingallvoicescount.org/blog/open-government-new-boys-club/ speaking about the gender inclusion agenda at international levels in 2016. These issues only gained visibility until 2018 at the OGP Summit in Tbilisi and became a key theme of the OGP Summit in 2019.

[7]Feminist Open Government is defined as ideas of equitable and equal access to transparency, participation, and accountability from government, ensuring that governments are responsive to the diverse and gendered needs of all citizens, and that implementation of such initiatives is gender sensitive in Fumega, S. et.al.(2019) *Feminist Open Government: Case Studies from Latin America, Africa and Asia*, IDRC and Open Data for Development

[8] Canares, M. and van Schalkwyk, F. (2020). *Open Contracting and Inclusion*, Step Up Consultants

[9] Canares, M. and van Schalkwyk, F. (2020), Fumega et.al. 2019

Evidence also shows that power shapes GEDI barriers in OC broadly in two ways:

- **Technical barriers** preclude marginalised groups from participating in OC processes. For example, factors deepening the digital divide in both skills and equipment, and access to the internet; capacities for understanding the concepts and terminology of open contracting; and the specific technical capacities needed to find, understand, or use the data repositories that do exist. In the case of people with sensory disabilities these include also the lack of accessible devices with use of sign and braille languages whereas for people with physical impairments, mobility barriers are also to be considered.

- **Socio-cultural barriers** include the formal and social norms that promote discrimination based on identity such as gender, age, disability, class, religion, ethnicity, or sexual orientation, amongst others. How these biases play out depends on contextual factors, including history, economy, political systems, demographics, etc. Legislation plays an important part in lowering these barriers, but this does not immediately equate to behavioural change or social acceptance[10]. In the OC field, geography remains a significant barrier, as most contracts are awarded to capital-based contractors.

Authors have identified that currently most significant efforts to address these barriers happen at the design/inception stage of TPA programmes; this can make a difference, but it is not sufficient if consideration of GEDI is not woven throughout implementation.[11] Studies have identified four key conditions supporting GEDI in programming:

- Analysing the position and usefulness of digital technology platforms (these are not a panacea)[12]

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[10]Hivos (2018), Hivos Gender Equality and Diversity Inclusion Strategy

[11] Canares, M. and van Schalkwyk, F. (2020)

[12]Peixoto, T., & Fox, J. (2016). When does ICT-enabled citizen voice lead to government responsiveness?

- Allowing dissent strategies (i.e. collective action seeking structural change) to play an even more important part in strategies seeking more transparency and accountability for marginalised groups[13]
- Discovering the value proposition of open data for marginalised groups[14]
- Considering strengths and weaknesses of switchers[15], infomediaries, intermediaries, interlocutors[16] or translocutors[17]

For further reflection, in the conclusions we present a matrix to support consideration of factors that support GEDI in TPA work, both at the design and implementation stages of programmes.

V.   Outcomes

As the bar for inclusion is set rather low in the open contracting field, the mere inclusion of women— pertaining to a marginalised identity or not—can be considered a step forward. Having said this, we will show that OUC programme partners reached a wider range of marginalised groups, beyond women. Though we have made some reference to evidence from the field in Section IV, we are not qualifying these outcomes according to those specific constructions, as these were not part of any initial planning documentation. Further, the fact that the central OUC programme management intentionally gave Hivos country staff and partners

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[13]Lopez-Franco, E. and Shahrokh, T. (2015). *Achieving meaningful accountability for people living in poverty and marginalisation*, Policy Brief Iss.2, IDS/Participate

[14]Fumega et.al. 2019

[15]Canares and van Schalkwyk 2020

[16]Tembo, F. and Chapman, C. (2014). *In Search of the Game Changers: Rethinking Social Accountability.* London: Overseas Development Institute/Mwananchi.

[17]**Translocutors** is a term used to define characteristics of actors mediating TPA with marginalised groups that goes beyond what intermediary, infomediary and interlocutors do. Presented by Howard, J.; López Franco, E. and Shaw, J. (2018). N*avigating the Pathways from Exclusion to Accountability: From Understanding Intersecting Inequalities to Building Accountable Relationships*, Brighton: IDS

the flexibility to develop their own approaches to GEDI, means that there is no unifying framework which can be used to comparatively assess these outcomes.

Engagement with marginalised groups has been consistent since the start of the OUC programme in the Philippines, where partner Bantay Kita works with indigenous groups, and in Guatemala where Hivos capitalised on its own historical role supporting LGBQT+ organisations through its work on HIV. Initial outcome statements from partner HakiRasilimali in Tanzania, noted their work bringing information on the extractive industries to affected populations through barazas. However, as an umbrella organisation with members all across the country, the effectiveness of this partner to connect and engage marginalised groups highly depends on the priorities and collaboration of its members. This made it difficult to get an understanding of how/if their most recent actions were achieving concrete outcomes for marginalised populations.

Some of the partners in other countries demonstrated innovative efforts to work with marginalised groups, but the evidence available and the length of these partnerships has not been sufficient to yield concrete outcomes. TISA in Kenya launched outstanding actions after just a few months, linking county authorities with marginalised groups to seek inclusive implementation of the Access to Government Procurement Opportunities (AGPO). YONECO in Malawi used radio and digital media to raise awareness on contracting issues more directly with communities, particularly youth, but while Malawi's Freedom of Information Bill remains unimplemented further progress will be challenging and there is a growing risk that the young trainees will lose the infomediation skills gained. Finally, the Indonesia team shifted gears in 2019 in order to strengthen connections to marginalised groups, partly due to the drive of the CED and due to the strategic partnership with the European Union SPEAK programme, which has a strong inclusion component of women and people with disabilities (PWDs). Partner Pattiro Semarang created a web portal for women-led small, micro and medium enterprises (SMMEs) to be considered for food catering procurement by the local government; whilst IDEA in Yogyakarta has connected women groups and an association of people with disabilities to demand better access to good quality water supply by influencing the local budgeting process.

1. Relationship-building with marginalised groups

Partners have the capacity to identify and build trusting relationships with vulnerable groups impacted by contracting processes.

Across all regions, partners were able to build trusting relationships with marginalised groups. The depth, strength, and prospects for sustainability of these efforts vary depending on the length of partnership, the trajectory of the local Hivos office, the characteristics of the intermediary organisations and even individual staff members. There is also strong evidence that the overall OUC programme had the flexibility to adapt its plans in response to specific issues with marginalised groups. Indeed, this level of adaptivity was more in evidence among OUC project management than Hivos's wider organisational contracting and financial management structures currently allow for (more on this limitations in the Synthesis Report).

Philippines partner Bantay Kita is also the civil society representative for the country's Extractive Industries Transparency Initiative (EITI) multi-stakeholder group. Over the course of the OUC programme, Bantay Kita has done the most comprehensive work with marginalised groups, helping to make complex data on companies' contractual responsibilities more accessible to the indigenous peoples (IP) impacted by mining. Bantay Kita has worked to raise IP's knowledge on mining issues and broker key relationships at local and national levels. They established legitimacy as an interlocutor for IP leaders, initially due to the personality and approach of Bantay Kita's first OUC project coordinator.[18] His vision included engaging trusted local intermediaries, i.e., Indigenous Peoples Development Organisations (IPDOs), consultants, CSOs, and Palawan State University, and holding a user-centred design workshop where IP determined that data on the economic contributions of mining were the most relevant information for them.

This community-driven feedback fuelled a shift in project focus from national to subnational, and the OUC project was flexible enough to adapt the programme design in response to Bantay Kita's developing findings. The fact that by 2019 other

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[18]Interviews, informal chats, and comments during the FGDs noted the importance of these characteristics

indigenous communities were using Bantay Kita's outreach materials also demonstrates continued trust in Bantay Kita among indigenous groups.

In Guatemala, the OUC programme's engagement with LGBQTI+ groups was facilitated by Hivos's prior relationship with the community as grant manager of the Global Fund.[19] This history not only provided community recognition but established Hivos's reputation as a funder who supported flexible grants for 'out of the box' projects. While interviewees agree that this is not the case anymore, they value the role that Hivos played in 2018 brokering relationships between ITPC LATCA, gay organisation Somos, and transgeder collective Otrans and other regional LGBQTI+ networks, to help them to secure regional funds after the direct HIV Global Fund support to Hivos was lost. The three organisations see the OUC programme as a gateway to a new sphere of action and influence for advancing the transparency and anti-corruption agenda in a difficult country context. However, Otrans and Somos interviewees acknowledged that there is not yet a clear value proposition for those in the LGBQTI+ community to further engage with OC. Discussions on OC data and its implications are very remote for groups worried for their daily survival because of lack of income or constant violence.

In Indonesia, Pattiro Semarang, local chapter of the national NGO Pattiro, has worked for nearly two decades to incentivise citizen participation and empowerment at local level to improve the quality of the country's decentralisation process. As part of their economic empowerment activities, they have been developing capacities of women and other marginalised populations since 2012 to create micro and small food businesses. This pre-existing trusting relationship meant that Pattiro Semarang staff knew well the limitations these businesses had for increasing and sustaining their revenue.[20] For IDEA in Yogyakarta, the situation was different. The organisation had not worked specifically with the women groups and had only marginally collaborated with the leader of the PWD association involved in the OUC project. The fact that, despite multiple challenges with connectivity, representatives from these groups

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[19]Refers to the The Global Fund to Fight AIDS, Tuberculosis and Malaria
[20] Interview with director Pattiro Semarang

continue to engage virtually during the Covid-19 pandemic to continue working with IDEA indicates that they were able to develop relationships of trust.[21]

In 2019 the OUC programme sought to help local and national governments improve aspects of GEDI in Kenya, Tanzania and Malawi in particular[22]. Project scouting resulted in new partner organisations who were already trusted by marginalised groups. This worked differently across countries. In Kenya there was a focus on connecting with women's organisations. The Hivos Kenya team worked closely with two women's organisations to develop proposals, but this did not work out as one did not comply Hivos's due diligence requirements, and the other regarded the grant size as insufficient to achieve the project objectives.

2. Power, intersectionality, and inclusion

Partners have capacity to analyse issues of power and inclusion affecting women, with a consideration of intersectionality, especially in the use of technology and information.

Partners in Guatemala and the Philippines emphasised the centrality of power and intersectionality when working with marginalised groups. In Guatemala, Otrans and Somos, organisations invited by the CED to participate in Abrelatam[23] regional events as a way to raise awareness on inclusion in the open data/contracting field, shared interesting reflections about Hivos approach to intersectionality. A member of Somos warned against a blanket approach when working with the LGBQTI+ community. He noted that, for example, a well-educated urban male experiences discrimination and privilege differently than a lesbian woman from a lower socio-economic and indigenous background. This resonates with Otrans interviewee who said that the lived experience of gender transition is deeply personal but also connected to various implications on legal standing and identity, and overt institutional violence

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[21] Interview with programme team IDEA

[22] 2020 Annual Plan overview

[23] Abrelatam is defined as a 'un-conference/de-conference' and rather a regional space for encounter in which people from civil society, academia, private enterprise, government and regular citizens participate in building debates on issues related to open data and open government, linked to areas such as human rights, public services, transparency, citizen participation, new technologies and many more: https://desdecasa.abrelatam.org/

experienced more by trans people compared to other sexual minorities. One interviewee said Hivos could enhance its power analysis with a more nuanced understanding of intersectionality, indicating that there is considerable elitism and competition amongst LGBQTI+ organisations.

In the Philippines, the first project coordinator for Bantay Kita did not undertake an 'academic power analysis' but took the time to listen carefully to those IPDOs willing to share details of such dynamics and capitalised on them for programme design. Other staff members acknowledged that the OUC programme delivered huge learning for how to translate highly technical concepts to make these relevant for grassroots communities and for how data approaches need to be based on a deeper appreciation of the social and political identities of marginalised groups. We could argue that the increased understanding of power relationships and user-centred approaches has left some staff with a sustainable capacity to engage with IP communities around data, but not yet with an in-depth understanding of intersectionality or the power dynamics *within* the IPDOs, beyond the documented disadvantages faced by women[24]. For example, staff lacked ideas or concerns about how to respond to rumours that leaders in one community were defrauding their own people in the distribution of mining royalties[25].

Based on the documentation available, TISA in Kenya was the only African partner with a high-level of awareness about intersectionality and its importance in inclusive programming. TISA prompted community-based facilitators to look beyond male and female participants and think about characteristics such as location, age, or physical/mental abilities. This helped ensure the training on AGPO and OC provided a variety of voices, perceptions and unique needs. TISA complemented this approach

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[24]Bantay Kita undertook a study on the gendered impacts of mining to later contribute the findings to the Alternative Minerals Management Bill being discussed at the time. The FGD with women provided insights on royalty share, including that the signatories of the IPO account are the ones who receive the royalty payment (all male); that leadership and decision-making positions in the community are reserved for male chieftains, with women only in subordinate positions such as secretary, or sometimes auditor; that chieftains decide how royalties are utilised and women are not consulted ; and that the IPDO has a Community Resource Development Plan (CRDP) that serve as a guide on how to spend the royalties.

[25]The presence of an evaluation team member on the ground allowed us to get to this level of nuance which was impossible to get via telephone interviews and documents.

with a power analysis that showed that barriers for young people in AGPO went beyond 'apathy'. Notably, these opportunities were already going to a 'small club,' while those outside could not secure contracts, saw delays in payments and were required to pay kickbacks, amongst other challenges. Community-centered actions like these can better inform design of interventions with attention to GEDI.

The CED in Indonesia acknowledged that partners Pattiro Semarang and Bojonegoro Institute gained some skills related to GEDI because they had to attend a training on gender-sensitive budgeting as part of the SPEAK programme's compulsory activities.[26] Unfortunately, the short interviews conducted for this evaluation did not reveal a heightened awareness of power dynamics and intersectionality analysis within Pattiro Semarang and IDEA. Moreover, the CED recognised that often the partners used gender disaggregation as a token for inclusion; some did not even explicitly recognise the existence of other excluded groups beyond women. As a response, the CED had planned a training on GEDI for all partners in early 2020 to strengthen these skills, but this was cancelled due the Covid-19 crisis.

In sum, few partners were able to foster critical thinking on power analysis in relation to GEDI, and even fewer could connect the issues to programme design or implementation. In fact, also Hivos's staff need to become more acquainted with GEDI; this is understandable as the global strategy was only officially launched in 2018.

   3. **Tactics to overcome barriers**
      Partners develop tactics to engage women and other marginalised groups and empower them to overcome barriers to exclusion, including through improved access to technology.

There is considerable evidence that partners and Hivos staff helped marginalised groups, including women, to overcome socio-cultural barriers to engage with OC (as distinct from the more technical barriers mentioned above in Section IV). This is unsurprising, given the years of training and experience that usually inform more technical efforts; still some groups did gain both technical and advocacy skills. In Latin

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[26] Indonesia summary of country Annual Planning 2020

America, by inviting two LGBQTI+ leaders from Guatemala to the regional events mentioned before, Hivos took a step no other organisation in the field had taken before. In 2018, Otrans leader decried the event's lack of LGBQTI+ visibility, but in 2019 she returned with a presentation highlighting the importance of citizen-generated data for ethical management of sensitive data.[27] In an interview, she regarded Hivos trainings as key to developing her L&A skills but said that ultimately real-life practice is the best way of learning 'how to do' advocacy. She also emphasised the need to expand national data efforts to include both government statistics and citizen-generated data to be inclusive of marginalised groups.

Bantay Kita's work in the Philippines offers ample evidence of their own capacity to broker access to new spaces for IPs whilst developing capacities for engagement. In partnership with trusted local intermediaries, they helped make complex extractive sector policies and legislation on indigenous ancestral domains accessible to IP, supporting them to demand responsiveness and accountability from various actors. Indigenous leaders held direct discussions with the operating mining company regarding discrepancies in the royalties paid so far. Further, they held discussions with the National Commission of Indigenous People (NCIP)[28] on fine-tuning key community development guidelines, and recently gained the commission's support to start L&A for tax relief from mining royalties. These efforts are worth noting despite Bantay Kita's and intermediaries' perception that the NCIP has only minimal power to make mining companies compliant.

Bantay Kita also accomplished network-building between influential civil society and indigenous communities with a historically strict anti-mining stance, in this way helping to reduce tensions between some indigenous communities. This led to an increased number of 'watchdogs' who are in a position to sustain accountability claims over mining companies over time.

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[27] Vasquez, L. (2019) *How to collect and use sensitive data for marginalised communities?*, Presentation made to Abrelatam and ConDatos

[28] The NCIP is the primary government agency that formulates and implements policies, plans and programs for the recognition and protection of Indigenous Peoples with regard to their ancestral domains and lands, self-governance and empowerment, social justice and human rights.

IP actors directly involved in the Bantay Kita project gained substantial understanding of extractive sector transparency, specifically about contracting and compliance with mining law, as well as on informed consent. Some of these gains in technical knowledge reached beyond the specific project localities. For example, at the launch of the Data Needs Primer and Data Use Comics, indigenous men and women expressed their appreciation for how access to data can facilitate their engagement with government and the mining companies entering their ancestral domain.[29]

In addition to gaining technical skills, IP leaders grew in their confidence and desire to hold mining companies accountable, signalled by their spontaneous demand to be included in national level EITI advocacy.[30] However, despite all this evidence, it is impossible to assess if this knowledge will reach wider communities, especially women and youth, most still excluded from decision-making. It is also hard to know if indigenous leaders will have capacity to access and use government data without the support of intermediaries[31].

While Bantay Kita is a standout example, several partners in Indonesia and Africa helped to make relevant rights and OC knowledge more accessible to marginalised groups. Despite the short timeframe, some were even able to create new spaces where marginalised people could connect with power holders and submit demands.

IDEA in Yogyakarta involved women street vendors, women beneficiaries of a government welfare programme, and an association of PWDs to improve access and quality of water at sub-district level. To do so, they started by building awareness of people's right to clean water by conducting workshops with the local communities, as well as FGDs that involved the government. To encourage meaningful engagement of marginalised groups all information and materials were simple and accessible and sign language interpreters available for communicating with members of the PWD organisation. They also provided extensive capacity building on different aspects in

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[29]A group of indigenous peoples (28 males and 34 females) from the Municipalities of Bataraza, Brooke's Point, Espanola, Aborlan, Narra, Quezon and Rizal verbally expressed their appreciation of knowing and learning the relevant data that they need to demand from the government and companies entering their ancestral domain regardless if they are for or against mining.

[30]Informal conversations during fieldwork visit

[31]Participant observation and interview with local indigenous elite intermediary

relation to government budgeting, and the complex processes of procurement and maintenance of water services in Indonesia. Further, IDEA acted as a bridge for marginalised groups to meet with the District Planning Development Agency to present a proposal with key demands. In the first semester of 2020, IDEA received confirmation that one proposal, related to the procurement of a clean water network in one of the sub-districts, has been added to the 2021 budget.[32]

As part of the activities undertaken to revise the Standard Operating Procedure of the local government's wider procurement e-catalog, Pattiro Semarang has taken different actions to socialise information regarding the confusing and highly bureaucratic requirements needed for SMMEs to be able to qualify and enter a specific food and catering procurement web catalogue. In partnership with local authorities, they organised FGDs and trainings at sub-district and village level to explain in detail these procedures to small groups of SMMEs. More specifically, they supported four women-led enterprises, one formed by women with disabilities, with step-by-step accompaniment and business advice to get their services in the web application. Although they still confront challenges, mainly related to access to technology and credit, three out of the four enterprises have been able to procure catering services to the local government in the first semester of 2020.

Tanzania Youth Vision Association (TYVA), worked with the national Public Procurement Regulatory Authority (PPRA), with brokering from the Hivos CED, to develop youth-friendly guidelines on their affirmative action procurement provisions, which were disseminated in an online campaign created by young trainees, members of the association. Though impacts may be still to come, it is worth noting that there was no use of radio, the media most accessible to marginalised groups, nor of ways to reach people with sensory disabilities to engage with the guidelines.

In Malawi, YONECO's overall approach included discussion groups linked to radio programmes, outreach projects to link diverse community groups and leaders, and participatory exercises for community members to identify local challenges and possible solutions together. These programs help women and young people to increase their understanding of the right to contractual information and the value of local auditing of infrastructure projects. Communities in Malawi also generated data

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[32] Interview Indonesia CED; interviews with IDEA staff

and stories that were later used to hold government and private sector stakeholders to account.[33] This is a good starting point, but we could not find a specific link to open data or contracting processes.

In Kenya, TISA connected marginalised groups, CSOs and authorities in capacity building workshops, which were held at the sub-county level specifically to avoid further marginalisation of people in remote areas. Organisers incorporate accessible terminology and metaphors to better convey complex AGPO and OC concepts. Positive results included the agreement to a joint programme that seeks to promote open and inclusive public procurement and facilitate the implementation of county OC commitments to OGP, and a follow-up scoping study. The latter confirmed participants had shared the learnings on AGPO with peers; the existence of newly formed participant groups and more attention to the AGPO criteria by groups that already existed; but people also expressed a pressing need for follow-up workshops and increased dissemination. TISA also tried to use radio to bring voices of known champions to the local AGPO discussion and raise awareness across the county—however, the size of the Hivos OUC grant was not enough to cover this cost.

A final tactic used by the OUC programme was to link global and regional commitments by the government to advance GEDI. TISA had a useful entry point with the Elgeyo-Marakwet county government, as the only subnational actor in Kenya with a GEDI commitment in its OGP action plan. Other key agenda setting spaces used by Hivos at the international level include the Abrelatam/ConDatos conferences, CSW, and the UN HLPF (these tactics are further detailed in the Synthesis Report).

VI. Discussion

One of the most pressing challenges for GEDI in OC is how to draw clear connections between the procurement process and people's daily realities.[34] For marginalised people, the implications of contracting on their lives and on the opportunities available to them are vital, but it takes time and steady engagement to consolidate

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[33]OH 2019, not substantiated

[34] Fumega et.al 2019; Canares and van Schalkwyk 2020

this knowledge. Hivos's OUC partners confirmed this, with marginalised groups only engaging with the data issues that strongly impacted their lives (Philippines) or created some tangible opportunities for them to engage with government contracting processes (AGPO, Kenya and IDEA, Indonesia).

Tech-based TPA solutions pose multiple access challenges for marginalised groups,[35] but such mechanisms also tend to focus on services already less available to those on the margins. For example, in Guatemala the trans groups recognised the value of portals run by partner ITPC LATCA for tracking antiretroviral drug prices, or OjoconmiPisto, digital media who is auditing municipalities. However, for groups facing daily threats to their dignity and safety, a more important action has been to track incidents of violence across their communities to support evidence-based advocacy to governments.[36]

Marginalised groups face a longer path than others from knowledge and awareness about the root causes of problems, to accessing, understanding, and manipulating data, to finally having the confidence and opportunities to use such information for L&A. Sometimes they might not be interested in technical matters that are beyond their activism, but often the truth is that they face multiple structural obstacles to completing this journey. There is a strong case for seeking intermediaries who have developed or are willing to develop what others have named an inclusive reflex, i.e., building time and space throughout the project to reflect, identify both internal and external exclusionary power dynamics, and work to address them.[37] A nascent example of this was the attempt made by the CED in Guatemala to 'link unusual allies' from the civic tech and the HIV/AIDS rights communities to translate and contextualise government contracting data into meaningful information that could strengthen their advocacy efforts. However, the lack of time and resources to build a

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[35] These have been identified as the five 'A's of technology access: availability, affordability, awareness, ability and accessibility on Roberts, T. (2016) 'ICT Access is NOT Equal to Development', *Appropriating Technology Blog*, 28 May: www.appropriatingtechnology.org/?q=node/237

[36] In Abrelatam 2019, the director of Otrans presented the work they have been doing to capture some key statistics in relation to the trans community. Revealing dire numbers for the trans population in Guatemala, e.g. their life expectancy is 32 years compared to 75 years for the rest of the population.

[37] Howard et.al. 2018

stronger common vision and bond did not allow for continuity of this alliance,[38] indicating the need to give enough time for those processes to unfold.

Digital solutions for governance are not a panacea. This theme runs through multiple studies and evaluations, but partners raised it again. Moving all contracting related processes online can seem the best solution for transparency purposes but excludes all those people who rely on the newspaper and radio to know about procurement opportunities as seen in Elgeyo Marakwet in Kenya[39]. In cases where small and micro enterprises have finally overcome the bureaucratic hurdles to be able to procure services to the government, challenges related to capital availability and access/use of technology must be overcome. In Indonesia, an administrator has proved helpful to assist the SMEs when they are not too familiar with the technology by reaching to them via Whatsapp to ease their participation in the procurement process.

On a deeper level, government data and statistical systems are often created with underlying bias and the relevant data on particularly stigmatised groups such as LGBQTI+, people living with HIV and other chronic illnesses, religious minorities, could be absent or easy to manipulate.[40]

The costs of properly reaching out and engaging marginalised groups are often underestimated, e.g., mobility for meetings, payments to the radio stations that reach remote areas, translation, and in certain contexts, the creation of women-only or physically accessible spaces, etc. These issues were mostly seen in African countries where telecommunications, infrastructure and transport links are lacking the most. Another reason for bringing in smaller, locally grounded organisations.

Understanding intersectionality and power dynamics within a marginalised group is key for inclusion; evidence showed that those partners who were able to understand these dynamics could then design most appropriate initiatives, considering challenges faced by different identity groups within the larger group. Evidence showed that Hivos and its partners have not done enough around intersectionality in a substantive way, as this was not a requirement since the beginning of the

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[38] Interview PODER and SOMOS; the portal is still managed by PODER, found here: Vivir con VIH

[39] Reporting from TISA

[40] Interview with Otrans

programme, and hence resources and time to do this were few. Only from 2019 onwards these considerations took a more central stage within the OUC programme, so it is not surprising that changes cannot be seen across the ball.

VII.   Conclusions

Overall, we can conclude that Hivos made progress on integrating actions to advance GEDI from a weak starting point at inception of the programme and more broadly in the open contracting field. Hivos learned to better assess partners' capacities to connect to local citizens, often marginalised, to generate actions that are more aligned with their daily concerns. In regional and global spaces, Hivos positioned itself and partners as organisations with a commitment of taking forward issues of inclusion in the open governance field. Still, the evaluation evidenced that there is much to learn for Hivos staff in relation to intersectionality and power dynamics within marginalised groups; key to design and implement more inclusive programmes. Table 1 presents a summary of how GEDI issues can be thought about at inception/design and throughout implementation.

	Table 1: Key factors supporting GEDI			
	Analysing the position and usefulness of digital technology platforms (these are not a panacea)	**Allowing dissent strategies to play an important part in strategies seeking more TA for marginalised groups**	**Understanding the value proposition for marginalised groups**	**Considering strengths and weaknesses of switchers, infomediaries, intermediaries, interlocutors or translocutors**
D E S I G N	Technology for advancing accountability works when there are quality offline engagements. Identifying initiatives that 'get' GEDI already to discuss	Understand if there have been strategies undertaken by MGs to claim rights and design activities based on their position regarding dialogue and dissent (helped by	Opening data does not mean that it is valuable or, more importantly, that it can be understood or used by any actor. MGs must see an advantage in having access to the data but also have a sense of how	Taking time to find those interlocutors who already have legitimacy amongst MGs will derive in a programme design with GEDI aspects in consideration since inception

	how make tech solution suited to people's own terms and needs	power and gender analysis)	to use the data for change	
I M P L E M E N T A T I O N	Data analysed and tech solutions developed are seen to be advancing further MGs agenda. These are complemented by other means such as radio and in-person encounters that build a sense of collective power for change	Ongoing disruption of data flows and decision-making spaces are key dissent strategies that should happen from local to global spaces. Legal empowerment has increasingly been used by MGs to demand rights, but in cases of institutional discrimination other more confrontational tactics will be needed	The usefulness and validity of this data shall be revised throughout implementation as decision makers can search for strategies to avoid their responsibilities, e.g. open-washing	Inclusion most likely to happen when intermediaries implement interventions by building the capacity of users to make sense of published data, and by using the data to advance MG's own agenda rather than their own

At the regional and global levels, the closing of civic space and continuous rise of conservative political forces, generates a need to keep pushing GEDI issues through different tactics of dialogue and dissent. It has become clear that international commitments and implementation without consideration for power, access to resources, and social and cultural norms could threaten the legitimacy and the vision of the open government movement.[41] So, global network-building and campaigning on GEDI seems ever so more important.

Unfortunately, it is not enough to empower marginalised groups with data, technology access, and skills on lobbying and advocacy to shift power structures in ways conducive for GEDI. **Evidence has shown that building the power within and of communities is a huge step forward but more needs to be done to also**

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[41]Fumega et.al. (2019)

transform the mindsets of powerholders[42]; in the private sector, cooperation partners, and state institutions[43]. This raises important questions on the role that global and national civil society actors who have legitimacy and access—such as Hivos and its partners—can play in disrupting visible power structures in ways that benefit marginalised groups.

VIII.   Questions for reflection

These questions are designed to prompt reflection on the Open Up Contracting programme's work in relation to engagement with marginalised groups:

- **Can inception/baseline studies include consultation with a GEDI advisory group from different representatives of marginalised groups? Moreover, could this figure be involved throughout the whole programme's implementation in some capacity?**

- **To improve the value proposition of open data solutions for marginalised groups, what would it take to develop open data solutions through a human centred approach, moving away from the more common techno-centric gaze?[44]**

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[42]Cornwall, A. and Gaventa, J. (2016) 'Challenging the Boundaries of the Possible: Participation, Knowledge and Power' and Cornwall, A. (2016) 'Towards a pedagogy for the powerful' in IDS Bulletin 37.6

[43]Otrans has partnered with other trans regional networks and published shocking statistics in relation to this, e.g., 37% of violent acts recorded were perpetuated by state institutions, this was the largest amongst all identified. However, when Otrans presented the correspondent evidence for Guatemala to the Office of the General Attorney and the Office of the Human Rights Commissioner neither paid significant attention.

[44]Roberts, T. and Hernandez, K. (2017). 'The Techno-centric Gaze: incorporating citizen participation technologies into participatory governance processes in the Philippines', *Making All Voices Count Research Report*, Brighton: IDS

- **Are Hivos's organisations systems and structures ready to support partners who work to advance marginalised groups claims with more outspoken dissent strategies?**

- **How can Hivos leverage its long history of funding innovative organisations to integrate in call for proposals partner selection criteria that considers those required qualities for inclusive interlocutors/translocutors? How can inclusive attitudes and behaviours of these interlocutors be monitored throughout implementation?**

- **Considering the usefulness of an ecosystems approach, how can Hivos more consistently support meaningful participation by intermediaries that are closer to marginalised groups, or marginalised groups themselves, and bridge communication with other key organisations in the ecosystem?**

- **In what ways can the research commissioned by Hivos on citizen participation and inclusion, and materials such as the advocacy toolkit[45] be used to build a substantive body of knowledge to be shared with the wider open contracting community?**

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[45]Hivos (2109) *Towards transparency & accountability in public contracting processes through people-centered and evidence-based advocacy - A Guide.*

IX.   References

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X. Annexes

Annex 1. List of interviewees

Guatemala

Julio Herrera	Hivos
Alma de Leon	ITPC - LATCA
Walter Corzo	Dialogos
Evelyn	Dialogos
Marco Loarca	Somos
Lola Vazquez	Otrans
Walter Flores	CEGGS
Fernando Jerez	CEGGS
Lesly Ramirez	CEGGS
Brendan Halloran	International Budget Partnership
Marvin Flores	Accion Ciudadana

Indonesia

Octrina Nanda Sihombing	Hivos
Widi	Pattiro Semarang
Ella Syofii	Pattiro Semarang
Mohamad Mova Al'Afghani	OGP IRM Researcher for Indonesia
Haeder	IDEA
Galih Pramilu	IDEA

Kenya

Stephanie Muchai	Hivos Kenya
Faith Weyombo and Wallace Mwangi	The Institute for Social Accountability (TISA)

Malawi

June J Kambalametore	Hivos
Donald Kamthunzi	YONECO

Philippines

Vivien Suerte Cortez	Hivos
Anj Dacanay and Rose Ann Paragas	Bantay Kita
Chadwick Llanos	Former Bantay Kita staff
Velma Chollipas, Nonoy Siplan, Boyet Patio, Anido Acat	IPDO and consultant Bataraza
Renato Tundan,Herbert Dazidon, Siverstra Dazidon, Aguilar Diego	IPDO Narra
Lany Meceda	University of Legazpi
Emi Gabinete	Palawan State University (PSU)
Ampy Esguerra	Palawan State University (PSU)
Claudette Abordo	Palawan State University (PSU)

Tanzania

Suleiman Abdul Makwita	Tanzania Youth Vision Association (TYVA)

Annex 2. List of programme documents consulted

Global programme documentation
Handbook on Open Contracting
Cumulative list of outcomes harvested and validated by MEL at October 2019
SP & OC ToC overview
Hivos (2018), *Hivos Gender Equality and Diversity Inclusion Strategy*

[Canares, M. and van Schalkwyk, F. (2020)](.). *Open Contracting and Inclusion*, Step Up Consultants
Hivos (2109) *Towards transparency & accountability in public contracting processes through people-centered and evidence-based advocacy - A Guide.*
Annual Plan 2018 - Citizen Agency consortium.pdf
Annual Plan 2019 - Citizen Agency Consortium.pdf
Annual Plan 2020 - Citizen Agency Consortium.pdf
OH 2020, not substantiated
Guatemala
Scoping Study Guatemala
Transparencia Activa/VIH
Hivos (2020), *Building bridges in response to the HIV epidemic in Guatemala* https://openupcontracting.org/assets/2020/04/Guatemala-Building-Bridges-1.pdf
Annual Plan 2018 - Guatemala
Annual Plan 2019 - Guatemala
Indonesia
Outcome harvest report (unvalidated), longer outcome harvest Indonesia documentation which includes links to many of the articles
Annual Plan 2017 -Indonesia
Annual Plan 2018 - Indonesia
Kenya
Narrative reporting TISA
TISA Implementation Plan Revised.docx
URAIA Workplan Final 2019 - 2020.docx

Partner Logbook - TISA
Partner Logbook - URAIA
Annual plan 2018 Kenya and Tanzania
Philippines
Open Up Contracting, Open Up Mining
Annual Plans 2017, 2018 and 2020
Bantay Kita - BK learning log
Bantay Kita - 2018-2020 Implementation plan.
Bantay Kita - 2017-2018 implementation plan
Bantay Kita - Capacity Assessment 2018
Bantay Kita - 2018 capacity assessment additional
Bantay Kita - Gender policy paper on mining
Bantay Kita - Cebu outreach support
Bantay Kita - CSO assessment of the 4th EITI
Bantay Kita - Several related to EITI bills and legislation
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| TYVA Q2 Narrative Report.docx |
| Partner Logbook - TYVA |