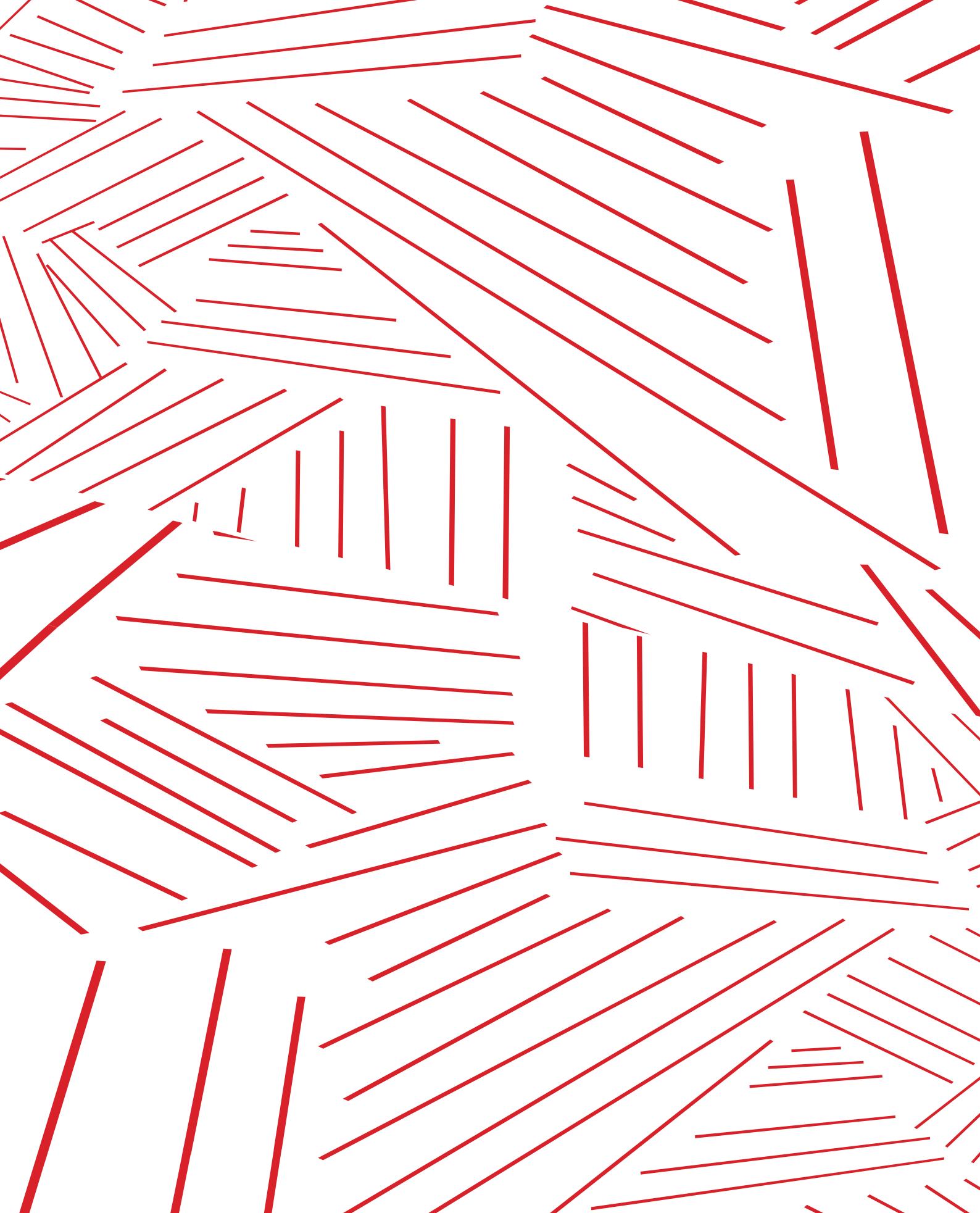


OPEN UP CONTRACTING



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





The TAP Room Consultants Ltd, September 2020

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Acknowledgments	3
List of Acronyms	7
Executive summary	9
Purpose	9
Methodology and limitations	10
Conclusions	10
Recommendations	13
I. Introduction	16
II. Methodology	18
1. Design and sampling strategy	18
Figure 1: Evaluation levels of inquiry. This is provided as a heuristic to illustrate the different levels of inquiry. We have not attempted to include every single evaluation question due to presentation challenges.	18
Table 1: Programme partner sample	19
2. Overview of data collection methods and sources	22
3. Analytical approaches	23
4. Limitations	23
III. Programme trajectory and adaptations	25
1. The Open Up Contracting Theory of Change and programme design	25
2. Country selection	26
3. Programme staffing	26
4. Partnerships	27
Table 2. Programme partners and their functions	27
5. Monitoring, Evaluation and Learning	28
6. Programme budget	28
Table 3: The 5 year programme budget	28
7. Programme phases	29
8. Key moments in the programme lifetime	30
a) Inception	30
b) Programme launch	30
c) Shift to Ecosystems approach	30
d) Shifts in staffing, focus, granting and financial procedures	32
IV. Outcomes	33
1. Lobbying and advocacy capacities of partners	33
a) Capacity building approach	33
b) Assessment approach	34
c) Changes in capacity	34
Table 4: Evidence on Capacity Development of CSO partners	34
d) Insights on the capacity development approach	37
2. Policy and practice	39
a) Approach	40
Lobbying and Advocacy Outcomes	41
b) Aggregate analysis of outcomes according to the ToC	41
c) Global level	42
d) Africa	43
e) Latin America	45
f) Southeast Asia	46

3. Contribution of the programme to important outcomes	48
a) Kenya	50
b) Guatemala	52
c) Philippines	56
4. Sustainability of the outcomes, capacities and ecosystems	63
5. Focus Countries	63
a) Philippines	63
b) Guatemala	65
c) Kenya	66
d) Other countries	66
Bolivia	66
Indonesia	67
Tanzania and Malawi	68
6. Sustainability of portals and other tech-based solutions	69
7. Relevance of the outcomes	69
8. Thematic areas	71
a) Inclusion	71
Capacity development	73
Approaches to GEDI	74
User-centred approach for increased ownership	74
Awareness-raising and brokering access to spaces with power holders	75
Issues of marginalised groups are considered in their work	76
Reflections on GEDI	76
b) Environment and Climate Change	76
c) Citizen Agency framework	77
Philippines	78
Guatemala	79
Kenya	79
Other countries	80
d) Combining insider/dialogue and dissent/outsider tactics	81
V. Open Up Contracting programme and its ToC assumptions	83
1. Use of the Theory of Change	83
2. The Ecosystems approach	85
PHILIPPINES: Building sustainable capacity for influence	86
3. Working with government champions	89
a) Incentives	90
4. Private sector	92
5. What is problematic or missing in the ToC?	94
6. Media, citizens and citizen action	95
a) Media and journalism	95
b) Citizens and citizen action	98
Table 5: New theory of change assumptions and learning questions related to citizens, added in 2018	98
7. Influencing the field	100
VI. Efficient use of resources	101
1. Our approach	102
VII. Programme Context	105
1. Grant sizes and Hivos's partner selection criteria	105
2. Hivos grant and financial management processes	106

3. Country, regional and global dynamics	107
4. Staffing	108
5. Shifting ToC and programme approach	108
6. Exchanges with mentors and other partners	109
7. Outcome harvesting MEL approach	109
VIII. Conclusions	111
IX. Recommendations	115
Annex 1. Country context	118
1. Philippines	118
2. Guatemala	119
3. Kenya	120
4. Other countries	121
a) Bolivia	121
b) Indonesia	121
c) Tanzania and Malawi	122
Annex 2. Evaluation questions	123
Annex 3. List of Interviewees	124
Annex 4. Documents reviewed	130
Annex 5. Open Contracting Theory of Change diagram	140
Annex 6. Evaluation Terms of Reference	145

LIST OF ACRONYMNS

AGPO	Access to Government Procurement Opportunities
ANSA EAP	Affiliated Network for Social Accountability in East Asia and the Pacific
BAC	Bids and Awards Committee
BO	Beneficial Ownership
CBO	Community Based Organisation
CED	Country Engagement Developer
CESU	Centre for Higher Education Studies
CIJM	Centre for Investigative Journalism
CSO	Civil Society Organisation
CSW	United Nations Commission on the Status for Women
DIME	Digital Imaging for Monitoring and Evaluation
ECCP	European Chamber of Commerce in the Philippines
EITI	Extractive Industries Transparency Initiative
FGD	Focus Group Discussions
FOI	Freedom of Information
GEDI	Gender Equality and Diversity Inclusion
HLPF	High-level Political Forum
ICIC	International Conference of Information Commissioners
ICW	Indonesia Corruption Watch
IEA	Institute of Economic Affairs
IP	Indigenous Peoples
IPDOs	Indigenous Peoples Development Organisations
ITPC LATCA	International Treatment Preparedness Centre - Latin America and the Caribbean
L&A	Lobbying and Advocacy
LGU	Local Government Unit
LKPP	Indonesian National Public Procurement Agency
M&E	Monitoring and Evaluation
MEL	Monitoring, Evaluation and Learning
MIGA	Movement for Integral Gastronomy
MOU	Memorandum of Understanding
NCIP	National Commission on Indigenous Peoples
NGO	Non-governmental Organisation
OC	Open Contracting
OCDS	Open Contracting Data Standard
OCP	Open Contracting Partnership
OECD DAC	The Organisation for Economic Co-operation and Development's Development Assistance Committee
OGP	Open Government Partnership
OH	Outcome Harvesting
OUC	Open Up Contracting - refers to this specific programme

PCIJ	Philippines Centre for Investigative Journalism
PhilGEPs	Philippines Government Electronic Procurement System
PPDA	Public Procurement and Disposal of Assets Act
PPRA	Tanzania Public Procurement Regulatory Authority
PSU	Palawan State University
PWDs	People Living with Disabilities
PWYP	Publish What You Pay
RUP	National Procurement Planning
SDG	Sustainable Development Goals
SMEs	Small and Medium-sized Enterprises
SoP	Standard Operating Procedure
SP	Strategic Partnership for Dialogue and Dissent
TISA	The Institute for Social Accountability
TMF	Tanzania Media Foundation
ToC	Theory of Change
TYVA	Tanzania Youth Vision Association
UNCAC	The United Nations Convention against Corruption
YONECO	Youth Net and Counselling

EXECUTIVE SUMMARY

This report summarises **findings and conclusions from a utility focused, theory-based final evaluation** of the Citizen Agency Consortium's Open Up Contracting programme. **The Citizen Agency Consortium Strategic Partnership** program focuses on strengthening the lobbying and advocacy capacities of civil society partner organizations in countries in East and Southern Africa, Southeast Asia, and Latin America as well as at global level.

The Open Up Contracting programme was implemented by Hivos, Article 19 and their CSO, media and business partners principally in global spaces, the Netherlands and seven countries in the Global South: Bolivia, Guatemala, Kenya, Malawi, Tanzania, Indonesia and the Philippines.

Its goal was for people to have equal access to quality public goods and services they care about: good public education, quality health care, safe roads and clean drinking water. It aimed to achieve this through building the capacity of infomediary partners, brokering relationships and using an evidence-based combination of lobbying and advocacy to enhance:

- **Transparency:** government policies for disclosure of information on planning, procurement and implementation of public policy in readable formats (Long-term objective one, LO1)
- **Participation:** government consultation with non-state actors, including ordinary citizens in the planning and monitoring of public contracts (Long-term objective two, LO2)
- **Intermediation and Infomediation:** civil society, media and private sector actors understand and analyse open contracting data to give credible feedback on public contracting without fear of reprisals (Long-term objective three, LO3)
- **Accountability:** government oversight authorities act on feedback concerning irregularities and hold government and contractors to account (Long-term objective 4, LO4)

PURPOSE

This evaluation was designed to maximise the scope for learning amongst programme partners, the Dutch Ministry for Foreign Affairs and the broader transparency, accountability field. It also serves as a means for the Citizen Agency Consortium to account for the implementation of the programme.

The evaluation assesses the effectiveness, relevance, sustainability and efficiency of the Open Contracting program. This evaluation considers the contribution made by the programme to:

- changes in capacities for lobbying and advocacy of (Global South) partner organizations, and
- changes in agendas, policies and practices of government and market actors.

METHODOLOGY AND LIMITATIONS

This evaluation used a theory based, utility focused, case study driven approach. The evaluation followed a multi-level design that combined breadth with depth in answering evaluation questions for four case studies and a synthesis report that were agreed during the inception phase.

The data and analysis presented in this evaluation are subject to a number of limitations, many of which were exacerbated by the Covid-19 pandemic. Some of these include: 1) field work in the Philippines happened in January 2020 but trips to Kenya and Guatemala had to be cancelled, so the data for the Philippines is more rich; and 2) the evaluation was reliant on remote interviews, analysis of data and review of programme documentation, limiting the possibility for ethnographic insights and deeper face to face conversations with others and within the evaluation team.

These limitations undoubtedly influenced the quality of the individual outcomes studied. However, they are unlikely to have had an impact on high level findings and overall conclusions which were validated with staff before the finalisation of the report.

CONCLUSIONS

The Open Up Contracting component of Hivos's Citizen Agency Consortium was moderately effective in advancing its long-term objectives at the global level and in seven countries in the Global South. It had the most success in the areas of influencing policies and practice related to transparency, in the disclosure of open contracting data and infomediation, and in capacity development for intermediaries. Where institutions already existed, some feedback by intermediaries using disclosed information triggered actions by oversight actors. However, there was generally less progress in areas of accountability or participation in terms of government engagement or consultation with non-state actors. Hivos should be heralded for putting the demand side and inclusion on the international open contracting agenda. However, the engagement of marginalised communities or organisations that represent them remains nascent in open contracting efforts and the jury is still out on whether the progress achieved will lead to the programme's vision of improved services for ordinary people. There would need to be much more evidence of accountability responses for the field to be confident disclosure is a meaningful commitment to openness and not only open-washing¹.

Despite progress in countries in the Global South, the programme was less effective in getting international bodies to open their own contracting data or in persuading the Dutch government to harmonise and promote open contracting. This is particularly unfortunate amid the current debate about power relations in international development and the pressure to decolonise. The international organisations pushing for open contracting have a particular opportunity and obligation to adopt these practices, to serve as role models and to preempt any appearance of double standards.

The shift to an ecosystems approach increased efficiency and prospects for sustainability in several countries. An overly long inception period with inappropriate 'top down' approaches to grant making and capacity development that ignored views of staff and past lessons from similar programmes, meant the programme had a slow start. However, after adopting the ecosystems approach and a more contextually embedded and responsive

¹ McGee, R., & Edwards, D., 'Opening Governance: Change, Continuity and Conceptual Ambiguity', IDS Bulletin 47(1).

attitude to partners, things improved. A more flexible approach to capacity development, matchmaking, brokering relationships, engaging political and technocrat champions began to yield better results. Horizontal learning spaces were particularly valued by partners. While the programme was able to be effective in supporting the development of technical and relational capacities to advocate for greater disclosure, the programme's shorter trainings and mentorships appeared to have been less successful at building data skills that were used by partners.

Though sustainability of capacities, outcomes and relationships is not guaranteed, **Hivos deserves credit for the amount of emphasis put on sustainability**. In the Philippines, Guatemala and Kenya **the prospects are good for intermediaries with new technical and relational capacities to continue advancing the OC agenda**. More attention and follow up is needed to determine the success of the tactics used to encourage demand for data, and if and how these resulting governments upkeep of portals and data collection and dissemination.

The programme's adoption of a theory of change approach that encouraged adaptation based on outcome harvesting and reflections on emerging outcomes and assumptions worked reasonably well. Importantly it provided a space for partners to give honest feedback about whether Hivos's partnership model was fit for purpose. It also led to adaptations that enhanced efficiency and effectiveness. These included the shift to an ecosystems approach; recognition that the programme needed to support government capacity to disclose and use data; greater emphasis on inclusion; the increased focus on the potential roles of media; increased emphasis on citizen agency; and greater focus on the subnational level. These changes meant the programme had to shift its emphasis from its initial top down and technical approach to data. Instead, it began to pay more attention to the 'demand side', including the private sector as special actors; academics who were likely to demand data; and the engagement of ordinary and marginalised citizens and the organisations that represent them.

Though adaptations enhanced programme effectiveness they did not go far enough in respect to the MEL approach or use of the theory of change at country level. The case studies that accompany this report demonstrate that programme managers and CED's adaptation decisions have largely been positive and generated important lessons that are outlined in the following section. Nonetheless, the programme still struggled to make the theory of change and MEL approach maximally effective for the ecosystems approach. Indonesia was the only country that managed to develop and use a country level theory of change. This may have been because the outcome harvest approach tended to be too partner centric rather than at the ecosystem level.

The Open Up Contracting programme's theory of change and many of its assumptions held in respect to lobbying and advocacy and capacity development to increase the transparency of public procurement. However, we question whether there was sufficient focus on the reasons for mismanagement and unaccountable behaviours and practices, and connection to media and citizen action for the theory of change to lead to greater accountability and improved public services. The programme was effective at building coalitions of CSOs and government champions, with the programme and its partners having the legitimacy and credibility to work on open contracting. It was able to identify and frame open contracting in a way which responded to or offered incentives for government champions to buy in. In most countries the programme struggled to engage the private sector but in the contexts where the programme did, they were able to find value propositions that appealed to private sector actors and prompted participation by these actors in open contracting reforms.

Lessons on tactics that tended to work well:

- Hivos and /or its partners using their positionality, convening power and sensitivity to, and awareness of, political contexts **to convene and nurture trusting relationships** in coalitions with diverse membership
- Using **value propositions effectively** to leverage the incentives of different actors involved in OC ecosystems, for example:
 - Politicians –investment and electoral prospects
 - government agencies – professional progression, fear of criticism
 - accountability seeking actors -
 - private sector actors – level playing field or increases in efficiency
- Using a **combination of dialogue and dissent strategies**
- **Providing technical capacity to government** to help it disclose, analyse and present data in more usable formats
- Using **long term mentoring approaches** to build capacity for disclosing data and analysing it. This means considering data and systems experts as staff central to an ecosystems approach
- Including **legal experts as advisor mentors**
- **Behind locked door offline deliberations on data** collected PRIOR to official disclosure
- Engaging with a range of political and technocrat champions operating at different levels of government, particularly during political transitions
- **Empathic lobbying and user centred design approaches that are mindful of the power relationships** affecting different participants. Examples included
 - Bids and Awards Committee members who felt anxious about possible backlashes when opening up their data
 - Small private sector actors and government with no previous experience using ICT or data
 - Indigenous and marginalised people who have internalized powerlessness after years of discrimination
- Using an **understanding of political context** and learning through using outcome harvesting to reflect on assumptions to adapt

There were a number of programme assumptions that didn't hold. The programme discovered early on that its assumptions around the availability of procurement data and government capacity were unfounded and the programme had to adapt its focus. The programme discovered that although knowledge, resources skills, and networks were barriers to infomediaries engaging with open contracting there were also significant socio-cultural and power dynamics that prevented informed mediaries or marginalised groups make use of open contracting reforms. The programme did not go far enough in unpacking causal assumptions about the role of media and how it would build bridges with ordinary and marginalised citizens so that they could become more active citizens within the ecosystems approach.

The programme theory of change's problem analysis was overly focused on transparency rather than addressing a lack of accountability and the causes of poor public service delivery. As a consequence, the ToC is largely geared more towards lobbying and advocacy for greater public procurement disclosure than towards a broader approach to addressing the causes of procurement problems and accountability gaps. Although the programme's practices shifted towards greater focus on participation and citizen action, the ToC does not fully reflect this shift. The programme made these shifts fairly late on in the programme. Hence it is too early to test assumptions on whether shifting from a transparency-focused theory of change to one which provides more space for collective action by broad based coalitions to challenge power relations that cause accountability gaps will achieve the programme goal.

Ultimately, the success of the ecosystem approach and tactics employed by the programme depended on contexts and operational challenges.

- They worked better in the Philippines and Kenya than in Guatemala. In Guatemala it was more difficult to build trust between CSO working from a dissenting rights-based approach who were wary of private sector representatives because of their association with beneficial owners in positions of power. The long history of human rights violations and recent political reforms used to persecute CSOs also were obstacles.
- Combining insider/dialogue and dissent/outsider tactics worked well in most of the countries. For the most part, the programme used a mix of approaches. In all of the focus countries the programme and its partners were able to dialogue with politicians and civil servants at international, national and subnational level. In Malawi, Tanzania, Kenya, Guatemala, and Indonesia the Philippines the programme also employed outsider or dissenting tactics such as using investigative journalism to expose corruption and/or make accountability demands. In Guatemala, Indonesia, Kenya, Malawi and the Philippines, partners used some of the data released as a result of dialogue and/or their own citizen data for these dissenting activities.
- Weaknesses in Hivos organizational structures, management and grant-making systems caused inefficiency and substantial delays. Similarly to MAVC, Hivos was ill equipped to support the kind of political and adaptive ways of working required in programmes supporting partners working on transparency and accountability. Though this is partly the result of a difficult organizational transition to a project-based approach and update of financial control systems, it presented staff and the organization with unacceptable levels of reputational risk and limited the potential of some partners in realising outcomes.

The programme made limited deliberate efforts to link open contracting with climate change and environmental issues. Nonetheless a number of partners and stakeholders were considering issues related to climate change and the environment in their work which illustrates potential links that could be exploited in the future.

RECOMMENDATIONS

Conclusions lead us to make the following recommendations:

- As the open contracting field builds on the impressive transparency gains demonstrated by the programme, greater focus needs to be given to the underlying causes of procurement problems and the actions that can turn greater accountability into improved public service delivery. **Future open contracting programmes can build on learning from this programme and tease out the theory of change's assumptions relating to participation and citizen action.** In particular, future programmes need to be clear about if and how an ecosystems approach can support unusual suspects or intermediaries representing ordinary citizens and marginalised groups. Hivos can capitalise on its local and grassroots networks, as well as its campaigning expertise to raise awareness and further incentivise direct citizen action and participation.
- The programme made significant progress in enhancing its capacity to support inclusivity. However, **there are still capacities and skills that need further development across the open contracting landscape, particularly in relation to intersectionality and other intra-group power dynamics.** The Hivos GEDI strategy is a great resource that should be followed and adapted to country contexts in order to continue the journey towards inclusivity. A new programme aiming to be more inclusive of marginalised populations

must prioritise inclusion at the design stage and create structures throughout every stage of implementation that facilitate participation and ownership.

- **Causal pathways for the role of media actors need further unpacking.** Media initiatives that seek to influence public opinion and stimulate citizen action may require different follow up tactics (such as radio and deliberation) from those seeking to influence policy.
- **More research and learning is needed on what kinds of information trigger decision makers and citizens to take action:** What will trigger government response? what forms of citizen generated data? What was it in the Guatemala example that triggered government response?
- Future programmes need to **generate more evidence on how changes in contracting produce benefits for ordinary people.** Such research needs to consider if and how enhancements for private sector contractors (such as those instituted in South Cotabato) translate to changes in the services available to citizens.
- Hivos should keep a watching brief on **the sustainability of technical portals** supported by this programme, to see if and how they evolve and adapt. Key questions include whether portals managed within government and by infomediaries outside government become so valuable that the government will sustain them.
- **Approaches to capacity development and support need to be fit for purpose.** Short term training events can equip experienced partners with sufficient understanding for advocacy on OCDS. However, developing data capacity in different parts of the ecosystem, including in government, requires longer and more sustained support. Similarly, procurement investigations depend on complex legal knowledge. Hence building links with lawyers who can play a role in ecosystems and mentor those investigating suspicious projects may be a pre-condition for complex cases.
- **You can't make everyone a data scientist.** Capacity development for data use needs to be more tailored and to start from the assumption that not all groups HAVE the aptitude or inclination to do data work.
- Given the programme's success engaging policy makers operating in global spaces and governments in the Global South, **Hivos should become a champion and advocate for international development actors to follow suit.** This would also require Hivos to lead by example and publish its own tendering and commissioning information.
- Institutional learning and programme design. **Hivos needs to institute internal systems that ensure key lessons from large programmes such as Open Up Contracting and MAVC—and evidence from the wider TAP field— are carried into future programmes.** This requires processes to socialise key lessons and secure buy-in for policy and practice change at all levels of the organisation, within the Hague, in regional offices and at country level.
- **Institutionalise an ecosystems approach for programmes working on transparency, participation and accountability.** The programme showed the potential of an ecosystems approach. Hivos needs to be able to provide support for partners in such programmes over the long term, allowing experimentation while imposing conditions that allow Hivos to sever relationships for non-performance. In this instance non-performance includes partners failing to reflect and adapt on the basis of their learning.

- Future programmes taking ecosystems approaches need to build on learning from this programme and MEL approaches that help partners and staff to “see the wood for the trees” and monitor and reflect at the appropriate level. **This is likely to mean making country level Open Contracting ecosystems and partner relationships key units of analysis for MEL activities.**
- **Hivos should take a user centred and power aware approach to revising its grant-making and financial control systems.** The programme reinforced the value of Hivos as connector and matchmaker building and coordinating ecosystems of accountability actors and brokering relationships and multi-stakeholder mechanisms at subnational, national, regional, and international levels. In order to not lose this, Hivos must be much better able to manage its responsibilities for grant-making and financial probity in a way that is agile, lightweight and time sensitive in responding to the needs of a programme and its partners.
- The Ministry of Foreign Affairs of the Netherlands, and programmes such as the Citizen Agency Consortium they fund could **consider the merits of an accompaniment model for external programme evaluations** which could enable a deeper and more nuanced understanding of how and why programmes develop and how outcomes evolve over time.

I. INTRODUCTION

This report summarises **findings and conclusions from a utility focused, theory-based final evaluation** of the Citizen Agency Consortium's Open Up Contracting programme.

The Open Up Contracting programme was implemented by Hivos, Article 19 and their CSO, media and business partners principally in global spaces, the Netherlands and seven countries in the Global South: Bolivia, Guatemala, Kenya, Malawi, Tanzania, Indonesia and the Philippines.

The programme's goal was for people to have equal access to quality public goods and services they care about: good public education, quality health care, safe roads and clean drinking water. It aimed to achieve this by building the capacity of infomediary partners, brokering relationships and combining evidence based lobbying and advocacy to enhance:

- **Transparency:** government policies for disclosure of information on planning, procurement and implementation of public policy in readable formats (Long-term objective one, LO1)
- **Participation:** government consultation with non state actors, including ordinary citizens, in the planning and monitoring of public contracts (Long-term objective two, LO2)
- **Intermediation and infomediation:** understanding and analysis of open contracting (OC) data by civil society, media and private sector actors in order to give credible feedback on public contracting without fear of reprisals (Long-term objective three, LO3)
- **Accountability:** action by government oversight authorities on feedback concerning irregularities to hold government and contractors to account (Long-term objective four, LO4)

The evaluation concludes that the Open Up Contracting programme was more successful in influencing policy and practice on disclosure and infomediation than in participation and accountability. Its brokering and lobbying approach was successful at the international level, particularly in terms of putting the role of civil society and the importance of inclusion on the global OC agenda. Though it succeeded in influencing the Dutch Government's commitment to OC, it did not have much impact on other international organisations adopting OC or on the Dutch government promoting it. Nonetheless, after a slow start at country level, the programme's adoption of an **ecosystems approach increased efficiency, leading to considerable outcomes in areas of transparency and infomediation across programme countries in the Global South**. These included some important achievements, among them a notable example of engaging the private sector at the subnational level. Prioritising information disclosure and developing the capacity of media and other 'infomediaries' to use information was appropriate to some extent. Yet, it meant that less progress was made in areas of participation and accountability as activities, and assumptions relating to the role of citizen agency and inclusion are somewhat nascent. We recommend these be elaborated in future programmes seeking to demonstrate how increases in transparency, infomediation, participation and accountability help to increase ordinary and marginalised communities' access to services.

The remainder of the report lays out the methodology and findings to support these conclusions. It is organised in the following way. The Methodology section outlines the evaluation design, data collection and analytical approach to four case studies and this synthesis report. A section that describes the programme's trajectory follows. The discussion of our findings begins with two fairly descriptive sections on efficacy—whether the

programme was ‘doing things right’. These cover the scope of the outcomes the programme has contributed to as they relate to the capacity development and lobbying and advocacy objectives laid out in the Theory of Action and Change (ToC). The sustainability of those outcomes and capacities supported by the programme and the continued capacities of coalitions to influence open contracting ecosystems in different locations is the focus of the next section. We then get more analytical, looking in greater depth at the programme’s contribution to significant outcomes in three focus countries, with reference to the causal and contextual assumptions that affected these outcomes. Following this, we discuss the relevance of the programme’s goals to various stakeholders as well as the relevance of activities implemented for the achievement of its objectives. This focus on whether the programme ‘did the right things’ continues in succeeding sections that speak to key interests of programme managers and the Ministry: gender, climate change, citizen agency, dialogue and dissent. A reflection on what the findings mean in terms of the assumptions underpinning the ToC follows. The final two findings sections consider the interrelated questions of whether the programme used resources efficiently and how outcomes were influenced by the programme context. We end with an elaboration of the conclusions and recommendations.

This evaluation was mainly driven by four case studies relating to the programme’s work with Marginalised Groups, Media, Private Sector and Governments at the Subnational Level. Findings from these studies are located in relevant outcome sections, and reflections on their implications are discussed in the section on ToC assumptions.

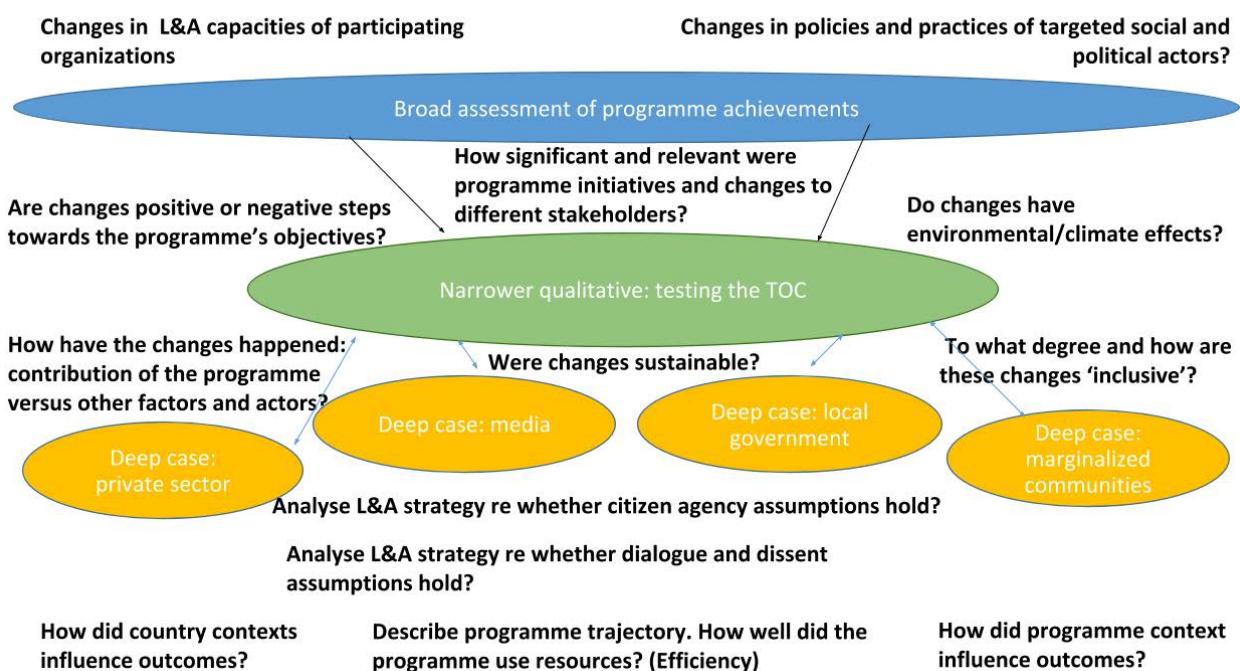
II. METHODOLOGY

This report is one of five outputs from a theory based, utility focused, case study driven final evaluation of the Open Up Contracting programme. (The TOR can be found in Annex 6.) The evaluation followed a multi-level design (below) that combined breadth with depth in answering evaluation questions for four case studies and a synthesis report that were agreed during the inception phase. The complete set of evaluation questions for the synthesis report can be found in Annex 2.

1. DESIGN AND SAMPLING STRATEGY

We reviewed outcomes across the whole of the programme (per Figure 1, level one indicated in blue for evaluation questions 1, 2 and 3), and then looked in slightly more depth at a subset of these (level two indicated in green) to answer more specific evaluation questions 4-14. The purposive sample of outcomes and partners used to explore outcomes at level two was largely driven by the case study themes²—we studied the outcomes of initiatives by selecting a sample of partners working on the case study issues.

Figure 1: Evaluation levels of inquiry. This is provided as a heuristic to illustrate the different levels of inquiry. We have not attempted to include every single evaluation question due to presentation challenges.



²The commitment to OCDS and beneficial ownership at national level in Kenya was considered a significant outcome that wasn't drawn from the case studies.

The partners that drove and comprised the final sample for level two analysis, and their main areas of work under the programme, are outlined in Table 1 below.

Table 1: Programme partner sample

Country	Partner	Main area of programme work
Philippines	European Chamber of Commerce for the Philippines (ECCP)	CSO representing business interests. Led the work on integrating open contracting within Integrity Circles at subnational levels.
	Layertech	Private sector specialist in data science. Led the work on opening up contracting at subnational level in Legazpi, including the design of a contract platform
	Philippines Centre for Investigative Journalism (PCIJ)	Investigative journalism CSO. Conducted an audit of government data systems, wrote investigative stories and trained other intermediaries in open data and contracting.
	Bantay Kita	National CSO coalition working on Extractive Industries Transparency Initiative (EITI) and Freedom of Information (FOI) advocacy, as well as supporting subnational work on extractives. Led infomediation work on enabling indigenous people's organisations to gain a better understanding of their rights in respect of mining royalties.
Guatemala	Labratorio de Medios/ Ojoconmipisto	Digital media actor training journalists across the country to keep municipalities accountable and transparent. Developed a portal to track progress of public works in 14 municipalities.
	Plaza Publica	Digital investigative journalism actor publishing in-depth stories to expose government's wrongdoing and corruption. Developed a database on open ownership to track conflict of interests between private and government actors.
	International Treatment Preparedness Centre - Latin America and the Caribbean (ITPC LATCA)	Latin American chapter of a global organisation working to improve treatment and access for people living with HIV/ AIDS. Developed portal to consolidate and track all of government's procurement of antiretroviral drugs.
	Dialogos	Think-tank working on in-depth economics and social research to become a social innovation lab. Developed a study with open data analysing the contracting trends of the national police force.

	Development Gateway	INGO who provided user centred design and technical expertise in supporting the Makueni County Government to develop the governments open contracting portal.
	INFONET	Developed open contracting and beneficial ownership portal for Kwale County.
	The Institute for Social Accountability (TISA)	Civil society organisation who worked with the Elgeyo County Government to engage women, youth and people with disabilities to engage in county procurement schemes.
	URAIA	National civil society organisation who work in the area of civic education, civic engagement, and institutional transformation. Worked with the Makueni County Government to support Project Management Committees (PMCs) ³ to engage with public procurement and open contracting principles as a means of jump starting select delayed projects.
Kenya	Institute of Economic Affairs (IEA)	Think-tank that provides a platform for informed discussions in order to influence public policy in Kenya. Conducted study of reports of the Office of the Auditor General to identify the main public procurement violations and communicate these findings to relevant Government entities, CSOs, and the media.
	Nation Media Group	Developed a portal of open contracting and beneficial ownership data to support investigative journalists.
	Africa Uncovered	Investigative journalism group investigating procurement in the health sector.
	African Technology Policy Studies Network (ATPS)	International NGO working across Africa focusing on science, technology and innovation with regards to research, capacity building and knowledge brokerage. Conducted research on the state of open contracting in selected African countries for lobbying and advocacy to advance open contracting across Africa.
	Consumer Unity and Trust Society- Center of International Trade, Economics and Environment (CUTS-CITEE)	NGO who focus on consumer protection, trade and considers regional integration issues. Supported a network of CSOs who work on transparency and accountability to understand the public procurement process, open contracting, the Open Contracting Data Standard and beneficial ownership. Advocated for open contracting across East Africa.
Malawi	YONECO	CSO who work to empower women and children. Used a radio platform and training of journalists to support citizen and government engagement at the subnational level.
Indonesia	Indonesia Corruption Watch (ICW)	Anti corruption NGO who manage a portal for government contracts. Analysed risks of contracts and supported subnational investigative journalism and accountability demands.
	Publish What You Pay Indonesia (PWYP)	Civil society coalition working on extractives. Worked with communities to make use of mining permit data.

³ Community members charged with overseeing the implementation of public projects

Bolivia	Movement for Integral Gastronomy (MIGA)	CSO working to raise the nutritional value of traditional Andean cuisine via journalism and cultural events. Supported the systematisation of various food related data sets in a web portal and convened a workshop with 47 municipalities to exchange good practice on school meals open contracting.
	Construir Foundation	Organisation working on human rights defence and protection across the country. Developed an observatory of public procurement at municipal level which identifies the trends of different forms of contracting for school meals across the country.
	Centre for Higher Education Studies (CESU)	Postgraduate research and teaching centre working on socio-political issues with a multi-disciplinary lens. Worked with Hivos to create a university diploma on Open Data/ Open Contracting.
Tanzania	HakiRasilimali	CSO representative of the EITI multi-stakeholder group. Organized community dialogue meetings annually on corporate accountability in relation to the extractive industry, in addition to national level advocacy.
	Tanzania Media Foundation (TMF)	CSO who support capacity development of journalists. Supported the training of several journalists on open contracting.
	Tanzania Youth Vision Association (TYVA)	Youthled CSO who raise awareness on procurement law relating to youth-owned enterprise.

2. OVERVIEW OF DATA COLLECTION METHODS AND SOURCES

We used a combination of document review and interviews as data sources for the evaluation. In some instances, e.g., for the level 2 outcome analysis, documents such as outcome harvests were the sole sources of information for outcomes. In other cases, interviews were the main data source. However in most instances it was possible to use a combination.

A key dimension of the original case study design was that we envisaged visiting three countries that had achieved the most in respect of the themes for the deep dives at level three: the Philippines, Guatemala and Kenya. We planned to undertake level two investigations of case study themes and other outcomes achieved by relevant partners in Indonesia, Bolivia, Malawi and Tanzania through document review and remote interview. In practice, however, due to Covid-19, we were only able to visit the Philippines, where we undertook interviews, focus group discussions and some participant observation. We conducted all other interviews remotely.

In most cases, we reviewed what documentation we could in order to prepare interview guides and prompts that were specific to initiatives implemented by partners and the positionality of the informants. Because of the large number of evaluation and case study questions, we had to pick and choose which questions were asked of different informants, based on the case study questions as well as the higher level evaluation questions in the synthesis report. We tried to do this by triangulating data wherever possible.

Documents reviewed depended on availability, which varied across countries, but they included background programme documents, such as the theory of change, outcome harvest spreadsheets and forms (further discussed below), partner plans, partner capacity assessments, activity logs, progress reports, and learning logs.

- We did not use capacity assessments as a principal means to assess capacity change, as they had not been used systematically across the entire programme once the approach to capacity development changed. (This is discussed in more detail in the section, "Lobbying and advocacy capacities of partners.") However in some instances, e.g., in respect of Philippines partners, they provided useful data for triangulation.
- Outcome harvest data (substantiated and unsubstantiated) managed by the Hivos internal monitoring function was used to help identify significant outcomes that needed to be further explored and also to analyse progress in policy and practice. This was very useful, for example, in providing substantiated data for outcomes we were not able to investigate directly through interview. However, because the data was quite out of date—the most recent was from early 2019—we had to integrate less complete and more recent data to complete the analysis presented in the section on effectiveness in influencing agenda and policy and practice. Furthermore, because outcomes evolve over time, with newer outcomes superseding earlier ones, we found it difficult to aggregate them in a meaningful way. Lastly, while the data on contribution in terms of programme activities linked to outcomes was useful to some extent, it lacked the nuance required to link it back to causal assumptions in the theory of change. Such data would be more useful for learning, for example, if it captured insights into why policy targets or champions decided to engage with programme activities.

In addition to interviews with representatives of Hivos partners, we also interviewed a number of other stakeholders for purposes of triangulation. These included some government stakeholders, expert informants such as consortium members from Article 19, as well as all

Programme Managers (PM) /Country Engagement Managers (CED) and regional M&E officers. A full list of people interviewed and documents reviewed can be found in Annexes 3 and 4.

3. ANALYTICAL APPROACHES

We used the following approaches to analyse data:

1. **EQ questions and analytical lenses derived from literature on case study themes:** We mainly analysed data from interviews and document reviews using evaluation question themes. We also used literature discussed in the case studies to provide additional analytical lenses for issues such as inclusion, subnational work on open governance, private sector engagement and media.
2. **Theory of change classifications:** For analysis of the areas where the programme had made the most progress, we applied theory of change objective and impact classifications to a combination of outcome harvesting and interview data.
3. **Rubrics:** Rubrics were used to make transparent the criteria we used for the judgements on the relative programme performance in the sections on the effectiveness achieving capacity development as well as lobbying and advocacy outcomes and relevance.⁴
4. **'Contribution analysis':** This was a three stage analytical process. In view of the evaluation's learning focus, the emphasis was on how the change happened rather than on quantifying the causal contribution of the programme⁵ We considered a) how essential the programme intervention was for the outcome, using counterfactual type thinking and a rubric agreed during the inception period; b) what the change pathway implied about the assumptions in the theory of change; and c) contextual factors that may have influenced whether causal assumptions worked or not. Data sources included outcome harvesting data, interviews and partners' learning logs.
5. **Efficiency analysis:** We applied the Efficiency Labs framework to assess the extent to which efficiency was managed during the programme, which in turn influenced our ability to assess it. This is unpacked in more detail in the section on efficient use of resources.⁶

4. LIMITATIONS

The data and analysis presented in this report are subject to a number of limitations, many of which were worsened by Covid-19. These have undoubtedly influenced the quality of the analysis of some of the proverbial 'trees,' i.e., the individual outcomes studied. However, these limitations are unlikely to have impacted the 'forest' view, i.e., the high level findings and overall conclusions, which were validated with staff before the finalisation of the report⁷:

- **Broad scope:** The scope encompassing a synthesis evaluation of the programme and in-depth studies made it difficult to cover all the ground necessary in short interviews conducted remotely. 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 harvest. This inevitably led to some fatigue

⁴ For more on rubrics see <https://www.betterevaluation.org/en/evaluation-options/rubrics>

⁵ We used a light touch variation of contribution analysis. For more on this see https://www.betterevaluation.org/en/plan/approach/contribution_analysis

⁶ <https://thespindle.org/wp-content/uploads/2019/08/The-Efficiency-Lab-Lessons-Learned-2.pdf>

⁷ To not understand or appreciate a larger situation, problem, etc., because one is considering only a few parts of it Source: <https://www.merriam-webster.com/dictionary/>

- **Challenge of accessing private sector perspectives:** It was very difficult to secure interviews with those who had participated in the programme. This means a strong private sector perspective is missing.
- **Inability to conduct interviews with many government staff reduced potential for triangulation:** We were fortunate to be able to interview several elected officials and civil servants in the Philippines and three in Kenya. However, we were not able to interview officials remotely in Guatemala.
- **Covid-19:** 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. Moreover we did not have as much opportunity for invaluable ethnographic insights that field visits involving long trips with partners brought us in the Philippines. In addition, we had to engage in analysis and reflection conversations in remote team meetings, which is not ideal.
- **Moving targets:** Hivos's 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 important outcomes within the pre-existing timeline. Although we were advised by Hivos DMEL that we did not have to include these outcomes, we elected to in order to give a fair representation of the work and achievements of the programme. The moving target issue also presented challenges in selecting the most appropriate outcomes for deep dives and contribution analysis.
- **Balance:** The data for the Philippines is more complete than for other countries, due to both our site visit and the high quality of their reporting and learning documentation. Data for Kenya and Guatemala is more complete than for the remaining countries because they remained the foci for our cases, even without the chance to visit in person.
- **Learning:** Due to the shifts and reorganisations made in response to Covid-19, we have not been able to conduct some of the 'double and triple' loop learning activities planned in our inception report. These required convening face to face workshops and spending time with programme staff.
- **Conceptual clarity:** the rush in the initial contracting meant that we did not spend sufficient time reaching conceptual clarity about the differences between the theory of action and theory of change or different kinds of assumptions such as causal versus contextual.

III. PROGRAMME TRAJECTORY AND ADAPTATIONS

Headline finding: The programme had a slow start but it gained momentum following a reflection workshop with partners in late 2017 that prompted adaptation and a shift to an ecosystems approach.

1. THE OPEN UP CONTRACTING THEORY OF CHANGE AND PROGRAMME DESIGN

The Hivos Open Up Contracting programme is a strand of the Strategic Partnership for Dialogue and Dissent funded by the Ministry for Foreign Affairs of the Netherlands. It is a five year, €12.5 million programme led by Hivos in partnership with Article 19, the Open Contracting Partnership (OCP), the School of Data and the Engine Room.

The ultimate goal of the programme is to see a world where "People have equal access to quality public goods and services they care about: good public education, quality health care, safe roads and clean drinking water. Governments are increasing transparency of public spending; non-state actors are participating in and engaging citizens in the planning, procurement, and monitoring of public contracting; and accountability mechanisms have been created to receive and act upon citizen feedback".⁸

The programme has a detailed Theory of Change (ToC) which describes how its input, activities and outputs contribute to producing a set of intermediate and five year outcomes which would lead to four institutional changes relating to increasing government transparency, participation, civil society capacity and government oversight in public procurement. For the purposes of clarity and brevity this can be summarised as follows:

Open Contracting is about making the entire contracting process more open and transparent: from the planning phase, to tendering, then to contracting and implementation. A first step is to publish public contracting data and documents following the Open Contracting Data Standard (OCDS). Having structured and comparable open contracting data enables analysis, investigations and oversight of the contracting process. Using this data to analyze and monitor public procurement is equally important. Citizens have long been monitoring projects in vital services areas such as education, health care or infrastructure. Better data on the underlying contracts will unlock new opportunities for scrutiny and feedback and new opportunities to fix problems.

The long term objectives of the programme were articulated as:

- **Transparency:** government policies for disclosure of information on planning, procurement and implementation of public policy in readable formats (Long-term objective one, LO1)
- **Participation:** government consultation with non state actors, including ordinary citizens in the planning and monitoring of public contracts (Long-term objective two, LO2)
- **Intermediation and informediation:** civil society, media and private sector actors

⁸ ToC & Learning Questions <https://docs.google.com/document/d/1e-uQkbI2nrH9BoSiHlfgllvgi6fuVq4YPcx1-Y5myyo/edit#heading=h.xlse7y83uxj4>

understand and analyse open contracting data to give credible feedback on public contracting without fear of reprisals (Long-term objective three, LO3)

- **Accountability:** government oversight authorities act on feedback concerning irregularities and hold government and contractors to account (Long-term objective 4, LO4)⁹

The programme took two interrelated approaches to contributing to these outcomes:

- **Lobbying and advocacy** to advance and deepen public procurement reforms and increase the availability of procurement data.
- **Capacitybuilding** of civil society organisations and other intermediaries and infomediaries to access, analyse and transform data into actionable information. This took the form of investing in supply driven training, grant-making and mentoring, brokering relationships between key actors and convening spaces for learning to help with scale-up.

These approaches involved working with a wide range of actors in government, civil society organisations, private sector and multi-stakeholder groups at international, regional, national and subnational levels. The programme's international lobbying and advocacy was led and implemented by Hivos and Article 19, with most country level work led by programme partners. Hivos's role at country level was to help catalyse action on open contracting through capacity building and small grants to civil society, media, government and private sector, building and coordinating ecosystems of accountability actors around the issue of public procurement, and brokering relationships between actors and multi-stakeholder mechanisms at subnational, national, regional and international levels.

Hivos is known by many as a grant maker in the field of international development. It is important to note that in this programme, **Hivos has worked as an implementer "on the ground" while also supporting partner organisations with grant funding.**

2. COUNTRY SELECTION

The programme chose to focus its national level work in seven countries across Southeast Asia, Africa and Latin America. An initial country selection was made in July 2016—following an analysis of baseline and scoping studies—including Tanzania, Malawi, Kenya, Ghana, Indonesia, Philippines, Nepal, Honduras, Peru¹⁰ The choice was based on an assessment against a number of technical criteria including policy context, legal framework, institutional setup, technical context, user engagement, stakeholder readiness, ongoing initiatives, current advocacy scene, current benefits of open contracting, synergies and sustainability. Additional factors affecting country choices included Hivos's organisational presence, experience and networks; regional representation across Southeast Asia, Africa and Latin America. In July 2016, there was a slight shift to this selection with Ghana, Nepal, Honduras and Peru dropped. Bolivia was selected instead of Peru¹¹

3. PROGRAMME STAFFING

The programme was staffed by a combination of core staff situated in the Hivos Global Office (the Hague), and the regional offices in East Africa (Nairobi), Southern Africa (Harare), Southeast Asia (Indonesia) and Latin America (Costa Rica) regional hubs. These core staff

⁹ ToC & Learning Questions <https://docs.google.com/document/d/1e-uQkbI2nrH9BoSiHfgllvgi6fuVq4YPcx1-Y5myyo/edit#heading=h.xlse7y83uxj4>

¹⁰ Programme document: Analysis and evaluation report for country selection- Open Contracting programme. Version 1.0. July 15th 2016

¹¹ Handbook Open Up Contracting programme. The seven focus countries were Indonesia, the Philippines, Kenya, Tanzania, Malawi, Bolivia and Guatemala.

were line managed within their respective global or regional offices, and programme managed by the Programme Manager at the Global Office. Country level staffing varied in terms of full time/part time, Hivos staff or consultant contracts. Additional Monitoring, Evaluation and Learning Officers, Finance/Contracting Officers and Managers, Communications Officers, and Administrative staff from each hub were allocated time to support the programme.

4. PARTNERSHIPS

The Open Up Contracting programme was led by Hivos, working collaboratively with Article19, Open Contracting Partnership, School of Data and the Engine Room to design and implement the programme. The roles of each of these partners is summarised in Table 2 below.

Table 2. Programme partners and their functions

Organisation	Role
Hivos	Hivos was the grant manager and provided seed funding and support with fundraising to local/country partners. It provided advice and support on the following areas: Lobby and advocacy, Communications and campaigning, Networking, and stakeholder engagement. It helped to broker relationships and match-make country and regional partnerships and collaborations. Hivos assisted partners to identify additional support from local domain experts as well as support for action research.
Article19	Article19 was responsible for setting up a global advocacy strategy and jointly conducting advocacy activities with Hivos worldwide. In 2016, Article19 was contracted to conduct scoping studies in Bolivia, Uganda, Kenya, Bangladesh, Kenya and Senegal.
School of Data	School of Data was an expert partner supporting capacity development for local partners. School of Data Fellows (based in each focus country) worked with local partners to provide mentorship and advice on the design and implementation of their showcase projects.
The Engine Room	The Engine Room was an expert partner supporting capacity development for local partners. They provided high-level strategic advice to the programme and local partners. In addition the Engine Room supported selected partners with more in-depth long-term accompaniment.
Open Contracting Partnership	The Open Contracting Partnership (OCP) was an expert partner supporting capacity development for local partners and providing technical assistance to governments in focus countries. OCP provided training on open contracting and the Open Contracting Data Standard (OCDS) to Hivos, Article19 and the programme's local partners. In 2016, OCP designed a scoping methodology and coordinated the research of the scoping studies in 15 countries. OCP was a partner on lobbying and advocacy at the international level. In addition, Hivos and OCP worked together to build more local capacity for future OCDS service providers via a training of trainers programme with OCDS help-desks in Latin America, Africa and Southeast Asia.

At country level, the Open Up Contracting programme worked with local partner organisations to initiate and advance open contracting initiatives at national and subnational levels. The programme supported these local partners through small grants and fundraising assistance, capacity development, brokering relationships, and networking and learning opportunities.

Also at country level, the programme collaborated with national and subnational governments to support and advance open contracting. The nature of these collaborations ranged from supporting participation in multi stakeholder initiatives such as OGP to collaborations formalised through memorandums of understanding to provide specific capacities to undertake open contracting.

5. MONITORING, EVALUATION AND LEARNING

The outcomes of lobbying and advocacy work are often the result of complex and non-linear processes that occur over time. The programme adopted an "Outcome Harvesting"¹² approach to track and learn from what the programme was doing and what it was achieving. The programme invested significant time and resources in supporting staff and partners to engage in the harvesting of outcomes to track results. For most partners and programme staff outcome harvesting was new and many had limited experience with similar M&E approaches.

The way in which the programme initially set up this outcome harvesting approach required partners to fill in forms describing their outcomes, the relevance and the contribution to the changes observed. In response to challenges in getting partners to articulate and submit quality outcome harvests, the programme shifted to convening "writeshops" or sprints in which partners came together to write and discuss the outcomes they'd achieved. This enabled Hivos MEL staff to directly support partners in the articulation of their outcomes but it also provided partners a space for group reflection, challenge, suggestion and learning around the programme ToC with their peers.

6. PROGRAMME BUDGET

The total programme budget was €12,556,849 for five years and was allocated across the regions and according to output area.

Table 3: The 5 year programme budget

Region	Output/Outcome	Euro	%
Asia	Administration and PME	48,314	0%
	Capacity development	1,291,675	10%
	Knowledge and research	174,823	1%
	Lobbying and Advocacy	1,031,130	8%
		2,545,942	20%
East Africa	Administration and PME	90,790	1%
	Capacity development	1,390,736	11%
	Knowledge and research	144,935	1%

¹² Read more about outcome harvesting: https://www.betterevaluation.org/en/plan/approach/outcome_harvesting

	Lobbying and Advocacy	1,052,769	8%
		2,679,231	21%
Latin America	Administration and PME	85,653	1%
	Capacity development	1,297,543	10%
	Knowledge and research	188,522	2%
	Lobbying and Advocacy	882,564	7%
		2,454,282	20%
Southern Africa	Administration and PME	61,451	0%
	Capacity development	480,915	4%
	Knowledge and research	40,000	0%
	Lobbying and Advocacy	554,401	4%
		1,136,767	9%
Global	Administration and PME	722,215	6%
	Capacity development	798,291	6%
	Knowledge and research	884,427	7%
	Lobbying and Advocacy	1,205,671	10%
		3,610,604	29%
West Africa	Capacity development	130,023	1%
	Lobbying and Advocacy		
		130,023	1%
Total		12,556,849	100%

7. PROGRAMME PHASES

The programme's implementation can be described in a series of five logical phases which put emphasis on different dimensions of the implementation:

- **2016: Inception, scoping, understanding, planning:** programme set up; recruitment of key personnel; country selection; developing relationships and coordinating roles with other key partners such as OGP and OCP and capacity development partners School of Data and The Engine Room
- **2017: Learning, experimenting, testing:** launching a call for proposals; country partner selection; onboarding and support of first cohort of programme partners
- **2018: Adapting, deepening > L&A outcomes:** adapting the programme approach and structure to an ecosystems approach in light of learning from 2016-2017
- **2019: Scaling, deepening > L&A outcomes:** identifying and brokering new grants with new partners; strengthening relationships with existing partners; commissioning research and evaluations
- **2020: Learning, sustainability:** programme closedown; supporting partners to complete projects; supporting sustainability strategies in relation to outcomes and partner organisations; supporting learning from research and evaluation

8. KEY MOMENTS IN THE PROGRAMME LIFETIME

a) Inception

The programme launched in January 2016 following the design developed by the Global Office with limited engagement with regional hubs and country staff. The Open Up Contracting Programme Manager Daniel Dietrich joined in April/May 2016 at a point when scoping studies had been commissioned and the programme was in the process of country selection. The majority of the programme's country managers/engagement developers were recruited after the country selection was completed in July, which meant that many were not able to take part in shaping the initial programme direction in their respective countries. By October the staff recruitment process was complete and an initial team kick-off was organised in November 2016.

b) Programme launch

In January 2017 the programme launched a call for proposals aimed at building "the capacity of Civil Society Organisations (CSOs), media, entrepreneurs or social start-ups in analysing public contracting data, for lobbying and advocacy purposes".¹³

This call for proposals was framed in very tech-savvy terms which would potentially be appealing to applicants from a civic tech background but perhaps a little less clear to those from more traditional civil society and media organisations. The call for proposals was also clear that rather than funding, the main support offered was a package of non-financial mentorship and training and capacity building to support organisations to work on open contracting. The offer of financial support was described as seed funding up to €10,000:

In the course of six to nine months, selected partner organisations will receive a package of support, mentorship and training tailored to their capacities and needs to effectively engage with open contracting in their country. This support package is inspired by the Engine Room's Matchbox programme to enable the partner organisation to design and implement their project proposal and use open contracting data for lobbying and advocacy purposes. We aim to support partner organisations to adapt new capacities that enable them to achieve demonstrable outcomes, that lead to organisational transformation and are sustainable.

Please note that this is an offer for a partnership not a funding opportunity. Selected partners will receive a support package that includes intensive mentoring, training, expert advice and support on technology and data, networking, matchmaking, convening government and other stakeholders, and coordination of national and regional lobbying and advocacy. Should seed funding be required, Hivos might be able to offer seed funding of up to EURO 10,000 per year to selected partners.

– Call for Proposals from Hivos Open Up Contracting programme, January 2016

From the 116 proposals received in response to the call for proposals, 15 were selected to participate in kick off workshops in Kenya, Indonesia and Costa Rica in March and April 2017.

c) Shift to Ecosystems approach

In November 2017, the programme convened a Global Adaptation Workshop in Amsterdam which brought together partners, programme staff and capacity development partners School of Data and the Engine Room. This workshop became a significant pivot in the programme's timeline. Reflecting on evidence and feedback from the first year of implementation with partners and programme staff, the programme made a significant shift

¹³ Call for proposals 5th January 2017 <https://openupcontracting.org/call-for-proposals/>

to an "ecosystems approach" for their work at country level. An ecosystems approach suggests the idea of multiple intermediaries working together to influence the wider OC ecosystem of which they form a part.¹⁴ Key lessons included a need to be more coherent and coordinated with programme partners in international and national advocacy; that the small size of partner grants was problematic; confusion over roles and responsibilities of different capacity building partners; and the need for greater coordination between partners at country level. A significant part of the resulting shift was a delegation of country level strategy and decision making to the programme regions and countries from the Global Office in the Hague. This shift is described in the "Proposal for adaptations of the collaboration 'Citizen Engagement for Open Contracting'" thus:

Local partner organisations, Hivos and Article 19 have equal say in driving the agenda of the local collaboration and joint lobbying and advocacy in each country. This includes joint assessment and analysis of ecosystems, developing an agreed common agenda for lobbying and advocacy, and identifying the role and contribution of each local partner and facilitating the collaboration between partners to leverage complementarities[...] However, Hivos, as the grant manager for the funding from the Ministry of Foreign Affairs of the Netherlands, will have the final say in approving budgets and contracting new partners. This is needed to ensure compliance with our contracts and procedures.

The proposal described 14 ways in which the programme would move to this ecosystems and adaptive learning approach. This radical change to the programme's governance and implementation was the result of feedback from partners and country staff based on their experiences of the programme so far and on a desire to see the programme take a more embedded and context relevant approach in the focus countries. Such a move to embedded and contextualised programming is in line with evidence from other accountability programmes,¹⁵ not least from the Hivos-led Making All Voices Count programme which ended in 2017.¹⁶ This programme is particularly relevant because it also involved supporting data disclosure, infomediation and participation to enhance accountability ecosystems through the use of ICT.

The adaptive learning proposal was followed up and taken forward through a series of regional/country adaptive learning and planning workshops in the first quarter of 2018 in which Hivos and its partners mapped out how they would take an ecosystems approach forward in each country.

The programme also increased and was more flexible with the size of available grants. The change in grant size was dependent on what was needed in different countries. In Kenya, for instance, the grant size went up from €10k to €20k for national grants and to €30K for regional. The shift to the ecosystems approach also required a move to solicited grants¹⁷ as particular gaps and opportunities in the ecosystem were identified and new partners were identified to address them. There is some debate as to whether this approach is at odds with Hivos's standard grants approach which requires an open call for proposals. Programme Managers and DMEL staff based in the Hague who had been with Hivos for many years and were used to its old organisational model that provided unrestricted, solidarity type funding saw brokering and solicited grants as the norm. Programme staff who had joined more recently and were situated at the programme level were more accustomed to competitive granting processes. Hence the decision to shift to solicited grants created ongoing tensions

¹⁴<https://openupcontracting.org/civic-engagement-open-contracting-first-lessons-learned/>

¹⁵ Written and verbal correspondence with programme staff and DMEL staff

¹⁶ Edwards, D.; Hudson, H.; Anderson, C.; McGee, R. and Brock, K. (2018) Supporting innovation and the use of technologies in accountability initiatives: lessons from Making All Voices Count, Making All Voices Count Programme Learning Report, Brighton: IDS https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/13451/MAVC_PLR_online_final.pdf

¹⁷ A solicited grant is one in which a known organisation is identified and approached by Hivos to develop a proposal that responds to a certain set of objectives.

within the regional Hubs, where solicited grants were seen as an exception to the rule, which is discussed in more detail in Section VII on programme context.

d) Shifts in staffing, focus, granting and financial procedures

There were a number of staffing changes which influenced country operations during implementation. The programme began based on a regional model. Although there were Hivos staff in most focus countries, this wasn't the case in Tanzania where the programme managed its engagement with partners from the East Africa Hub in Kenya.

In Latin America, the programme was run from a hub in Costa Rica, amid three regional management transitions and with staff that fluctuated over the course of the programme between part time and full time, staff and contractors. In Guatemala, one CED remained throughout; in Bolivia, in late 2018, there was a change in the CED and the Hivos M&E officer.

In Malawi and Indonesia there were also significant staffing changes, with new staff joining the Malawi team in February 2019 and changes in the Indonesia CED in 2017 and then again in July 2018. The arrival of the new Indonesia CED in 2018 coincided with a shift in focus in the Indonesia programme to concentrate their work at subnational level.

In 2017, as a result of a fraud incident within the East Africa Hub related to another programme, Hivos tightened up their grant-making and financial control policies and procedures across the organisation. This helped Hivos to have greater oversight of granting and financial flows but, as discussed later in this report, it also accelerated challenges and delays to programme staff and partners projects and to their ability to respond in a timely way to opportunities arising in their respective contexts.

IV. OUTCOMES

1. LOBBYING AND ADVOCACY CAPACITIES OF PARTNERS

Headline finding: According to the criteria in the rubric below (based on concepts in the theory of change), the Open Up Contracting programme was moderately effective in contributing to the capacity development of CSOs and media actors. Different approaches used for capacity development worked better in some countries than others.

No change in capacity: The programme was ineffective in influencing the capacity of partner organisations to lobby, advocate or operate in the open contracting space.	Small change in capacity: The programme had some influence on the capacity of less than half of partners sampled to lobby, advocate or operate in the open contracting space.	Moderate change in capacity: The programme had considerable impacts on the capacity of more than half of partners sampled to lobby, advocate or operate in the open contracting space	Significant change in capacity: The programme had significant impacts on the capacity of all partners sampled to lobby, advocate or operate in the open contracting space
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Increased capacity of CSO partners to lobby and advocate for open contracting and procurement reform was a key component in the programme's original theory of change. More specifically, the programme sought to support capacity development to infomediary open contracting data (CD1); to lobby and advocate on issues relating to open contracting and procurement (CD2); to collectively lobby (CD3); and to participate in multi stakeholder coalitions (CD4).

In this section we:

- Describe Hivos's approach to capacity development that aimed to achieve these objectives
- Outline our approach to assessing the efficacy of capacity development
- Summarise changes in capacity we were able to identify and the quality of data we were able to collect to make the assessment
- Present insights on the efficacy of the programme capacity development approach

Since the approach to building capacity for lobbying evolved to include building the infomediary capacity of journalists who were not officially part of partner organisations, we also comment on the efficacy of this component using data from our media case study.

a) Capacity building approach

Tactics used to achieve the programme's capacity building objectives included:

- Investing in specific CD activities, such as training and 'sprints', often in collaboration with implementing partners such as the Engine Room and School of Data
- Grant making and mentoring by Hivos staff and implementing partners
- Brokering new relationships and collaborations among different actors in the OC ecosystem
- Encouraging experience-sharing to support scaling of successful initiatives

At the start of the programme, the Hivos team recognised that individual partners' needs would be different, at times unique. They therefore designed a dynamic, capacity self-assessment tool to help match partner needs with suitable training. The plan was that regular follow-up would help the team to identify emerging requirements over time. This approach worked relatively well during the first year when many partners who already had strong advocacy skills merely needed to develop their understanding of open contracting and data standards (CD1). However, when partners in some countries found the continuous assessment and training too demanding, programme managers and CEDs reverted to a more flexible, demand-driven approach.¹⁸ In addition, they created spaces and opportunities for partners to come together to share and learn, as well as to become more involved in national and international networks (CD3 and CD4).

b) Assessment approach

Since the capacity assessment tool was not used by all country programmes for the entire programme duration, we were unable to rely on it to measure changes in capacity across the programme as initially planned. Instead, we used a combination of capacity assessments where they existed, interviews, evidence of partners using capacities they claimed to have developed and could not have had before the programme, as well as learning logs. Findings relating to capacity change are presented in Table 4 below based on types of capacity developed according to the theory of change classifications. The quality of the data used to assess capacity is denoted using colour coding. Green means evidence was strong, amber, moderate and red, poor—for example self reported with no examples. Following the table we present insights on the effectiveness of different capacity development tactics employed by the programme.

c) Changes in capacity

Table 4 summarises some of the key evidence that the programme contributed to capacity development (skills or relationships) of more than half (11/21) of the CSO and media partners sampled to lobby, advocate or operate in the open contracting space. It probably achieved more, but our data is not strong enough to make a firm judgement.

Table 4: Evidence on Capacity Development of CSO partners

Partner per country	Change in capacity as per theory of change	Main area of programme work ¹⁹	
		(Quality colour coded)	
Philippines			
PCIJ	Use/appreciation of contract data and relationships to navigate the OC ecosystem and present evidence used by broader coalition for advocacy. Investigative journalism using OC Data (CD1) ²⁰	Green	Interviews, audit report that was used for successful advocacy. ²¹ Analysis of stories on missing millions and construction in Davao ²²
	Capacity building of other media intermediaries in OC (CD1) using use cases, development of a network and some use of OC data (CD3) though skills in this area were weaker	Orange	Event evaluations; interviews with two alumni who had cascaded training ²³

¹⁸ Capacity development strategy monitoring document, interviews with partners in Latin America

¹⁹ Colour coding refers to the quality of evidence assessed during the evaluation relating to the capacity change, not the quality of the capacity change itself. Green is good, amber, reasonable, and red indicates self assessment that we have not been able to triangulate

²⁰ Note PCIJ had high baseline research skills

²¹ Interview with PCIJ, outcome harvest - outcome and contribution to Audit Report is well substantiated, partner reflections

²² Interview with PCIJ, analysis of article, evidence of take up <https://www.rappler.com/nation/211653-bong-go-family-members-top-davao-government-infrastructure-contractors-pcj-report>, PCIJ partner reflections and PCIJ 2019 capacity self assessment

²³ Interview with Journalist and ANSA-EAP participants, review of post training quizzes , PCIJ 2019 capacity self assessment

ECCP	Appreciation and use of theory of change approach to influence adaptation and to apply to other programmes	Interview with example: Decision to engage university in creating demand for data is an example of adaptation ²⁴
	Appreciation of potential of data visualisation for advocacy (CD1)	Interview with example ²⁵
	Ability to integrate OC into lobbying work with Integrity Circles and local universities (CD2), including in coordination with other partners, e.g., School of Data and Layertech (CD4)	Demonstrated understanding of a topic not previously engaged with during interviews and workshop; progress achieved by LGU ²⁶
Bantay Kita	Understanding of OCDS, ecosystem and user centred design; ability to engage marginalised groups through intermediaries; appreciation that OC and OD is about attitude and behaviour change, and that it requires understanding of not only the data ecosystem, but also indigenous people's ecosystem (CD1)	Interviews and discussions during field work and validation workshop ²⁷
	Ability to train on data visualization (CD1)	Interview ²⁸
	Fresh tactics for advocacy, e.g., engaging broader coalitions (CD3)	Interview, and outcome ²⁹
Layertech	Understanding of procurement and OC data (CD1); ability to lobby on procurement issues (CD2)	Interviews and programme documentation ³⁰
	Connections—social, political capital to link with civil society and government actors involved in OGP and OCP (CD3 and CD4)	Interviews and Hivos communications pieces ³¹
	Political savvy on how to navigate the local and national ecosystem and conduct workshops	Interviews ³²
Indonesia		
ICW	New relationships in Yogyakarta to facilitate subnational work (CD3)	Interviews ³³
Journalists (not formal partners)	Journalists' legal knowledge and understanding of open contracting data (CD1); small subset of those trained participating in new networks, but not in advocacy (CD4)	Articles published and request made referenced in interviews and OH ³⁴
Malawi		
YONECO	Data and visualisation skills—though these may have been lost due to lack of use (CD1)	Interview ³⁵
	Relationships with Hivos, CoST and MEJN that provided capacity to navigate and become involved in the wider ecosystem (CD3 and CD4)	Interviews and substantiated outcome data ³⁶

²⁴ Separate interviews with two ECCP staff, partner reflections

²⁵ Interview with ECCP, partner reflections

²⁶ Interviews ECCP and assessment of current work in the field, partner reflections, interview with Hivos CED, [ECCP learning log](#)

²⁷ Interviews Bantay Kita staff, IPDOs, reflection at validation workshop, [capacity self assessment](#)

²⁸ Interview with Bantay Kita, partner reflections

²⁹ Interview with Bantay Kita and OH relating to Senator Grace Poe filing the Open Extractives Data Act that aims to improve the disclosure and transparency of the extractive industries in the Philippines

³⁰ Interviews with Layertech and PhilGEPs, Layertech [learning log reflections](#) on challenges of developing relationships

³¹ Interviews with Layertech and PhilGEPs

³² Interviews Layertech, Hivos, Albay Chamber of Commerce, PhilGEPs; various communication stories on Layetech's work, learning logs; partner reflections

³³ Interviews ICW and Hivos CED,

³⁴ Interviews ICW, journalists and local CSO, review of articles and recent emerging outcomes

³⁵ Interview with YONECO, YONECO progress report

Tanzania			
TMF	Capacity of individual journalists to investigate and write stories (CD1) Relationships between journalist and other members of the ecosystem, e.g., lawyers (CD4)		Articles written, published and awarded prizes ³⁷ Interview ³⁸
HakiRasilimali	Articles written by TMF journalists, participation in international OGP meeting with senior politicians provided leverage for engaging on EITI (CD4) Increased awareness of members' training needs on OC		Personal comms outcome harvest documents, ³⁹ Interview ⁴⁰
Kenya			
Nation Media Group	Funding for a coder; understanding of OC (CD1)		Interview ⁴¹
Africa Uncovered	Deepened experience on OC- they had already worked on this issue (CD1)		Interview ⁴²
TISA	Introduction to OC and its connections to accountability (CD1); gender training that increased awareness and consideration of GEDI in their selection of participants to engage in their projects (Inclusion)		Interview ⁴³
URAIA	Understanding of OC and its links to social accountability; relationship with Development Gateway (CD1)		Interview ⁴⁴
Development Gateway	Relationships with government and URAIA		Interview ⁴⁵
CUTS	Understanding and ability to engage with and use OC developed through discussions over engagement with the Wajibu Institute (CD1); links to other actors such as Wajibu (CD4)		Interview ⁴⁶
ATPS	Understanding the status of OC in Kenya; considering the different models in other countries; ability to perform data analysis to be used in advocacy by other organisations (CD1) knowledge of gender and outcome harvesting which they intend to use in future projects (Inclusion)		Interview ⁴⁷
Bolivia			
MIGA	Data analysis skills and relationships to advance a university course on procurement and contracting (individual rather than organisational) (CD1)		Interviews ⁴⁸

³⁶ Interview and OH result and contribution substantiated by one person, [CoST Report Malawi Narrative Report December 2019](#)

³⁷ Interview with TMF and journalist, OH spreadsheet review of several articles in annex of TMF progress report <https://forbiddenstories.org/silence-is-golden-for-a-tanzanian-mine/>, exchange with Tanzania Key Informant

³⁸ Interview with journalist (she mentioned reverting to a lawyer she was introduced to during the writing of an article)

³⁹ Communication with Hivos regional director

⁴⁰ Interview with School of Data Fellow

⁴¹ Interview with NMG

⁴² Interview with AU

⁴³ Interview with TISA

⁴⁴ Interview with URAIA

⁴⁵ Interview with Development Gateway

⁴⁶ Interview with Cuts

⁴⁷ Interview with ATPS

⁴⁸ Interviews with MIGA and CED

Fundación Construir	Data analysis skills and relationships to advance a university course on procurement and contracting (individual rather than organisational) (CD1)	Interviews ⁴⁹	Interview
	Relationship building with networks (CD4)		
Guatemala			
Plaza Publica	Strengthened relationships with regional players and opportunities to showcase work globally (CD4)	Interviews ⁵⁰	
Ojoconmipisto	Organisational development; growth of staff; relationship building that equipped them with facilitation and reflection skills; opportunities to showcase work nationally, regionally and internationally (CD4)	Interviews ⁵¹	
Dialogos	Increased capacity for use of OC data (CD1)	Interviews ⁵² and product review	
	Communications and advocacy (CD2)	Interviews ⁵³	
ITPC	Increased technical skills in access, manipulation and visualisation of open data at individual level (CD1) ⁵⁴	Interviews and product review	
	Skills for insider advocacy tactics via champions and with a critical analysis of data (CD2)	Interviews ⁵⁵	

d) Insights on the capacity development approach

The evaluation generated the following insights on the strengths and weaknesses of some of the specific tactics employed. Evidence from the Philippines and Kenya suggests that capacity development is a long term endeavour and making mentors central actors in ecosystems approaches could prove fruitful, though this needs further testing.

- **The programme enhanced Hivos's capacity to support capacity development in using theories of change and outcome harvesting for strategizing, monitoring evaluation and learning over time, however some staff and partners struggled.⁵⁶** In Southeast Asia, HIVOS MEL staff developed their skills and capacities to mentor partners in outcome harvesting and apply this to reflection on their theories of change. This led to partners such as ECCP in the Philippines and Pattiyo Semarang in Indonesia to reflect on their assumptions and adapt tactics.⁵⁷ Despite these observations, the majority of partners in the Philippines still found it difficult to complete the outcome harvesting to the standards set by the team in the Hague. Some partners in Guatemala struggled similarly.⁵⁸
- **Mentoring through a long term collaboration with School of Data and the Engine Room worked well in the Philippines, Latin America and Kenya, but in Malawi and Indonesia the programme struggled to match mentors with partner needs.**
 - Mentoring by the Engine Room (later Agency) enhanced strategies and organisational development of partners in Latin America.⁵⁹ The mentorship worked particularly

⁴⁹ Interviews with Fundacion Construir and CED

⁵⁰ Interviews with Plaza Pública and CED

⁵¹ Interviews with Ojoconmipisto, CED and mentor; engagement with portal

⁵² Interview with Dialogos

⁵³ Interview with Dialogos

⁵⁴ Interviews with ITPC and mentor

⁵⁵ Ibid

⁵⁶ Interviews with MEL Southeast Asia and Philippines PM; review of outcome harvesting documents

⁵⁷ Interviews with SEAsia MEL staff, and ECCP, review of relevant documents

⁵⁸ Interviews with programme staff in the Philippines and Guatemala, review of documents

⁵⁹ Interviews with CED and partners

well in Guatemala due to the continuity of both the mentor and the partners. This resulted in an evolving, tailor-made and flexible approach. In Bolivia, due to the late start, the support was not continuous but still helpful for initial project design.⁶⁰ In Malawi, delays in contracts and payments by Hivos made it difficult to schedule the effective use of a strategy mentor who was based in Nigeria.⁶¹

- Long term engagement of School of Data Fellows in the Philippines and Guatemala equipped some partners to use and infomediate data more effectively. For Ojoconmipisto, the support and close accompaniment of the Fellow to a staff member resulted in the creation of a highly functional portal and the ownership of the skills required to sustain it over time.⁶² In the Philippines, involvement in peer learning events enabled the SCODA Fellow to establish relationships that made him more effective within the ecosystems approach adopted by the programme. He was able, for example, to use lessons learned during a stint with Bantay Kita to be more effective in his later work with ECCP, supporting the local government in South Cotabato to disclose data (CD1).⁶³ Similarly, in Kenya, the SCODA Fellow became part of the ecosystem approach supporting IEA, Infonet and the Makueni County Government with various aspects of their projects. For IEA, the Data Fellow was involved in the design and implementation of the study and training national Government officials on open contracting.⁶⁴ For Infonet, he supported user experience and acted as the OCDS expert in the development of the beneficial ownership database. In Makueni County, the Fellow supported interface design and user experience for Development Gateway and trained government officials. Partners in Malawi found training from a School of Data Fellow useful; however, as this turned out to be stand alone training and they were not able to apply their skills to practice soon after, there are questions about efficacy.⁶⁵ Moreover, although some other partners reported a greater understanding of the benefits of sophisticated data analysis and visualisation skills, we did not find significant evidence of these being applied in the programme.

- **The programme was effective in facilitating relationships between different actors (CD3 and 4):** partners in Malawi, Tanzania, Kenya, Indonesia and the Philippines reported that the programme had been successful in supporting new linkages and relationships at and between national and subnational levels(CD4).⁶⁶ Guatemalan partners Ojoconmipisto, Plaza Publica and Dialogos—who already had an understanding of OC and sophisticated infomediation skills—claimed that the biggest benefit of participating in the programme was the opportunity to develop relationships with each other and other regional actors working on this area (CD3).⁶⁷
- **Peer to peer learning and sharing at national and regional level resulted in some knowledge and skills transfer. However this was a less effective or more expensive modality when partners from different countries did not share a common language.**
 - National level: In Kenya during a workshop in which partners came together to discuss and provide feedback on each other's implementation plans, TISA presented their plans to support marginalised communities in Nairobi to make use of Access to Government Procurement Opportunities (AGPO) provisions in the procurement law. Prompted by suggestions from other partners, TISA adapted their plans to work

⁶⁰Interview with mentor

⁶¹Interview with mentor

⁶²Interview with Yoneco

⁶³Interview with SCODA, effectiveness triangulated interviews Hivos PM and Bid and Award Committee members of the Provincial Government of South Cotabato

⁶⁴Interview with SCODA

⁶⁵Interview with Yoneco

⁶⁶For example, interviews Layertech, Yoneco, ICW, Bantay Kita

⁶⁷Interviews with Ojoconmipisto, Plaza Publica

- in Elgeyo Marakwet where it was considered they could achieve greater impact.
- Regional level: ECCP, a partner in the Philippines, was able to apply lessons from the Bojonegoro Institute in Indonesia on how to manage relationships during political transitions.⁶⁸ However, it was difficult to accommodate partners without English skills from Indonesia in such events.⁶⁹
 - **Attempts to scale horizontally by cascading capacity development by partners to journalists, CSOs and government in intensive short term training was successful in equipping participants with a basic understanding of the merits of open contracting and how to apply basic principles and tactics to monitoring implementation and writing stories.** Journalists and CSOs in Indonesia, the Philippines, Kenya, Tanzania, Malawi, and Bolivia were able to use new understanding of OC to write compelling stories.⁷⁰ Media actors in Guatemala who already had experience training and mentoring journalists supported other partners in the country to develop powerful stories to support their advocacy.⁷¹
 - **Short courses were inadequate to provide non-specialists with all the legal and other knowledge required to undertake investigations without accompaniment.** Journalists operating at the subnational level in the Philippines, Indonesia and Tanzania reported that they needed further mentoring support during their investigations of problematic government contracts.⁷² Both participants in Indonesia reported that training sessions were too short to provide journalists with the knowledge required to conduct successful analysis.⁷³ It will be important for Hivos to monitor if efforts to institutionalise such trainings in university degree and diploma programmes, for example in the Philippines and Bolivia, can address this weakness.

2. POLICY AND PRACTICE

We assess the Open Up Contracting programme to be moderately effective according to criteria presented in the rubric below. Hivos and its partners have made an important contribution to getting open contracting—particularly the ‘demand side’ or CSO involvement—on the global agenda. The programme has also contributed to the agenda’s advancement in more concrete terms at regional levels and in the seven programme countries. Progress varies and depends to a great extent on each country’s baseline context. Nonetheless, the evaluation found that the programme’s advocacy has supported some important shifts in disclosure policies and practices at national or subnational levels in all seven programme countries. In several instances these disclosures have enabled CSO intermediaries to use the data disclosed through their advocacy to expose bad practice or demand answers for mis- or poor use of public funds.

⁶⁸ Interview with CED, [ECCP learning log](#).

⁶⁹ Interview with Indonesia CED

⁷⁰ Interviews with TMF, Salome, Yoneco, Journalists in Indonesia

⁷¹ Interviews with Ojoconmipisto, Plaza Publica and ITPC LATCA

⁷² Capacity development strategy monitoring document, interviews with journalists in Tanzania, the Philippines, Indonesia. Interview with partner in Malawi

⁷³ Interviews with journalists in Indonesia

Ineffective:	Partly effective:	Moderately effective:	Very effective:
The programme was ineffective in influencing government policies and practices on the disclosure of contract data, intermediation or use by citizens.	The programme had some influence on government disclosure policies relating to contract data but they were not implemented and there was little use of contracting data by intermediaries, citizens or other actors.	The programme had considerable impacts on government policy and practices around the disclosure of contracting data. There are also some encouraging examples of use by intermediaries, citizens and accountability seeking institutions in the planning, commissioning and monitoring of public procurement and mining contracts.	The programme had significant impacts on government policy and practices around the disclosure of contracting data and use of it by intermediaries, citizens and accountability seeking institutions in the planning, commissioning and monitoring of public procurement and mining contracts.



In this section we present the evidence to support the above finding. We analyse and summarise which outcomes the programme contributed to with reference to objectives in the theory of change. We aim to give the reader an impression of the most significant changes the programme contributed to. This broad summary is deliberately descriptive, making explicit the quality of evidence in footnotes. It is a prelude to a deeper review of how and why a subset of high level outcomes was achieved in the three focus countries and what this implies about assumptions underpinning the programme ToC (which is unpacked in later sections).

a) Approach

Our analysis of what the programme achieved was developed from the programme's outcome statements, some of which were substantiated or analysed in more depth through interviews and document reviews. While we have not been able to substantiate every outcome or contribution, and **we assume that the programme will have only made partial contributions to most outcomes**, we are confident that the evidence we have is adequate to support the high level finding above. We begin by taking an aggregate look at what the policies and practices the programme has contributed to mean within the terms of its ToC, before describing the key changes that informed this analysis at global and country levels. The abbreviations in brackets refer to the long term objectives (LOs 1-4) introduced earlier, as well as to medium (LA 1-5) and immediate lobbying and advocacy outcomes (LA6-10) introduced below. References to two other, more recent outcomes, on government capacity development (LA government capacity) and inclusion (LA inclusion) are also used. Similarly, we refer to the various impact pathways from the theory of change (LAPs1-5) as well as intermediate outcomes (LA7-G10). Use of these codes helps to highlight examples of the outcomes we used to form a general opinion of progress in different areas of the ToC. They are not used exhaustively.

LOBBYING AND ADVOCACY OUTCOMES⁷⁴

Medium-term outcomes:

- **LA1:** International bodies and agencies have further opened up their contracting processes)
- **LA2:** International and regional bodies and agencies have included open contracting principles in their interaction with and support for partners
- **LA3:** The Dutch government has taken steps to harmonise open contracting related activities across the responsible agencies and is a supporter of the Open Contracting Partnership's mission
- **LA4:** Governments in the selected low- and lower-middle income countries have initiated specific (access to information) reforms to improve local conditions for efficiency, effectiveness and integrity of public contracting
- **LA5:** Governments in selected countries create mechanisms for oversight authorities to respond to and act upon public feedback related to public contracting
- **LA - Replication:** Governments in other low- and lower income countries have initiated specific reforms to improve local conditions for efficiency, effectiveness and integrity of public contracting
- **LA - Inclusion:** Activities taken with spirit of including vulnerable groups impacted by contracting, particularly women
- **CD-new:** Government capacity increased to implement OC reforms

Intermediate outcomes:

- **LA6:** Governments are more transparent and publish better quality data
- **LA7:** Governments engage in policy dialogue regarding public contracting
- **LA8:** Champions in government agree to put OC on the government agenda
- **LA9:** Champions in government agree to provide contracting information to infomediaries
- **LA10:** Identified champions in government agree to engage with infomediaries on the importance of OC

b) Aggregate analysis of outcomes according to the ToC

Regarding long term aims, the programme has contributed to outcomes in each country that are relevant to improving government policies on transparency and disclosure (LA4, LO1) or enabling governments to increase their capacity to put them into practice, which some have done (LA government development). The programme's insider approach not only achieved commitments to disclose (LA4) it also provided technical capacity that enabled local government units in the Philippines, Kenya, and Bolivia to disclose data in formats easier to read and use. It similarly aided national governments in making data more accessible in Guatemala, the Philippines, Kenya, Malawi and Indonesia⁷⁵.

Capacity development initiatives supported by the programme also made valuable contributions to the work of infomediaries, including investigative journalists, helping them to understand and use data released by government or mining companies for feedback in all seven countries (LO3). Less progress appears to have been made in areas relevant to institutionalising government consulting non-state actors at all stages in the procurement cycle (LO2) and establishing institutionalised mechanisms for oversight that enable oversight actors to hold decision makers to account (LA5). Though there are exceptions worth noting: For example, in Guatemala, where oversight frameworks and institutions were already in place, partners have been able to make successful accountability demands (LO4). In the Philippines, the programme has influenced subnational institutions that had spaces and mechanisms for oversight which were not being implemented due to lack of information, though it is too early to assess their effectiveness. Similarly, it is hard to assess whether

⁷⁴ These definitions come from the Hivos TOC document

⁷⁵ Analysis in this section is based on evidence presented in the outcomes and contribution sections below

LOBBYING AND ADVOCACY IMPACT PATHWAYS

- **LAP1:** Proactive brokering of linkages at local, national, regional to international level to foster strong accountability coalitions including civil society organisations, government and business actors
- **LAP2:** Directly engaging with policy makers, opinion formers and influencers in relevant debates
- **LAP3:** Creating and presenting evidence and practices of (the conditions for) data uptake and building the use case for Open Contracting Data with different stakeholders, including governments and private sector
- **LAP4:** Actively integrating research insights and learnings from the target countries into the international advocacy agenda through global networks and communities of practice (such as the Open Government Partnership and the Open Contracting Partnership)
- **LAP5:** Working in concert with other relevant international stakeholders (such as the Open Contracting Partnership)
- **LAP-new:** Direct input into policy formulation via inside strategy lobbying

In many cases contributions to the long term outcomes were supported by successful agenda setting at international, regional, national and subnational levels. The programme's brokering of relationships (LAP1) and direct engagement with decision makers and influencers (LAP2) was effective in contributing to medium term outcomes relating to getting OC onto the agenda of regional and international bodies (LA2).⁷⁶ In a few instances these were supported by evidence (LAP3) and research insights (LAP4). Though a collaborative approach (LAP5) helped in some instances, questions about its efficacy are raised later.

The programme's achievements placing issues on the agenda of international bodies did not translate into those international bodies opening their own contracting data (LA1). It did, however, result in several examples of international bodies including OC commitments in wider open government and anti corruption agreements (LA2), for example at OGP and UNCAC. Advocacy efforts to influence the Dutch government to harmonise and promote open contracting (LA3) were less successful. While Dutch leadership did commit to a policy of open contracting, it was not involved in promoting it elsewhere to a significant degree.

Though the programme did not start with a strong emphasis on citizen agency and inclusion, several respondents representing global initiatives said they associate Hivos with putting the demand side, i.e., civil society, inclusion on the global OC agenda (LA2). This commitment by the programme was reflected in partners' increased focus on and contribution to more inclusive contracting (LA-inclusion) in the later period of the programme. The increased focus on citizen agency and what this achieved are expanded on later, in Section IV, 8)e.

The above outcomes were achieved using a range of brokering (LAP1), engagement (LAP2) and capacity development tactics (CD1234) that included getting government champions to put OC on the agenda and/or to disclose information (LA6-10). Examples of the policy and practice outcomes the programme contributed to are listed in the next section and analysed in more depth in Section IV, 3 on contributions to change.

c) Global level

Early in the programme, during 2016-2017, Hivos had notable success in getting the "demand side"—i.e., the CSO or "human side" on the open contracting agenda of international organisations (LA2). Along with other strategic partners, the programme persuaded the Open Contracting Partnership that OC assessment frameworks should include civil society actors.⁷⁷ Hivos and its partners also brought more civil society actors into spaces such as the

⁷⁶ This finding is based on Hivos analysis of progress in 2018 triangulated by our own interviews with OCP, OGP Support Unit and B-Team,

⁷⁷ Outcome fully substantiated, contribution fully substantiated by 1 and partially by 2

OGP Summits in Paris (2016), Tbilisi (2018), and OGP's Regional Meeting in Southeast Asia (2018) and Ottawa (2019) where OC was discussed⁷⁸. Delegates at the Paris Summit adopted a declaration that included specific open contracting principles for countries to adopt and collective actions for countries to take on open public procurement.⁷⁹ In addition Hivos, in collaboration with Article19 and OCP, succeeded in getting OC on the agenda at important donor meetings;⁸⁰ anti-corruption gatherings;⁸¹ an International Conference of Information Commissioners (ICIC) who passed a resolution on public procurement;⁸² an important side event at the 2017 Sustainable Development Goals (SDGs) High-level Political Forum (HLPF); and the United Nations Commission on the Status for Women (CSW).⁸³

We found few mentions of efforts to persuade international organisations to open up and publish their own contracting data (LA1). Moreover the translation of the above achievements into actions by the Dutch Government has been disappointing. Hivos was successful in engaging the Dutch Ministry in the Netherlands early on and this led to some commitments from the Netherlands government to support OC (LA3).⁸⁴ However overall its relationship with the Dutch Ministry has contributed little to achievements in the programme countries⁸⁵.

d) Africa

At a regional level, the programme has had some success in getting open procurement and contracting onto the agenda of regional bodies, with some of them taking policy decisions (LA2). In late 2017, the regulatory authorities of the six member states of the East Africa Community adopted a Regional Resolution to encourage regulatory authorities to increase transparency and fight against corruption in public procurement.⁸⁶ This was followed by a new resolution on increasing the participation of non-state actors and the adoption of the Open Contracting Data Standard at the end of 2019.

Also, in early 2018, the Africa Regional Pre-Commission on the Status of Women 62 Strategy Meeting of Women's Rights Organizations in Addis Ababa adopted the Open Contracting approach, position and policy recommendations within their advocacy position, contributing to the programme's inclusion objective.⁸⁷ Although we cannot establish links with the previously mentioned win for women, in 2019, 11 civil society organizations working on transparency, governance and gender issues within the East Africa Partner States formed the first ever East Africa Regional Public Procurement Watch Group in Nairobi, Kenya.⁸⁷

In Malawi, the programme had an early policy win at the national level before directing its attention to the subnational level (LO1). In 2017 the president of Malawi assented to the Public Procurement and Disposal of Assets Act which Members of Parliament passed.⁸⁹ There is some evidence that Hivos's scoping study and COST's advocacy influenced this. However, implementation has been slow and it was only recently that local officials approached Hivos asking for training to support implementation, following an East Africa meeting where staff of the Public Procurement and Disposal of Assets Authority were exposed to what their

⁷⁸ Outcome harvest spreadsheet, interview with OCP

⁷⁹ Outcome and contribution partially substantiated by 2 people, one of our interviewees also made reference to Hivos getting more CSOs around the table

⁸⁰ Outcome fully substantiated; Hivos contribution to the donor meeting outcomes fully substantiated by 2 people and partially by 1

⁸¹ Outcome and contribution substantiated by 2 people

⁸² Outcome and contribution substantiated by 2 people

⁸³ Unsubstantiated

⁸⁴ Outcome fully substantiated by 2 and partially by 1. Contribution fully substantiated by all 3.

⁸⁵ Interviews with programme staff

⁸⁶ Outcome and contribution fully supported by 2 people

⁸⁷ Outcome fully substantiated by 2 and partially by 1

⁸⁸ Outcome harvesting, Interviews with CUTS and TISA

⁸⁹ Outcome and contribution substantiated by 1

neighbouring countries were doing⁹⁰. Since then the commitment to disclose data has gotten stronger (LA4)⁹¹. Additionally, the Centre for Investigative Journalism (CIJM) in Malawi covered a scandal involving the sale of government tractors for a fraction of their value that has only just resulted in a change of practice and in the sentencing of two officials involved. CIJM's contribution was probably more about keeping the story in the public eye than about work on the investigation⁹². Nonetheless, they played a part in a series of events spearheaded by a brave oversight actor—the Ombudswoman—that in turn led to unprecedented action that held senior officials to account, a key programme objective (LO4)⁹³.

In addition, during 2019 CoST and other Hivos partners succeeded in getting the UTM Party, a main contender in Malawi's 2019 presidential, parliamentary and local government elections to pledge support for CSOs working for transparency and accountability in the construction sector. We consider this an important agenda setting win. As a demonstration of what CSOs can achieve, a collaboration between CoST and Yoneco, a subnational partner, resulted in the termination of a contract for poor quality work by an unlisted contractor and the publication of the list of eligible contractors by the National Construction Industry Council of Malawi⁹⁴. This can be considered both an example of an accountability mechanism being implemented (relevant to LO4) as well as an important transparency behaviour change (LA4, LA9, LA10) that was partly enabled by the programme's brokering of relationships (LAP1), in that CoST passed on contract data on infrastructure that it intermediates on behalf of the government to a local CSO (LO3).

In Tanzania, Hivos and its partners have triggered demand side interest in open contracting and influenced some key agenda and policy shifts that contribute to LO1. For example, in early 2019 they convened 32 CSOs under the Tanzania sustainable development platform to reach an advocacy position on open contracting in public services and the establishment of a beneficial ownership register.⁹⁵ Various initiatives by the Tanzania Media Foundation and Hakasilimali also contributed to the government's reaffirmation of its commitment to disclosing mining and energy contracts on a ministerial website portal (LA4). The portal included articles written and published as a result of the programme's media training (LO3), which is covered in more detail in the media case study. More recently, Wajibu are reported to have influenced a government order for all procuring entities to join the e-procurement system by June 2020 (LA4).⁹⁶ Unfortunately we were unable to assess what impact that will have on the Tanzania Youth Vision Association's (TYVA) efforts to make companies owned by young people aware of their legal rights to a proportion of government contracts⁹⁷. However, Hivos reports that its involvement in East Africa Public Procurement influenced the publication of guidance on enhancing community participation in public procurement that is relevant to **LO2: "creating institutions for government consultation with non-state actors on procurement matters"**.

In Kenya, Hivos and its partners have contributed to significant policy and practice changes at national and subnational levels relevant to LO1 and LO4. In 2019 the Deputy President launched Kenya's 3rd OGP National Action Plan (2016 - 2018) with a commitment on the adoption of the Open Contracting Data Standard by the National Treasury for the Public Procurement Information Portal (PPIP) (LA4).⁹⁸ Also at the national level, the IEA's advocacy based on its assessment of the Auditor General's report on public procurement has led to

⁹⁰ Interview with Malawi CED

⁹¹ Communication from the Global PM 13.08

⁹² The original investigation does not cite them. www.ombudsmanmalawi.org/files/pdf/The%20Present%20Toiling%20The%20Future%20Overburdened.pdf. However they are referenced in press stories www.investigative-malawi.org/635/supreme-court-gives-govt-60-days-to-act-on-tractorgate-case/

⁹³ Interview with Malawi PM

⁹⁴ Outcome and contribution substantiated by 1 person

⁹⁵ Outcome and contribution fully substantiated by 3 people

⁹⁶ Not yet substantiated

⁹⁷ 2019 outcome statements, interviews with TMF, Hivos and TYVA

interest in data disclosure for public procurement auditing by both the Auditor General's Office and the Public Accounts and Public Investment Committee (relevant to LA5 and LO4).⁹⁹

At the subnational level, the programme's advocacy influenced the commitments of politicians in both Kwale and Makueni to publish contracts and details of beneficial ownership (LA4)¹⁰⁰ In addition, Hivos supported URAIA to engage citizen usage of Makueni County Government's new procurement system, in an effort that resulted in oversight actors taking action based on citizen feedback (LO4).¹⁰¹ Both these outcomes are discussed in more depth in the section on contribution below.

e) Latin America

In Latin America, Hivos and its partners' leadership in agenda setting at the regional level is an important outcome in and of itself (LA2).¹⁰² The International Development Research Center (IDRC) in Latin America invited the Hivos Open Up Contracting programme to be part of an alliance with other international organisations to promote the OC agenda in the region. The programme also played a role in mobilising CSOs to demand that open data and open contracting be made central in the fight against corruption in the American continent.¹⁰³ The alliance has undertaken institutional actions such as the signing of a Memorandum of Understanding (MOU) with the OAS Secretary General, head of the Inter-American Government Procurement (IGPN) agency. The MOU's purpose is to establish a collaborative relationship between these organisations, to allow the adoption of open contracting in all Latin American countries through the IGPN. Another action, rather innovative, was brokering access to the LGBTQI+ community to Abrelatam events, and other steps to integrate marginalised groups into the regional OC ecosystem (LA Inclusion).¹⁰⁴

In Bolivia, a strong relationship between the City of La Paz municipal government and Hivos has resulted in a sectoral/issues-based approach contributing to several concrete outcomes and a disclosure replication effect (LA4). First, with support from Hivos and partner MIGA, the municipality disclosed the school meals contracting data following open standards, an important change in practice since it makes the data more accessible and useful to infomediaries, CSOs and other actors (LA6). MIGA published this data as part of the [Food Data portal](#) created to showcase various food and nutrition datasets, while Hivos helped the municipality to produce a publication showcasing 20 years of lessons from their school meals contracting approach to other municipalities. Hivos convened 46 municipalities and other relevant stakeholders to share these best practices in a workshop just before the Covid-19 crisis. MIGA is now part of the multi-stakeholder committee that convenes subnational authorities to continue sharing experiences on school meals, including contracting. This partnership has been so fruitful that just before the closure of this evaluation, Hivos country office signed another MOU with the City of La Paz to start disclosing data on all contracting processes by the municipality. Lastly, after participating in the Hivos and CESU co-organised diploma on Open Data/Contracting, two members of staff from AGETIC (the national agency responsible for e-government and ICTs) have taken steps to open up their own contracting as an example for the rest of the national government (LA8).¹⁰⁵

Hivos staff and partners in Guatemala have influenced agenda and practice changes relating to the disclosure of data at national and subnational levels using a combination of insider and outsider tactics (LA4, LO1). The programme's contribution to the disclosure of key information long sought by partner Ojoconmipisto through FOI requests (LA6, LA4) is unpacked in the

⁹⁸ Outcome harvesting result and contribution substantiated by 1 person

⁹⁹ Not yet substantiated

¹⁰⁰ One outcome has been substantiated and one contribution

¹⁰¹ Interviews with URAIA staff and Makueni County Government

¹⁰² Our analysis based on field interviews

¹⁰³ OH database. None of the regional outcomes reported have been substantiated

¹⁰⁴ Based on a review of outcome harvest and interviews with staff, partners and experts in the region—substantiated by evaluators

next section¹⁰⁶. These outcomes indicate shifts in practice that are important steps towards the Guatemalan government's portal reaching the OCDS in line with the programme's long term objective of data disclosure.

ITPC LATCA collaborated with media partner Plaza Publica in the publication of investigative research used for advocacy. This advocacy played a role in the passing of the 5371 Act which made several antiretroviral drugs including lopinavir more affordable. After general elections were held at the end of 2019, the champion in congress who supported and brokered ITPC LATCA's access to key spaces stepped down. Nonetheless, their efforts to use contracting data to push for a just drug pricing policy has continued in 2020 through a relationship with Deputy Aldo Dávila, from the Winaq party (LA4, LO3)¹⁰⁷.

Plaza Publica and Ojoconmipisto have both undertaken investigations that drew attention to corrupt commissioning by the government and led to actions that challenge a culture of impunity. For example, a recent report published by Plaza Publica on impropriety in the procurement of Covid-19 emergency equipment triggered events that resulted in criminal investigations and the firing of a senior health official (LO3, LO4).¹⁰⁸

As part of the programme, Ojoconmipisto used data from the government's portal and FOI requests to track construction projects in 14 municipalities and share findings in interactive visualisations (LA4).¹⁰⁹ The contribution analysis below includes stories of how this work has led to media review and feedback (LO3) resulting in official actions that reduced leaks or the waste of public funds (LO4).¹¹⁰

f) Southeast Asia

In SE Asia, where country contexts were more conducive to advancing OC, partners and Hivos staff contributed to policies, practices and networks that have helped to put OC on the map. In 2017, lobbying by Hivos contributed to the Regional Civil Society Coordinator for Asia Pacific inclusion of open contracting among future action plans for member countries as they began the next stage of OGP planning (LA2).¹¹¹ We found evidence that OC commitments had been integrated into OGP plans in both Indonesia and the Philippines (LA8).

In Indonesia the OGI (Open Government Indonesia) Secretariat which consists of BAPPENAS (National Development Planning Agency), the President's Office and the Ministry of Foreign Affairs, officially adopted open contracting as one of 14 national commitments in the Indonesian Open Government Partnership 2018-2020 National Action Plan (OGP NAP) (LA4, LO1).¹¹² This led to a formal partnership between the Indonesian National Public Procurement Agency (LKPP) and Indonesia Corruption Watch as a CSO partner for implementation of open contracting under the OGP final action plan 2018-2020.¹¹³ Government commitments to the action plan and the official partnership were the result of meetings convened between CSOs, including ICW, Freedom of Information networks and the Open Government Indonesia (OGI) secretariat.¹¹⁴ In addition, the Commission for Information agreed to integrate OC principles in the National Information Regulation (LA4).¹¹⁵

¹⁰⁵ Email communication with CED

¹⁰⁶ OH database unsubstantiated

¹⁰⁷ OH database unsubstantiated

¹⁰⁸ Interviews with Guatemalan CSOs and triangulated by <https://www.aljazeera.com/news/2020/04/guatemala-health-officials-fired-investigated-corruption-200421215028285.html>

¹⁰⁹ Outcome and contribution are well substantiated

¹¹⁰ Outcome harvest database, Interview with Ojoconmipisto

¹¹¹ Outcome harvesting, outcome and contribution fully supported by one person

¹¹² OH and contribution fully supported by 2 people. Also [Indonesia OGP National Action Plan 2018-2020](#)

¹¹³ OH contribution and outcome fully supported by 2 people

¹¹⁴ OH and contribution fully supported by 2 people

¹¹⁵ Unsubstantiated

As a result of all the above, ICW has been able to access regular data sets from the procurement agency on National Procurement Planning (RUP), electronic purchasing transactions (e-Katalog), and blacklisted companies. ICW then updates the portal it manages OpenTender.net with this information(LA6, LA9,LA4).¹¹⁶

Activities undertaken by Hivos and its partners at the subnational level have influenced several commitments to open contracting, including policies to open up data for use (LA4). Recently a collaboration between Hivos, ICW, local journalists and CSOs working at the local level appears to have contributed to an increase in infomediaries' capacity for feedback (LO3) which is discussed further in the media case study and the section on assumptions below. CSOs in Blitar and Yogyakarta have used journalists' investigations, triggered by ICW's analysis of government contract data, to raise issues with local government or legislatures.¹¹⁷ In each instance they received a response or commitment for follow up. These responses may not yet be examples of institutionalised changes in behaviours or readiness to hold decision makers and contractors to account (LO4). Nonetheless, engagement between government and CSOs on such issues in Yogyakarta, a feudal area where citizens have been reluctant to mention corruption and criticize local government, is notable.¹¹⁸ Such engagement is completely contrary to cultural norms.

During 2019, Hivos partner Pattiyo Semarang helped persuade the Mayor of Semarang to implement an open contracting agenda (LA4). Pattiyo Semarang is providing technical assistance to the local government to take the policy commitment forward through an e-catalog procurement system and advocacy for Small and Medium-sized Enterprises (SMEs) owned by marginalised groups to have greater access to government procurement tenders (LA inclusion, LA government capacity development).¹¹⁹ In addition, under a project co-financed by the European Union, Hivos has supported advocacy and a successful citizen investigation that led to a crackdown on schools charging illegal levies (relevant to LO4).¹²⁰

Along with its support for public procurement, the programme also supported Publish What You Pay's (PWYP) work to make mining licenses and contracts more transparent. This enabled a representative of the community in Sekotong in West Lombok Province to make freedom of information requests for mining permits operating in the West Lombok Regency; environmental impact assessment documents or Environmental Management Measure and Environmental Monitoring Measure documents; and information about royalties paid by mining companies (LO3).¹²¹ Furthermore, after advocacy by PWYP and its local partner, the local parliament also passed a regulation guaranteeing access to information and ensuring safety for those who want to access the information (LA4).¹²²

In the Philippines, Hivos and its partners succeeded in pushing for OC commitments to be included in the latest Philippines OGP National Action Plan, with three of its partners, CODE-NGO, ANSA EAP, and Layertech (a private sector digital tech specialist), written in as co-commitment holders (LA4,LO1)¹²³. The programme's contribution to this outcome is discussed in more detail below.

¹¹⁶ Outcomes substantiated by evaluators through interviews with journalists and ICW.

¹¹⁷ Outcome harvesting database. Outcomes in Yogyakarta substantiated, contradictory data regarding the outcome in Bojonegoro - journalist interviewed did not feel there had been adequate follow up of the story by the local CSO.

¹¹⁸ Interview with ICW

¹¹⁹ Interview and outcome harvest, untriangulated

¹²⁰ Outcome harvest unsubstantiated

¹²¹ Interview with PWYP Indonesia. Also described here: <https://pwypindonesia.org/en/acessing-mining-information-an-early-attempt-to-restore-environmental-sustainability/>

¹²² Information received from PM

¹²³ Interviews with OGP, Hivos, CODE-NGO, Layertech

Early on the programme, advocacy based on an audit of OC and OCDS data systems by PCIJ,¹²⁴ resulted in a policy commitment by champions in PhilGEPs¹²⁵ to publish procurement data in OCDS formats (LA9, LA10, LA4). In the latter part of the programme PCIJ used and informed such data to write stories on contracting malpractice that were disseminated widely by other media (LO3). Importantly, one story also engaged an opposition MP keen to follow up on several contracts won by the firm of the father of Presidential Assistant Christopher Lawrence T. Go (LO4).¹²⁶ In addition, PCIJ trained other CSOs and journalists on how to use open contracting and other data to carry out investigations.¹²⁷ Accounts of alumni picking up stories and or writing their own investigations are included in the media case study (LO3). CODE-NGO, one the OGP co-commitment holders has echoed this training with staff of Digital Imaging for Monitoring and Evaluation (DIME),¹²⁸ a government project to monitor high value contracts, as well as a considerable number of its NGO members. These NGOs have subsequently committed to ongoing monitoring (LO3).¹²⁹

ECCP and Layetech's projects, which focused on engaging champions at subnational levels of government have both contributed to data disclosure, FOI policy commitments and changes in disclosure practices by the Provincial Government of South Cotabato,¹³⁰ and Legazpi City's LGU respectively (LA7,8,9, LA4). Both examples are featured in the case studies on subnational government and private sector engagement and are discussed in more depth in the contribution analysis below.

Other outcomes reported at the subnational level include Bantay Kita's work enabling Indigenous Peoples Development Organisations (IPDOs) to better understand their rights related to mining law. This led to shifts in attitudes and practices by the IPDOs who now feel sufficiently empowered to engage with mining companies and other indigenous groups to ensure they get fair deals from companies and government (LO3).¹³¹ This inclusion outcome (LA-inclusion) is discussed in more depth below and in the marginalised groups case study.

3. CONTRIBUTION OF THE PROGRAMME TO IMPORTANT OUTCOMES

Headline finding: The Open Up Contracting programme made medium level or significant contributions to some key outcomes in Kenya, Guatemala and the Philippines, the countries that were the focus of the evaluation. The nature of these contributions varied according to the context and the type of change, but we did not identify the Ministry or Dutch Embassies playing any role. Article19 played a part in activities at the global level and in East Africa. However, most of the country level outcomes examined here were achieved through Hivos a) brokering relationships between various civil society and government champions, and b) supporting capacity development that was user centred and customised to individual CSO and government needs.

Having discussed the programme's contributions to outcomes with reference to its theory of change objectives and goals, we now move on to a more detailed analysis of some high level outcomes in the three focus countries. More specifically, we undertake three analytical tasks

¹²⁴ Production of report and meetings fully substantiated through OH process. Data on how the report influenced PhilGEPs commitment obtained during evaluation Interview with PhilGEPs

¹²⁵ PhilGEPs is the National agency responsible for disclosing OC data

¹²⁶ We consider the evidence on the republication of the story and pick up to be adequate to substantiate the outcome as framed <https://politics.com.ph/trillanes-wants-senate-to-probe-conflict-of-interest-in-bong-go-kin-govt-projects/>.

¹²⁷ Interviews with PCIJ, ANSA and one other alumnus

¹²⁸ <https://www.dime.gov.ph>

¹²⁹ Outcome self reported

¹³⁰ Partially substantiated in OH database, fully substantiated in fieldwork

¹³¹ OH data substantiated during field work through interviews with IPDOs, PSU and Bantay Kita

using a combination of data from interviews and programme documents, including outcome harvesting information to:

- Analyse the nature and significance of the programme's contribution to the relevant outcome versus other factors and actors using the rubric below
- Comment on relevant assumptions/mechanisms relevant to the theory of change
- Discuss any other contextual factors that were significant in helping or hindering the outcomes

No contribution: The activity/actor's contribution to the change was insignificant or non-existent.	Small contribution: The contribution of this activity/actor made only a small difference. The change would most likely have happened without and had a similar quality, but activity likely pushed the change in a specific direction.	Medium contribution: The contribution of this activity/actor was important. The change would probably have happened without the activity, but it might not have had the same quality.	Significant contribution: The contribution of this activity/actor was essential. The change would not have happened or would not have happened in the same way without this activity.
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The implications of the causal assumptions and contextual factors are discussed later at greater length in a section on assumptions in the theory of change.

a) Kenya

Outcome one: Hivos's capacity development and brokering of relationships between CSOs and government champions meant they were able to make a significant contribution to Kenya's planned adoption of the Open Contracting Data Standard.¹³² This also made a small contribution to the Government's commitment to publish a beneficial ownership register within its 2018-2020 OGP action plan (LA4, LO1).¹³³ These outcomes were the result of Hivos's support for civil society strategising and a long term relationship with two open contracting champions in the Office of the Deputy President. Prior to the July 2018 OGP Summit in Georgia, Hivos funded and convened two civil society roundtables to strategise on areas for inclusion in the National Action Plan (CD3). It helped to broker relationships between government officials and the CSOs (LAP1). During the meetings the CSOs developed tactics for engaging government representatives and lobbying them to back the OCDS commitment while in Georgia (CD4). When they arrived at the Summit, Hivos and other CSOs held informal meetings with the Kenyan Delegates as well as two champions whose attendance they had funded (LAP2). Upon their return home, Hivos participated in further meetings and follow up activities relating to drafting the OGP National Action Plan which now included the OCDS, as well as the terms of reference for the Technical Committee designated to support the implementation of the plan. Hivos and its partners were also part of a larger CSO coalition that contributed to the government committing to disclose its beneficial ownership registry.

This outcome is relevant to several assumptions within the programme ToC:

- **Cohesion can be built that consist of different types of actors that can work together to achieve common goals:** The Open Up Contracting programme was able to build coalitions of government and civil society actors who could see the value of open contracting in improving efficiency and reducing corruption in public procurement. We don't have sufficient data to comment on the extent to which private sector actors were significant and active in these OGP processes.
- **Government actors recognise the legitimacy and expertise of CSOs, and respond to their demands and the capacity to do so, and the role of government champions:** Kenya has been a member of OGP since 2011 and there is a strong commitment to its goals by civil servants in the Deputy President's Office.¹³⁴ Hivos has been involved in OGP for many years, and is part of the core OGP group, playing a significant role in convening civil society. As a result, Hivos is viewed as a legitimate and trusted actor in engagements in open contracting reforms and this legitimacy provided Hivos and its civil society partners with opportunities to put OC on the agenda and facilitate links with other parts of government. Champions within the Office of the Deputy President with whom Hivos and other civil society partners had built strong relationships throughout Kenya's participation in OGP were able to incorporate commitments to OCDS and beneficial ownership.¹³⁵
- **A legal framework that allows for access to information and info disclosure on public contracts is a pre-condition for OC reforms:** The Kenyan Access to Information Act 2016 was passed early in the programme period and is considered a foundational piece of legislation upon which open contracting reforms have been built.¹³⁶ In 2018 the President issued an Executive Order which stated all public procuring entities had to publish details

¹³² Categorised as a small contribution as per contribution rubric.

¹³³ Outcome harvesting result and contribution substantiated by 1 person. Discussions with CED Hivos is mentioned as a co commitment holder in regards to the OCDS and the Beneficial Ownership commitments, INFONET one of the programme partners who was involved in the development of the Treasury portal is also mentioned in respect of the beneficial ownership register. https://www.opengovpartnership.org/wp-content/uploads/2018/12/KENYA_Action-Plan_2018-2020_0.pdf

¹³⁴ OH spreadsheet

¹³⁵ Interviews with Hivos CED; Article 19; Kenya OGP Point of Contact.

¹³⁶ Interviews with Article 19; Kenya OGP Point of Contact.

of tenders, awards and contracts updated on a monthly basis. This provided an opportunity for civil society partners to work with government champions to secure commitments for OCDS disclosure.

Other contextual factors that influenced the outcome are:

- **Country's political dynamics and OGP:** Kenya's disputed election in August 2017 brought some disruption to the Open Up Contracting programme implementation but provided a degree of continuity for the programme and OGP processes as the incumbent administration (and responsibility for OGP at the Deputy President's Office) continued into a second term. Kenya was elected to the international OGP Steering Committee in May 2020 which indicates an ongoing commitment to the partnership. The presence and commitment of champions in the office of the Office of the Deputy President to implement the OCDS and a beneficial ownership registry enabled progress on open contracting at national level.
- **Increasing national media coverage:** Over the last couple of years, increasing attention to major corruption scandals linked to procurement has increased pressure for the national government to act. Adoption of OCDS is one of the actions¹³⁷.

Outcome 2: Lobbying by the programme made a significant contribution to the decision of the Makueni County Government to adopt OC principles and the OCDS, and to disclose a beneficial ownership registry (LA4, LO1). As a result of Hivos brokering relationships between the LGU and partners with technical capacity, the programme also made a significant contribution to events that led to the County Government taking action on a number of delayed works projects (LO4). The relationships between Hivos and the Governor's office was initiated following one of the Governor's advisers expressing an interest in open contracting by contacting OCP. The Hivos East Africa team lobbied and sensitized the Governor and his Devolution Ministry in early 2018 with research insights (LAP2, LAP4)¹³⁸. He immediately committed to the measures above and established an Open Contracting Technical Team (LA8). The Hivos team then brokered relationships (LAP1) between the LGU, Development Gateway, and a School of Data Fellow to develop an open contracting portal <https://opencontracting.makueni.go.ke/ui/index.html> (LA government capacity development). The portal has experienced delays in publishing data but at the time of this evaluation (July 2020) the portal contains up to date tender and contract data¹³⁹. An initial scoping of the system by a new partner URAIA involved the government handing over data to an intermediary (LA9). This led them to identify and make the government aware of the causes of delays in 6 of 34 delayed projects. This evidence based approach (LAP3) which happened during the development of the system, led to immediate follow up by local officials¹⁴⁰. None of the outcomes would have happened without the project intervention.

This outcome speaks to several assumptions within the programme ToC:

- **Government champions:** The programme was able to work with the Governor of Makueni County. The Governor is a Law Professor and former civil society activist with political aspirations at national level. The Governor is interested in increasing transparency and participation in local government as part of the devolution agenda. He sees transparency and participation as contributing to anti-corruption efforts and increasing efficiency in public procurement¹⁴¹. One of the Governor's advisers expressed an interest in open contracting by contacting OCP. OCP was able to broker a relationship with the Hivos Kenya team who linked them to Development Gateway and a School of Data Fellow.

¹³⁷ Interview with Article 19.

¹³⁸ Hivos LA progress analysis, interviews

¹³⁹ Date last accessed 31 July 2020

¹⁴⁰ Interviews with URAIA staff/Makueni County Government

¹⁴¹ <https://www.nation.co.ke/kenya/news/politics/q-a-with-makueni-governor-kivutha-kibwana-230276>

- **Government actors recognise the legitimacy and expertise of CSOs, and respond to their demands and the capacity to do so:** Hivos, Development Gateway, the School of Data fellow and URAIA were able to demonstrate to the Makueni County Governor, ministers and civil servants the value of open contracting and the expertise and technical capacity they could offer to advance open contracting in the county. The County Government formed a number of new working groups to take the initiative forward. An important point to note is that there were key ingredients that contributed to this: Makueni County Government initiated discussions with HIVOS, all partners were clear on what they wanted to achieve (and these objectives were aligned) and importantly each leveraged their skills, access and power in order to achieve it.¹⁴²
- **Team could continue/advance OC reforms in spite of political transition:** The Governor is due to leave at the end of his term in 2022. The initiative is adopting a number of tactics to attempt to survive the political transition—by broadening and deepening engagements with bureaucrats and ministers; putting reforms into law; building demand for and engagement with contracting data; and demonstrating results.¹⁴³
- **A legal framework that allows for access to information and info disclosure on public contracts is a precondition for OC reforms:** As detailed above, the 2016 Access to Information Act and the 2018 Presidential Executive Order were enabling factors and provided opportunity and incentive for open contracting at the subnational level.
- **National and international government actors have the capacities, resources and data literacy to implement reforms:** Note this is an example where the early programme assumption did not hold true. In this example, most technical capacities had to be provided by the programme. In fact, that reality is in part what made the partners' tactics work. That said, the initiative was able to build on existing participatory oversight structures in which the government already had capacity. However, the programme assumed that the National Government would support/facilitate County Governments to adopt open contracting. In this instance there have been technical challenges, which highlights an apparent disconnect between what Makueni County is doing and what is happening or being planned at national level. Connections between the two levels of government are critical if progress is to be sustained. Furthermore, there is a need to consider the power/influence of national interests and/or legacy issues that may stifle progress in OC.

Other contextual factors that influenced the outcome are:

- **OGP commitment:** OGP also offered opportunities to support subnational OC developments in Elgeyo Marakwet and Makueni County. OGP NAP commitments provided incentives for action on OC at subnational and disclosures at the national level.¹⁴⁴
- **Decentralisation and political dynamics at the subnational level:** Devolution in Kenya has offered the opportunity to work collaboratively with the County Governments to increase disclosure in public procurement. In Makueni County, existing participatory oversight mechanisms in the form of Project Management Committees provided the participatory infrastructure to link new disclosure data to citizen oversight.

b) Guatemala

Outcome 3: The programme's brokering of relationships, insider lobbying and technical support (LAP1,2) made a significant contribution to the Ministry of Finance in Guatemala committing to implement OCDS in the 2018 OGP action plan and to the actions to take this forward (LA4). Hivos implemented a comprehensive capacity development package for various stakeholders within the ministry to guide them on this pathway (LA government

¹⁴² Interviews with Hivos CED, Hivos Regional Programme Manager, Makueni Government officials, Development Gateway.

¹⁴³ Interviews with Hivos CED, Hivos Regional Programme Manager, Makueni Government officials, Development Gateway, URAIA.

¹⁴⁴ Interview with CED, RPM, OGP Point of Contact.

¹⁴⁵ OH database

¹⁴⁶ Correspondence with CED

capacity development). Unfortunately, due to contextual and programme dynamics that caused significant delays at the closure of this evaluation, the OCDS had not yet been fully implemented.¹⁴⁵ As Hivos is the main actor in the OC space and played such a big role within the Ministry it is unlikely this change would have happened in the absence of the programme.

The CED convened and funded a capacity development plan for the Ministry of Finance on key concepts and trends related to transparency, citizen participation in open governance, open data, and new technologies and digital solutions. First, an 'Open Data user group' was formed, consisting of division directors who met for two days once a month during. On the first day, the directors met only with the Hivos CED to receive training on key concepts, then on the second day CSOs presented proposals to improve the transparency of the Ministry of Finance, while also building a trusting relationship. Further, Hivos funded the participation of high-level bureaucrats in the Abrelatam regional conference and the International Open Data Conference where they came across innovations and practice developed by other governments (LAP1). In parallel, other lobbying and advocacy meetings took place that ultimately led to the Ministry of Finance to agree to the implementation of the OCDS as part of its OGP commitments (LAP3)¹⁴⁶.

To provide highly specialised and independent support, Hivos funded and brokered relationships for an expert consultant in the OCDS to work alongside a technical team inside the Ministry twice to three times per year. Interviews revealed that the OCDS would be in place by now if it had not been for significant programme delays in 2018-2019 caused by the corruption scandals and subsequent mass protests, and the significant delays in all contracting and funding due to changes in the Hivos regional office. Despite the odds, thanks to the Hivos CED continuing to nurture the relationship with the Ministry, the work resumed in Spring 2020.¹⁴⁷ However, up until the closure of this evaluation the OCDS had not yet been fully implemented.

This outcome speaks to several assumptions within the programme ToC:

- **A government champion that provided continuity:** One person in the Ministry of Finance was prominent and named as key to both broker access and provide continuity despite the corruption scandals and the change of government after the general elections in late 2019. Though we were not able to interview any government staff, our reading and knowledge of the context suggests that incentives to engage could result from staff being keen to modernise, particularly following corruption scandals.¹⁴⁸
- **Government actors recognise the legitimacy and expertise of CSOs, and respond to their demands and the capacity to do so:** Despite not being able to interview them, the long term collaboration between the Ministry of Finance and Hivos indicates that they saw Hivos as legitimate, knowledgeable and trustworthy. Even though they did not have the capacities to respond to their request, they were open to develop these with Hivos supporting their capacity development.
- **A legal framework that allows for access to information and info disclosure on public contracts is a precondition for OC reform:** An existing legal framework was a contextual enabler that the Hivos CED leveraged.
- **National and international government actors have the capacities, resources and data literacy to implement reforms:** This example justifies Hivos's decision to adapt this assumption. The programme had to support the government with funds and capacity development. In other words it did not hold true.
- **It is possible to continue or advance OC reforms in spite of political transition:** In Guatemala this was possible due to strong trusting relationships between Hivos and staff in the Ministry.

¹⁴⁷ Interview with CED and mentor

¹⁴⁸ <https://www.dw.com/en/guatemala-s-un-anti-corruption-body-a-victim-of-its-own-success/a-50277624>; <https://www.theguardian.com/world/2017/aug/27/guatemalan-president-jimmy-morales-order-expel-head-un-body-suspended>

Other contextual factors that influenced the outcome are:

- **OGP commitments:** Membership of OGP and the commitment of the Guatemalan government to implement the OCDS was a positive enabler.
- **ICT infrastructure and capacity:** The capacity of high-level bureaucrats was limited. However, there was a small team of highly skilled technocrats who were able to get up to speed and had a strong interest to closely collaborate with the expert consultant.¹⁴⁹ Further, the existence of a relatively functional and accessible web portal where government institutions at all levels must record all procurement provided a strong foundation.
- **Political dynamics:** The OCDS would be in place by now if it had not been for significant programme delays in 2018-2019 partly due to the corruption scandals and subsequent widespread protests which generated a general slowing down of activities and the whole country's attention turning to this, including that of the Ministry of Finance. The general elections held in late 2019 meant a change in high-level figures but the technocrats remained in place, so the impact was moderate.
- **Legal framework:** The legal framework in Guatemala was rather conducive to OC. The existence of a relatively functional and accessible web portal where government institutions at all levels must record any procurement, in addition to the country's OGP commitment, was an opportunity seized by the CED to work with the Ministry of Finance to advance the OCDS.¹⁵⁰ Moreover, the existence of a legal framework on FOI allowed partners Ojoconmipisto and ITPC LATCA to complete their respective portals with the use of the already published data or via government FOI requests who are required by law to respond.
- **Donor involvement and culture of international advisors:** Government departments and policy in Guatemala have been significantly influenced by donor presence which is likely to have created a culture and willingness to engage with international organisations.¹⁵¹
- **Anti corruption sentiment:** Corruption scandals that brought the government down in 2015 have created a strong anti corruption sentiment that is likely to have proved fertile ground for the programme.¹⁵²

Outcome four: Funding, together with technical and strategic mentoring support from the programme, made a significant contribution to partner Ojoconmipisto's capacity to infomediate and intermediate data (LO3) and support a network of journalists. They have investigated and published stories that have contributed to actions by oversight authorities to terminate corrupt contracts (LO4).¹⁵³ Ojoconmipisto emerged in response to the lack of local, independent, critical media across the country; they have trained hundreds of freelance journalists in multiple skills, including the use of FOI requests for conducting investigations. Under the programme Ojoconmipisto developed a web portal with accessible and attractive data visualisations, Obras bajo la Lupa, using the data available on the government contracting portal or FOI requests. Their persistence—often using existing oversight mechanisms, such as filing lawsuits with the Human Rights Commission to access information—resulted in 15 out of 17 municipalities changing the format for delivering the information requested, from PDF files to editable Excel files (LA9, LA6)¹⁵⁴. This data provided leads which a network of journalists trained by Ojoconmipisto (LAP3) used for further investigation and to raise public awareness on contracting issues. For example, they visited

¹⁴⁹ Interview with mentor

¹⁵⁰ Interview with CED

¹⁵¹ Interview with mentor, also See for example reference to influence of donors on maternal health policy Summer, Anna, Dilys Walker, and Sylvia Guendelman. "A Review of the Forces Influencing Maternal Health Policies in Post War Guatemala." World Medical & Health Policy 11, no. 1 (2019): 59-82.

¹⁵² <https://www.dw.com/en/guatemala-s-un-anti-corruption-body-a-victim-of-its-own-success/a-50277624>

¹⁵³ OH database well substantiated, Interview with Ojoconmipisto Director and CEDs

¹⁵⁴ Outcome and contribution are well substantiated

the public works and documented stories that would give readers a more comprehensive overview of the situation and further expose those projects that were stalled and the reasons behind this.

These evidence-based exposés that included stories on the misuse of public funds and illegal support to political campaigns resulted in official actions that have reduced leaks and the waste of public funds. One example is the Mayor of Guatemala city being forced to stop the construction of a multi-sport court that was funded illegally by an emergency budget and constructed by a company that was ineligible to bid for government contracts.¹⁵⁵

This outcome speaks to several assumptions within the programme ToC:¹⁵⁶

- **Media organisations will be interested in Open Contracting:** Despite Ojosconmipisto's dissenting approach, open contracting fit within its human rights driven infomediation work.
- **Government actors recognise the legitimacy and expertise of CSOs, and respond to their demands and the capacity to do so:** Ojoconmipisto is a media actor, not a CSO. However, its founder and director is a distinguished journalist with decades of experience and recognition beyond Guatemala. The fact she often mediates difficulties between local journalists and authorities indicates that Ojoconmipisto has legitimacy and respect.¹⁵⁷
- **A legal framework that allows for access to information and info disclosure on public contracts is a precondition for OC reforms:** The existence of a legal framework on FOI allowed Ojoconmipisto to complete their web portals and also conduct many more in-depth investigations with the data authorities are required to provide by law.
- **National and international government actors have the capacity, resources and data literacy to implement reforms:** Ojoconmipisto provided further evidence that the programme was right to drop this assumption. Working with municipal authorities, Ojoconmipisto realised that their capacities and skills on transparency were lacking. Often authorities are completely unaware that it is their duty by law to provide information when a FOI is issued.
- **If no win-win narrative can be established, OC reforms will be blocked by either stakeholder:** Ojoconmipisto has confronted multiple attempts to block their activities as they have not been able to reach a win-win situation with most municipal authorities. In fact, the director has received requests to also start publishing positive stories about government accomplishments.
- **Citizen engagement (campaign) will strengthen the case for Open Contracting:** Ojoconmipisto is one of the few partners who have continuously tried to raise awareness among citizens about the multiple avenues they have to hold municipalities accountable. However, it has not been easy and often people approach the media to take action rather than doing so themselves. So, this assumption is not true.
- **It is possible to influence the political and legal environment in favor of Open Contracting:** Ojoconmipisto has used the political environment from municipal to national level to access sensitive data for its investigations. However, it can't be said that they have directly influenced or shaped that environment in new ways.

Other contextual factors that influenced the outcome include **decentralisation and political dynamics at the subnational level:** Working in partnership with LGUs is not easy, as dynamics within municipalities can be tense, a legacy of the war years; recently, many are closely linked to organised crime.¹⁵⁸ Hence, there was a severe need for local actors, such as Ojoconmipisto's network of journalists, who can use the existing legal frameworks to expose wrongdoing and demand accountability.

¹⁵⁵ Outcome harvest database

¹⁵⁶ The points below are all sourced by the two interviews had with Ojoconmipisto's director

¹⁵⁷ Our analysis

c) Philippines

Outcome five: Hivos's brokering of relationships and capacity development for partners made a significant contribution to their ability to influence the inclusion of the OCDS commitment in the Philippines OGP action plan. This resulted in three of its CSO partners being written in as co- commitment holders (LA4).¹⁵⁹ This outcome is the result of relationship brokering (LAP1), direct engagement with decision makers (LAP2), presentation of evidence that built the case (LAP3) and organising by Hivos over the course of the programme. As Hivos is the main actor in the OC space this change would not have happened in the absence of the programme.

In late 2017, a mapping of government procurement systems funded by the programme and produced by PCIJ was used as evidence (LAP3) to trigger a commitment from PhilGEPs to disclose data in the OCDSformat.¹⁶⁰ Then, during 2018, the Hivos CED leveraged relationships with various actors as well as the Philippines OGP commitment to get OC on the local government agenda at an OGP celebration she initiated (LAP1).¹⁶¹ In 2019, continued engagement by Layertech and CODE-NGO with key actors in PhilGEPs and DIME helped to advance the agenda further (LAP2).¹⁶² CODE-NGO, a national CSO network which was already well connected, was able to use learning facilitated by one of the PCIJ trainings or bootcamps to progress this work.¹⁶³ Layertech's contribution was strengthened due to its increased understanding of the open procurement system which was the result of capacity development plus relationships brokered by Hivos (CD1,CD4).¹⁶⁴ By gradually building support and relationships with various champions within government, the programme was able to persuade PhilGEPs and the Commission of Audit to accept its recommendations for amendments to the most recent OGP action plan.¹⁶⁵

This outcome is relevant to several assumptions in the theory of change:

- **C Coalitions can be built that consist of different types of actors that can work together to achieve common goals:** The PM was able to facilitate a network of different kinds of actors because of a strategic vision and existing relationships with key actors in the ecosystem. In this case partners with investigative, technical and relational capacities all collaborated with government champions to achieve change.
- **T There will be government champions in each target country that are willing to participate in a dialogue on Open Contracting and Government actors recognise the legitimacy and expertise of CSOs, and respond to their demands and the capacity to do so:** Hivos is well recognised and respected as an actor in the OC space,¹⁶⁶ and the CED had existing relationships with champions who are important actors in the ecosystem. Therefore champions from PHILGEPs engaged with programme partners because they recognised the legitimacy and technical expertise of the CSOs would help them comply with domestic laws and implement OGP commitments. They were particularly impressed by Layertech's data science and analysis skills.¹⁶⁷
- **M Managing political transitions:** Partners deliberately developed relationships with groups of middle level managers who do not change post during political transitions.¹⁶⁸
- **N National and international government actors have the capacities, resources and data literacy to implement reforms:** In this context the institutions had the capacities, however

¹⁵⁸ Interview with CED and Ojoconmipisto

¹⁵⁹ OH statements, interviews with OGP, Hivos, CODE-NGO, Layertech

¹⁶⁰ Outcome and contribution fully substantiated, triangulated in interviews with PhilGEPs and OGP during field work

¹⁶¹ Interviews with PM, PhilGEPs and OGP

¹⁶² Interviews with PM, PhilGEPs, Layertech

¹⁶³ Interviews with CODE-NGO

¹⁶⁴ Interviews with Layertech, PhilGEPs and PM

¹⁶⁵ Interviews with CODE-NGO, PM and Phil GEPs champion

¹⁶⁶ Interviews OGP, Stepping up Consulting

¹⁶⁷ Interview PhilGEPs

their approach was too technical and one key champion credited the programme with having alerted them to the “human side” of data and the need to create a demand for it.

- **A legal framework that allows for access to information and disclosure on public contracts is a precondition for OC reforms:** Existing legal frameworks encouraged champions to engage despite the fact that the Access to Information law had not been passed.¹⁶⁹

Other contextual factors that influenced this outcome include:

- **Legal framework:** Despite accusations of “open-washing” by Duterte’s administration, the programme was still able to use existing laws and champions to leverage support for OCDS at the national level.
- **OGP commitments:** Membership in OGP provided additional opportunities for the programme to leverage support for including OC in the national action plan.
- **Mature civil society:** A mature and well networked civil society with capacity to analyse systems made the compilation of the initial report and the continued relationships with champions easier to maintain.
- **ICT infrastructure and capacity:** The Philippines has fairly sophisticated connectivity and many civil servants working at national level have strong IT skills.

Outcome six: Through a combination of relationship brokering, funding, capacity development and mentoring, the programme made a moderate contribution to increased data disclosure and enhanced relationships between business, CSOs and the South Cotabato Provincial Council. This has increased the efficiency of bids, contract implementation and procurement payment systems (LA4, LO1).¹⁷⁰ As a result of Hivos persuading ECCP to join the programme and its subsequent capacity building in open contracting, ECCP was able to integrate OC within its Integrity Circle approach. A pilot test in Muntinlupa that succeeded in encouraging data disclosure generated useful lessons about the importance of also stimulating demand for use.¹⁷¹ When considering possible locations for replication, ECCP chose South Cotabato because it was regarded as a competitive province governed by an openness champion, South Cotabato’s Governor Daisy Fuentes. ECCP already had five years of experience working with Daisy Fuentes, who saw open contracting as a valuable contribution to her integrity agenda.¹⁷² Following a series of meetings and presentations, an MOU was signed between the LGU, the Integrity Circle and ECCP(LAP3, LA4).¹⁷³ This commitment was strengthened further when an application by a planning champion within the South Cotabato LGU to join the OGP subnational programme was approved. It made commitments on public procurement and monitoring which would draw upon open contracting to succeed.¹⁷⁴

When Daisy Fuentes lost re-election in May 2019, those involved in the open contracting initiative convinced the incoming Governor, Reynaldo Tamayo Jr, of the merits of the initiative(LAP3).¹⁷⁵ ECCP’s existing relationship with Tamayo due to his work with their integrity programmes as mayor of a municipality in South Cotabato helped sustain momentum during the transition.

Through the programme, ECCP was introduced to a School of Data Fellow (CDP4). He was assigned to work with the South Cotabato LGU’s Bids and Awards Committee (BAC) and the

¹⁶⁸ Interview CODE NGO

¹⁶⁹ Interview CED <https://webfoundation.org/2017/09/open-washing-flawed-freedom-of-information-in-the-philippines/>

¹⁷⁰ Interviews with ECCP, Hivos, Governor Fuentes, Governor Tamayo, BAC, LGU, CSOs, ECCP learning and activity logs

¹⁷¹ Interview ECCP

¹⁷² Interview Daisy Fuentes

¹⁷³ Interview ECCP, Governor Fuentes, various programme documents

¹⁷⁴ Interview LGU, ECCP

¹⁷⁵ ECCP activity log, interview Governor Tamayo

members of the Integrity Circle to identify what data should be disclosed and to develop a new open contracting portal (LA government capacity development, CDP3). Initially the BAC were reluctant to engage as they were embarrassed about their failed bids. However, gradually they grew in confidence and took more ownership of the process. During the second half of 2019, the BAC team undertook several activities to introduce contractors to platforms and analytics, build trust and request their feedback.¹⁷⁶ ECCP's existing relationships with business made it easy to find willing participants.¹⁷⁷ Experienced in working with a sector where time is money, ECCP made sure events were efficient and that formats prevented local CSO actors from dominating and alienating the business community.¹⁷⁸ They successfully promoted the value proposition that OC would make the LGU more open and efficient. As a result of the user centred design approach employed by the School of Data Fellow, businesses requested a tracking system for invoicing and processing payments, as the LGU's processes were inefficient. In addition, contractors asked for real time information to advise them where their documents are in the process at any given time.¹⁷⁹

During the process of cleaning data and building the system, data analysis revealed that 90% of projects procured by the PGSC experienced negative slippage. This led Governor Tamayo to issue an Executive Order that barred underperforming contractors (with slippages of 15% or more) from new bids for a specified period (LO4). He also made moves to improve payment systems and bid processes.¹⁸⁰

The systems improvements, ordinances and increased access to data by the LGU are having some effects on efficiency.¹⁸¹ They may also be leveling the field for different types of businesses. However we can not be sure since we were unable to access a public portal, speak directly with many of the businesses or review analysis showing the new bidders or contractors.

There is some debate as to whether the project was essential for the Governor's blacklisting order. Given that he is a business analyst and that the data he used to make the decision was disclosed prior to the programme, he might have done his own analysis and issued the blacklisting order anyway. Nonetheless, the general consensus among informants is that he might have got there on his own, but it would have taken much longer in the absence of data and analysis provided by the project.¹⁸² Thus the Hivos programme is judged to be at least 50% responsible for the order and the work on systems improvement that followed from it. This outcome is relevant to several assumptions in the theory of change:

- **Coalitions can be built that consist of different types of actors that can work together to achieve common goals:** Once ECCP understood OC it found it easy to sell the advantage of integrating it in the Integrity Circle, a safe space for government, CSOs and business to come together and discuss issues. In this instance the programme took advantage of an existing coalition with an agenda that aligned.
- **Civil society organisations that work in the field of transparency and accountability will be interested in Open Contracting:** ECCP is an interesting actor because, like other chambers of commerce, it is a CSO representing business interests. Initially ECCP did not see a natural fit between the open governance/contracting agenda and its work. Fear that OC would involve it in government budgeting matters or that its members might perceive OC as biting the hand that fed them put ECCP off. However, eventually Hivos was able to

¹⁷⁶ Interviews with ECCP and School of Data Fellow, LGU

¹⁷⁷ Interview with ECCP

¹⁷⁸ Interview with ECCP

¹⁷⁹ Interview with BAC and Governor Tamayo

¹⁸⁰ Review of Executive Order, interview with Gov. Tamayo, BAC and LGU staff

¹⁸¹ Interview with contractor

¹⁸² Interviews with ECCP, School of Data fellow and BAC

persuade them to join the programme. High transaction costs and challenging learning demands nearly severed the relationship on several occasions.¹⁸³ But in the end they were extremely positive about the relationship and the learning approach.¹⁸⁴

- **Open contracting can be understood as a win-win situation for both government and private actors:** ECCP, supported by Hivos, was successful in selling a value proposition: that OC was a win-win that would encourage trust and make contracting more efficient for both parties.¹⁸⁵ Existing contractors experiencing slow payments were motivated as were potential contractors who stood to have more chance to enter the field.¹⁸⁶ Government was motivated by fewer failed bids and the new governor had a political incentive to deliver more services as this was a commitment in his election campaign.
- **Government champions are needed to move OC from agenda setting to policy change to practice change:** Several different champions who were motivated by different factors helped OC gain traction: the two Governors were motivated by political ambition and a sense of accountability to ordinary citizens;¹⁸⁷ planning staff were motivated by competition between the LGUs;¹⁸⁸ BAC staff who believed the SCODA's assistance would help them do their work were further incentivised by the attention they received following their success. They felt proud when invited to meetings to share their experience.¹⁸⁹ In addition, the local chamber of commerce representative was a champion of openness and integrity.¹⁹⁰
- **Global norms effect:** The programme was able to leverage incentives generated by the OGP commitment to encourage the LGU to adopt OC and data disclosure.¹⁹¹
- **It is possible to sustain change during political transition:** Hivos and ECCP were able to apply lessons from a similar transition in Indonesia to be seen as legitimate by Governor Tamayo. Prior to the election they were careful not to align with Governor Fuentes.¹⁹² Immediately after, they spent considerable effort building relationships with Governor Tamayo. This partly worked because of the ambition and background of the Governor. It may not work if politicians feel at all threatened by technology.
- **National and international government actors have the capacities, resources and data literacy to implement reforms:** The LGU had reasonable capacity supported by the Governor's personal experience. However, success relied on help from SCODA, which in turn created some of the motivation through a non intimidating user centred approach.¹⁹³
- **It is possible to multiply successful experiences:** At the time of the evaluation ECCP was beginning to work on using the evidence from the case in SC to promote the idea among the other 60 LGUs they were working with.¹⁹⁴

The contextual factors that influenced this outcome include:

- **Legal frameworks:** These include space for CSOs to oversee bidding and for monitoring that have not been taken up in the past for lack of data and influence¹⁹⁵
- **Relationships between stakeholders in South Cotabato:** South Cotabato is unusual in as much as relationships between CSOs, business and the LGU are very good. This is attributed to its status in an area that has been declared dangerous yet is significantly safer

¹⁸³ Interviews CED and ECCP

¹⁸⁴ Interviews ECCP

¹⁸⁵ Interviews ECCP

¹⁸⁶ ECCP activity log, interview with School of Data fellow

¹⁸⁷ Interviews with Governors Tamayo and Fuente

¹⁸⁸ Interview with PGSC

¹⁸⁹ Interviews with BAC members

¹⁹⁰ Interview with Integrity Circle Chair

¹⁹¹ Interview with ECCP

¹⁹² Interview with ECCP

¹⁹³ Interviews with SCODA Fellow and BAC members

¹⁹⁴ Interview with ECCP

¹⁹⁵ Interviews with CED and Integrity Circle Chair

than neighbouring areas and thus rapidly competing with Cotabato city for investment and growth.¹⁹⁶

- **OGP commitments:** The Philippines Membership of OGP provided additional opportunities to leverage support for including OC in the national plan and Local Action Plan (LAP)
- **Mature civil society:** CSO actors had a very good understanding of the law and the benefits of their participation in bidding opening and monitoring.¹⁹⁷
- **ICT infrastructure and capacity:** Connectivity in what is quite a remote area in some ways is far from good, but the SCODA Fellow was still able to develop a portal. Even though contractors we spoke to were not yet using it, they were very positive about improvements in contract payment times which they attributed to the new Governor.¹⁹⁸
- **Political competition** influenced the motivations of both governors to engage with integrity circles.¹⁹⁹

Outcome seven: Relationship brokering and capacity development by Hivos enabled tech savvy programme partners to make a significant contribution to the City of Legazpi passing an FOI order with a clause on OC. This has been accompanied by more data disclosure by the LGU and the construction of a data portal which enabled partners to conduct data analysis for business intelligence and research publications (LA4).²⁰⁰ This outcome is discussed at length in the subnational case study. Layertech, the main actor, knew nothing of OC before the start of the programme. As a result of training from Hivos and an existing relationship with the mayor they were able to engage him and obtain political commitment to OCDS (LAP2).²⁰¹ Further efforts to gain the trust of the BAC and persuade them they could help them do their jobs more effectively led to them disclosing some procurement data with Layertech²⁰². However, when PCIJ, another partner mentioned earlier, started publishing stories using contracting data that criticised senior politicians they got cold feet and stopped.²⁰³ Thanks to an intervention from Hivos who brokered relationships with national actors who were able to reassure them that they should disclose data (LAP1), the BAC resumed sharing data with Layertech.²⁰⁴

With technical assistance from the local university, Layertech has been able to clean, analyse and upload data and informatics onto an open portal the company designed.²⁰⁵ Business interest in the portal together with support from Hivos have helped to build the BAC's confidence to implement the new system. Analysis of the data by Layertech has also provided an effective example of how such data can be used for business intelligence which the mayor has used to encourage investment (LAP3).²⁰⁶ In addition, a partnership with a local NGO working on LGBTQI+ HIV AIDS related issues meant Layertech was able to provide them with data that they could use to assess how budgets for services their client group accessed were spent.²⁰⁷ In recent months Layertech has also been able to pivot and perform analysis on procurement related to the Covid pandemic.²⁰⁸

¹⁹⁶ Interviews with local CSO, CED, PGSC

¹⁹⁷ Interviews with local CSOs

¹⁹⁸ Interviews with contractors

¹⁹⁹ Interviews with CED, Governors

²⁰⁰ Interviews with CED, Layertech, learning logs, University of Bicol

²⁰¹ Interview with Layertech

²⁰² Interviews with Hivos PM, Layertech

²⁰³ Interviews with Hivos PM, Layertech, programme documentation

²⁰⁴ Ibid

²⁰⁵ Interviews with Layertech, Bicol University, review of portal <https://www.ocdex.tech/open-data/>

²⁰⁶ Interview with Layertech, <https://www.ocdex.tech/business-intelligence-report-albay-lgus/>

²⁰⁷ Interviews Layertech, Bicol University

²⁰⁸ See examples <https://www.ocdex.tech>
procurement-management-of-the-resources-used-on-testing-covid-19-cases-in-the-bicol-regional-diagnostic-and-reference-laboratory-brdrl

As Layertech, the main actor in this story, had no understanding of government procurement before the programme these outcomes would not have been achieved in its absence.

This outcome is relevant to several assumptions in the theory of change:

- **Ceilings can be built that consist of different types of actors that can work together to achieve common goals:** Layertech considers itself a private sector actor and this motivated them to be interested in OC, as well as helped develop relationships and trust with the LGU and local business.²⁰⁹ With advice and support from the Hivos CED, they were able to sustain these relationships and overcome several challenges. Layertech also managed to use the project to engage local university faculty and students in helping to clean data. They were motivated by the promise of having access to data for research as well as possibilities to enhance their own university procurement systems. Although the project did involve a successful partnership with one CSO, Layertech recognised that more needed to be involved.²¹⁰
- **Open contracting can be understood as a win-win situation for both government and private actors:** Layertech, supported by Hivos, was successful in selling an OC value proposition—that OC is a win-win that would encourage trust and make contracting more efficient for both parties. Existing contractors were interested in having more business intelligence that would improve the competitiveness of their bids. The Mayor was keen to attract investment.²¹¹
- **Government champions are needed to move OC from agenda setting to policy change to practice change:** Several different champions who were motivated by different factors helped OC gain traction. The Mayor supported the project as he was keen for further opportunities to use technology and bring more prizes and investment into the city following the success of his previous relationship with Layertech.²¹² He in turn motivated BAC and other LGU staff to support the project with promises of bonuses if they helped the city win more prizes. Despite these incentives, BAC staff were nervous about disclosing data and Layertech had to convince them of potential advantage. Growing business interest in the project also encouraged the BAC to engage but Layertech learned that a political champion was not sufficient for change and persuading BAC members to be champions was hard.²¹³
- **National and international government actors have the capacities, resources and data literacy to implement reforms:** The LGU did not have the time or resources to disclose and clean the data, so Layertech relied on help from the local university to clean and prepare data for disclosure. This assumption did not hold.
- **CSOs working on issues like health will be interested:** The Local NGO working in LGBTQI+ HIV AIDS issues was interested in finding out more about why they did not get supplies and quality services as well as how to write better tenders.
- **Lobbying and Advocacy will influence international policies:** Layertech's data analytics were seen as groundbreaking and they were invited to share approaches and insights in several international fora though we do not have data on impact.²¹⁴

Contextual factors that influenced outcomes:

- **Legal frameworks:** These include space for CSOs, including those representing business, to oversee bidding processes and to monitor contract implementation. These have not been taken up in the past for lack of data and influence.

²⁰⁹ Interview with Layertech

²¹⁰ Layertech Capacity Self Assessment

²¹¹ Interview Layertech, Layertech activity logs

²¹² Interview Layertech, previous knowledge of the relationship between Layertech and the Mayor under the Making All Voices Count Programme

²¹³ Layertech learning logs, interviews Layertech and CED

²¹⁴ Interviews Layertech, PhilGEPs

- **Relationships between stakeholders:** Existing relationships between Layertech and the Mayor enabled the programme.
- **Mature civil society:** Gayon was a small local NGO but able to engage with sophisticated analysis because of the overall maturity of civil society in the Philippines.
- **University town:** Accessibility of the university and its interest helped achieve the outcome.
- **Political competition:** This influenced the nature of political support.²¹⁵

Outcome eight: Through brokering relationships with trusted local intermediaries, the programme made a significant contribution to knowledge and confidence of Indigenous Peoples Development Organisations (IPDOs) to engage mining companies on royalty rights as well as to network with others in order to advocate on EITI (LO3, LA Inclusion). This case is discussed further below and in the case study on inclusion. Following training by the programme on data visualisation (CD1), Bantay Kita wanted to engage indigenous mining communities who have been long excluded from discussions about their legal rights related to mining companies (LAP inclusion).²¹⁶ However, their initial attempts to build relationships failed as the IPDOs were wary of them.²¹⁷ Bantay Kita thus decided to collaborate with a local university to build the IPDO's trust as well as to provide infomediation services. Following training from Bantay Kita, the university engaged the IPDO leaders in efforts to co-create information products concerning IP rights with respect to mining laws that were easily accessible, at least for community leaders (LAP1).²¹⁸ When the information products were released they triggered deliberations and debate among the IPDOs, Bantay Kita and local partners concerning discrepancies between what the IPDO was told it was entitled to and actual receipts. This resulted in IPDO demands to engage with the mining company and inquire as to the reasons for these differences.²¹⁹ Through engagement with the mining company supported by Palawan State University, they discovered that tax was being withheld on royalty payments (LAP 3). As a result of this the IPDO requested that the National Commission on Indigenous Peoples (NCIP) advocate for the law to be changed on their behalf (LAP2). These interactions further stimulated the empowered IPDOs to want to join with other IP communities, and CSO members of Bantay Kita to advocate on issues related to the EITI. (Note: It was not the data and visualisations that triggered the change, but the deliberations around them.)²²⁰

No one else was engaging IPDOs on these issues at the time and they would not have been introduced to the data and laws which triggered their interest and discussions with the mining company in the absence of the programme's funding and technical support.

This outcome is relevant to several assumptions in the theory of change:

- **C Coalitions can be built that consist of different types of actors that can work together to achieve common goals:** Bantay Kita successfully engaged the local university and IPDOs in activities to use evidence to advocate for their rights. This even extended to the IPDO's interest in joining the EITI coalition. One reason for the success was the charismatic staff member who motivated both the university and IPDO to engage in a relationship with Bantay Kita.²²¹
- **It is possible to build trust with marginalised groups.** Bantay Kita found this difficult. It was only when they collaborated with a respected academic institution and got a particularly charismatic staffer to make overtures to the IPDO that they were successful.²²²

²¹⁵ Interview Layertech

²¹⁶ Interviews current and former Bantay Kita staff

²¹⁷ Interviews Bantay Kita, Bataraza IPDO

²¹⁸ Interviews Bantay Kita, IPDOs, Palawan State University

²¹⁹ Interviews current and former Bantay Kita staff, IPDOs BK narrative reports

²²⁰ Interviews with IPDOs, Bantay Kita staff

²²¹ Interviews with IPDOs, Bantay Kita staff

- **People/beneficiaries will act on issues they care about, once they have relevant information to make informed decisions:** The IPDO leaders were keen to engage once they realised that they may not have been receiving what was due to them. However, there were doubts as to whether this information was reaching ordinary community members.²²³
- **Lack of knowledge, resources, skills and networks are the main obstacles for infomediaries to be effective advocates, monitoring and reporters for and on the basis of Open Contracting Data, and in influencing the policies and practices:** Equipped with knowledge, skills and networks the IPDO was able to act, however Bantay Kita staff reflected that their initial approach was too technical. It inadequately reflected the political nature of data and how its use and understanding is informed by power relations.²²⁴

Contextual factors that influenced this outcome:

- **Legal frameworks:** Legal frameworks for IPDOs exist, but they are not known about or implemented. Raising awareness of these frameworks for IPDOs could make claims was one of the main motivations for this project
- **University town:** Accessibility of the university and its interest in the topic helped achieve the outcome

4. SUSTAINABILITY OF THE OUTCOMES, CAPACITIES AND ECOSYSTEMS

Hivos made sustainability a central feature of the Open Up Contracting strategy and has devoted considerable time and effort to make outcomes in policy and practice and changes in capacities sustainable. Evidence shows that outcomes and capacities to continue to build and influence the OC ecosystems for OC in Kenya and the Philippines are likely to be sustained. In Guatemala, outcomes and individual capacities will be sustained but the ability of partners to sustain and further strengthen the ecosystem for OC is in doubt; there is some possibility in Indonesia and Bolivia, but the sustainability of gains is less certain in the other African countries partly due to a less favourable context and the shifting incentives for both media actors and CSOs.²²⁵

This section presents evidence of potentially sustainable outcomes to which the programme has contributed. It also explores if and how the capacities developed are likely to be sustained and used once the programme finishes. In addition, we look at whether the capacities and relationships can be sustained to further strengthen wider OC ecosystems. Finally, we reflect on the sustainability of the portals and digital solutions developed while aware that another process is happening in parallel looking in-depth into this.

5. FOCUS COUNTRIES

a) Philippines

OC will remain a priority for the Philippines at the national level due to the Philippines Government integrating an OCDS commitment in the country's most recent OGP action plan. Thanks to the programme, PhilGEPs, the national agency responsible for disclosing OC data is aware of the need to stimulate demand by making the data system more 'humane'.²²⁶

²²² Interviews with IPDO staff

²²³ Interviews with Bantay Kita staff, IPDO.

²²⁴ Interviews with Bantay Kita staff

²²⁵ NOTE: In our inception report we planned to co-create with partners a rubric of sustainability in the three focus countries suitable to country context. However, the circumstances made this discussion only possible in the Philippines. We therefore made the decision to deviate from creating a rubric and rather presenting evidence showing how sustainability is likely to play out in each country.

Hivos's success in ensuring three programme partners were written into the OGP action plan as co-commitment holders should support PhilGEPS in its efforts to meet this need and increase the use of data it releases.²²⁷

PCIJ has established a network for the journalists and CSOs it has trained as a sustainability strategy.²²⁸ We have no data on whether this is currently active or not.

Ordinances, the reported enthusiasm of business and LGU staff through a political transition plus efforts to drum up demand for data from local universities²²⁹ all bode well for the sustainability of the programme's achievements in South Cotabato.²³⁰ Similar factors should also encourage the sustainability of enhancements to data and procurement systems in Legazpi, though they are not as strong. Recent news that South Cotabato is migrating its data to a new platform and that the BAC committee are keen to train staff to input data on Covid-19 procurement for a research project suggests that the LGU is financially committed to maintaining the system.²³¹ This is unsurprising given the recognition it has received, and ECCP's plans to showcase South Cotabato's achievements with 60 competitive LGUs that are primed to replicate its approach.

Layertech's decision to make the open data portal in Legazpi jointly owned is an interesting approach to sustainability. However we have some concerns that much of the data input and analysis is still dependent on one individual.²³²

Bantay Kita does not have an ongoing presence in Palawan. Yet, the enthusiasm of the IP communities for engaging in EITI advocacy networks should ensure they have continued access to intermediaries who will help them make accountability demands. That said, the weakness of the National Commission on Indigenous Peoples remains a potential barrier to their efforts to secure their rights.

The baseline capacity of partners in the Philippines was high as all partners with the exception of Layertech had advocacy capacity and were politically savvy on how to navigate the local and national ecosystem. What they mainly gained from the programme was an understanding of open contracting and relationships which they should be able to sustain²³³. Layertech in particular benefited from opportunities to network and build relationships that they will continue to use in the OC space. Also deserving mention is the personal learning reported by some Bantay Kita staff following their work with IP communities. As a result of reflections on the weaknesses of their overly technical approach, they had developed a deep understanding of how power relationships mediate data. These experiences were so profound that they are likely to have a lasting impact on the individuals concerned²³⁴.

In the Philippines it was particularly evident that the growth of partners' capacities to play an active part and influence the OC ecosystem in the country is likely to be sustained once the Open Up Contracting programme finishes. Partners recognised the value of partnering with others that held complementary skills in order to strengthen their individual projects but simultaneously contributed to wider changes as exemplified by the partnership between

²²⁶ Interview with PhilGEPS

²²⁷ Interviews with Hivos PM, Layertech, Philippines OGP Action Plan

²²⁸ Philippines partner reflections

²²⁹ In Legazpi and South Cotabato the open contracting initiatives have been exploring partnerships and built incentives for students to make use of the data in their research and gain academic credit.

²³⁰ Interviews with Hivos, SC Govenors, ECCP, LGU BAC, review of documents including ordinances.

²³¹ Interview with ECCP

²³² Interviews Layertech, university staff, ACCI

²³³ See evidence relating to question 2 in Annex 1

²³⁴ Interviews with current and former Bantay Kita staff

ECCP and Layertech. Intermediaries, such as Bantay Kita and PCIJ, contributed to capacity building of other actors in the ecosystem; both broadening the scope of the OC ecosystem to ‘unusual suspects’ such as indigenous peoples, universities, and the largest coalition of development NGOs in the Philippines. The fact that the coalition spread far both horizontally and vertically indicates that the OC agenda has gained sufficient traction and attention by a variety of actors that will keep moving it forward.

b) Guatemala

Our evidence indicates that outcomes in Guatemala are likely to be sustainable. The progress made by the Ministry of Finance to adjust its contracting portal to meet the OCDS was substantial, and nearly achieved if it had not been for political and programme challenges in 2019.²³⁵ The CED took a step-by-step relationship building process with a ministry committee; they held monthly meetings that allowed for continuity and building trust; these were complemented by technical skills training sessions through a mentor twice a year. Still, the partnership and its outcomes survived the country’s largest corruption scandal of its history and a presidential election that led to a change in government; clearly a sign of sustainability. The advocacy outcomes achieved by ITPC LATCA regarding antiretroviral drug prices and related budget allocations are likely to be consolidated in 2020. The release of the global patents for key active substances in early 2020 and the identification of a new legislative champion to support their efforts signal this.²³⁶

The outcomes of media partners are also likely to be sustained. Ojoconmipisto’s approach to municipal accountability through the strategic use of access to information and open contracting data will continue at the centre of its operations and the investigative journalistic work of Plaza Publica keeps showing its strengths.

Most Guatemala partners had certain knowledge on the use of transparency and access to information opportunities and L&A; triangulation showed that capacities related to the technicalities of manipulating open contracting data, programme design, strategic planning and foresight were strengthened with the mentorship approach.²³⁷ Partners were able to use these strategic and technical skills to adapt their work to the needs emerging from the Covid-19 crisis; a clear sign of sustainability of these capacities.²³⁸

In Guatemala the programme did not manage to grow its influence on the ecosystem horizontally and vertically as was the case in the Philippines and Kenya. A strategic decision was made by the CED to consolidate efforts to influence the ecosystem by working with partners based in the capital city and who already had recognition and legitimacy for their evidence-based work.²³⁹ Sprints were used by the three long standing partners Plaza Publica, Ojoconmipisto and ITPC-LATCA to reflect, learn and occasionally plan joint actions capitalising on their strengths. Despite this, the interviews revealed that there were no plans for the media actors and ITPC LATCA to continue joint work once the programme finishes and further that none of these partners are taking up the work with the Ministry of Finance on the OCDS led by Hivos. They also revealed that media actors and Dialogos, the think tank who joined as a programme partner in 2019, were more likely to keep collaborating to advance OC due to professional connections that predated the programme.²⁴⁰ The limited size and homogeneity of this network indicates that in Guatemala the likelihood of a group that is able to sustain its influence in building and supporting a larger OC ecosystem is low.

²³⁵ Interview with CED and mentor

²³⁶ Interview with ITPC LATCA and reporting

²³⁷ Interviews Ojoconmipisto, Plaza Publica, ITPC LATCA, and all regional mentors interviews

²³⁸ <https://www.hivos.org/story/the-crucial-role-of-open-contracting-in-the-covid-19-crisis/>

²³⁹ Interviews CED

²⁴⁰ Interviews with partners and mentor the Agency

c) Kenya

There are signals that there will continue to be space to continue to make progress on open contracting reforms in Kenya, including the Executive Order and OGP NAP commitments on open contracting, coupled with the Kenyan Government's ongoing commitment to OGP as demonstrated by the Deputy President's election to the OGP Steering Committee. The new OGP NAP will focus on the capacity to do open contracting including OCDS and on scaling this up within Kenya. However, limited political will at national level suggest these changes are more likely to advance at county level.²⁴¹ The work done with county governments has possibilities to be sustained but significant challenges exist.

In Makueni County the partnership with Hivos, Development Gateway, School of Data and Uraia has strengthened and the authorities confirm their commitment to OC. In Elgeyo-Marakwet the authorities are proactive in moving forward their OGP commitment in relation to the AGPO in partnership with TISA. But reforms such as OC face significant risk from political transitions, particularly if the reforms have not been enshrined in law; for this reason, in Makueni County, the programme has worked with a legal drafter to draft a policy document to be considered.²⁴² The intention is that this would be in place before the incumbent governor transitions out in 2022, but it also has to go to the Executive and the Assembly. It is difficult to assess at this stage how issues will unfold but the fact that both counties have joined Hivos's LOCI initiative²⁴³ signals potential for commitment and sustainability.

Partners in Kenya all reported that the programme had increased their understanding of OC issues and that they had been able to apply this in their projects. Many are intending to make open contracting a focus in future work. This points to sustainability in capacities.

In Kenya, similar to the Philippines, the Hivos country team was able to use their contextual knowledge, networks, relationships and political savvy to build a coherent network of government and non-governmental actors contributing different expertise, knowledge, relationships and political weight to advance OC reforms and influence the wider ecosystem. Interviews indicated a particular interest to continue advancing OC from actors working at the grassroots level, such as TISA and URAIA, and from county-level authorities that are also connected through regional networks.²⁴⁴ Similar to the outcomes, it is likely that the coalition with potential to influence the wider ecosystem for OC in Kenya will be sustained mainly at county level in Makueni and Elgeyo Marakwet where the OUC programme has been able to build the legitimacy and trust of the range of different actors involved.

d) Other countries

Bolivia

The outcomes reached with La Paz municipality driven by Hivos and supported by partner MIGA show clear signs of sustainability. Alongside the Complementary School Feeding Unit, the National Nutrition Council, and the cooperation agency Swisscontact, MIGA is part of a committee formed after the Workshop on School Meals with municipalities (Jornadas Municipales de la Alimentación Escolar) for coordinating action to incentivise opening up contracting data in more municipalities. La Paz municipality signed in June 2020 an MOU to continue working with Hivos on setting-up a portal containing open contracting data with more emphasis on infrastructure; they have already opened a subdomain in the municipality's website <http://dlc.lapaz.bo/>. Construir Foundation has an organisational model centred on long-term processes of citizen empowerment and local actors' ownership which paves the way for sustainability. They will continue producing research on school meals procurement to share with municipalities. A

²⁴¹ Interview with OGP Point of Contact

²⁴² Interviews with Kenya CED, Makueni County Government Official

²⁴³ <https://openupcontracting.wbbclient.com/africa/>

²⁴⁴ Interviews with TISA, URAIA, Makueni County Government Officials

challenge noted by all will be securing funding to do so under the uncertain political climate and the effects of the Covid-19 pandemic. Also, municipal elections in 2021 will bring uncertainty about the political agendas of incoming authorities.

Partners had good L&A skills but there is strong evidence that multiple technical capacities were developed by the programme. The university diploma on Open Data/Contracting conducted in partnership with CESU is regarded as the most effective approach to capacity building out of the different modalities explored due to its 5 month duration and applicability to multiple sectors. The diploma convened staff from partner organisations, CSO professionals, digital natives,²⁴⁵ journalists, and even strategic government actors; one who has gone back to her institution and started to champion these concepts indicating sustainability of the capacities learnt.

A capacity development review by Hivos²⁴⁶ recognised that technical data analysis skills are highly competitive, so there is a risk that individuals trained will be able to find higher paying jobs and thus leave the sector. To mitigate this risk the programme undertook comprehensive research on how to build organisational capacities rather than capacities at an individual level. During further sustainability conversations, programme management and partners can define strategies for fostering synergies among these now tech savvy professionals so the capacities developed by the OC project are sustainable.

Interestingly, despite the diploma bringing together multiple actors to develop technical skills on OC, the OC ecosystem in Bolivia is likely to be sustained through separate paths. In interviews, partners MIGA and Construir Foundation were not able to identify further avenues of collaboration. However, the CED noted that each of them have introduced open data and contracting to their own pre-existing networks to keep advancing advocacy for urgently needed transparency and access to information reforms. MIGA will keep advancing the open data agenda for food security through its alliances with national and regional institutions and digital independent media; while Construir Foundation has positioned OC within its network of Human Rights CSOs, incentivising the development of new legally grounded actions.²⁴⁷

Indonesia

The evidence gathered for this evaluation about Indonesia is weak; even more so regarding sustainability of the outcomes. With certain confidence we can say that the Indonesia Corruption Watch's (ICW) strategy of building horizontal and vertical relationships for monitoring contracting data to analyse cases of corruption will continue after the OC project ends. Data monitoring and publication through its portal OpenTender.net²⁴⁸ is core to ICW's work, and increasingly local-level journalists and CSOs are approaching ICW for capacity and relationship-building to use its model. The work of the partners co-sponsored by the EU SPEAK programme will continue for a while, but we cannot comment on further sustainability of their actions. Current closing of civic space heralds a more restrictive context for advancing OGP commitments at both national and subnational level. Coupled with concerns over the commitment of the government at different levels to OGP²⁴⁹ these factors may hinder the possibilities for sustainability of some of the programme's outcomes (more in Q13).²⁵⁰

²⁴⁵ Definition: a person born or brought up during the age of digital technology and so familiar with computers and the Internet from an early age. Source: dictionary.com

²⁴⁶ Capacity Development in SP-OC

²⁴⁷ Clarification from CED

²⁴⁹ Unsubstantiated outcomes

²⁴⁹ Interview with OGP Support Unit

²⁵⁰ Interview with OGP Support Unit

In Indonesia, capacity development of partners' focused mainly on research rigour to improve the evidence used for L&A with governments.²⁵¹ Partners Pattiro Semarang and Bojonegoro Institute specifically received training on gender-sensitive budgeting. The 'train the trainers' model was encouraged to avoid the concentration of skills in one or two members of the organisation and in that way make capacities sustainable. However, from the evidence collected it is impossible to determine if this will be the case. Similarly, it is not possible to comment further on the sustainability²⁵² of coalition efforts to influence the wider OC ecosystem in Indonesia; partly because the activities of the first set of partners at national level differ greatly from the work done by later partners at sub-district level and to our knowledge there have not been synergies among the various actors, and partly because of the political context becoming more difficult and closed.

Tanzania and Malawi

In Tanzania the enabling environment for open contracting was low at baseline. The programme experienced a slow start with inadequate follow up for some initiatives, such as the publication of articles by the journalists supported by TMF²⁵³ indicating that those outcomes may not be sustained. One possible avenue of sustainability comes from HakiRasimali who have support from large INGOs and other donors to keep working around transparency of extractives as they are a member of Tanzania's EITI multi-stakeholder group but this is rather sectorally focused.²⁵⁴ The strongest evidence for sustainability comes from partner Wajibu, as the organisation's five strategic objectives for the 2017-2021 period centre on anti-corruption, transparency and accountability on public budgeting and procurement. Further, they influenced the recent government's order indicating that all procurement entities are to join the e-procurement system by June 2020.²⁵⁵

In Malawi, outcomes were limited, disconnected from each other and seemingly one-off wins for certain partners. This was partly due to funding delays that undermined plans for collaborative work around the 2019 election.²⁵⁶ Despite the Public Procurement and Disposal of Assets being in place for a couple of years, it was only recently, following an East Africa meeting where staff saw the OC work of neighbouring countries, that they asked Hivos support for implementation, signalling that they need funds to continue this work.²⁵⁷ Yoneco also raised concerns that community members may find it difficult to sustain demands on local government without their accompaniment.²⁵⁸

In Malawi and Tanzania we spoke to partners who reported that training supported by Hivos and the relationships it brokered enhanced their advocacy skills, contributing to some of their activities. However, in both instances we are doubtful that technical skills and relationships will be sustained at the end of the programme without a project that funds activities. In Tanzania, as explained by the CED, advocacy for increased transparency of extractive industries is a top priority for CSOs in Tanzania, so an ecosystem focused broadly on OC did not provide the most appropriate means for consolidation.²⁵⁹ In Malawi, where the starting point in relation to OC was really low, growing and building the capacity of the wider OC ecosystem also appears challenging.

²⁵¹ Interview with CED

²⁵² Clarification with CED

²⁵³ Interview with partners and analysis of partner reports

²⁵⁴ Analysis of context and Interview with HakiRasimali

²⁵⁵ Clarification CED and Interview with Wajibu

²⁵⁶ Interview with Engine Room, Hivos PM

²⁵⁷ Interview with CED

²⁵⁸ Interview with Yoneco

²⁵⁹ Clarification CED during webinar

6. SUSTAINABILITY OF PORTALS AND OTHER TECH-BASED SOLUTIONS

The programme has supported governments and civil society organisations to develop or modify existing procurement systems to disclose contracting and beneficial ownership data in different levels of government in a number of different countries. The evaluation team has not had the time to problematize and explore the different models and potential sustainability issues associated with each of these initiatives. The programme management team will be exploring this important issue in its ongoing future sustainability process. This is vital in light of broader evidence from the field that indicates many portals established with support from donor funding have poor longevity unless they are integrated within government systems and achieve appropriate budget support.²⁶⁰

7. RELEVANCE OF THE OUTCOMES

Irrelevant:	Slightly relevant:	Mostly relevant:	Very relevant:
Changes in context mean that the goal and activities are no longer relevant.	The goal and programme activities remain relevant to government and CSO stakeholders. But overall there is doubt whether some key activities and outputs are the right ones to engage business and citizens in support of greater contract transparency and accountability to achieve the goal: better quality services for ordinary and marginalised groups.	Overall the activities pursued and the transparency and infomediation outcomes were relevant to government, CSO private sector, and citizens. However they failed to engage key stakeholders, e.g business and citizens in some contexts. Hence it is impossible to conclude whether ultimately they were the most relevant ways to achieve the goal: better quality services by ordinary and marginalised people.	The goal of improved services all of the activities pursued were relevant to different stakeholders and evidence suggests the outputs are likely to achieve expected outcomes and goal: access to better quality services by ordinary and marginalised people.



Headline finding: Most of the Open Up Contracting programme's activities, outcomes and goals remain relevant according to criteria in the rubric above.

In this section we briefly consider the relevance of the programme according to OECD DAC criteria that focus on a) the relevance of the goals and b) the relevance of activities and outputs to the achievement of the goals. This analysis is elaborated in later discussions of the theory of change that looks whether causal assumptions about outputs leading to outcomes hold or not, in other words whether the programme was 'doing the right things'.

The goal of improved public services and infrastructure through open contracting remains relevant to key stakeholders. This was the view of politicians, civil servants, media actors, academics, and members of the international development community operating at the global level we interviewed during the evaluation.²⁶¹ Their views are not surprising. Many

²⁶⁰ <https://civictech.guide/graveyard/>

of the focus countries spend large amounts of GDP on public procurement processes that are undermined by corruption or poor commissioning. The relevance of open contracting has become even more apparent during the Covid-19 pandemic when stories of corruption in the procurement of equipment and drugs have sent shock waves around the world.²⁶²

Actors at the global level, including the B Team and the Open Contracting Partnership commented on the particular relevance of Hivos's approach which has helped to get CSO involvement and inclusion on the international open contracting agenda. The lack of inclusion, mainly in relation to gender, within the open governance field became widely recognised and started to be acted upon only in 2018. Consequently, the bar for inclusion of women and other marginalised populations is low in the OC field. The actions taken by the programme at regional and global levels (seen in the GEDI section), including the research commissioned on citizen participation and inclusion in contracting, were indeed relevant to raise the importance of GEDI in key international policymaking spaces and networks.

The ecosystems approach adopted by the programme was relevant to intermediaries and government champions. Programme staff, partner intermediaries and government actors engaged in coalitions that enabled them to reach agreements to progress the OC agenda in support of the medium and long term outcomes mentioned earlier:

- Agenda setting and policy influence at international and regional level in all three regions (LA2)
- Agenda setting, policies and changed practice for more disclosure at national and subnational level in the three focus countries (LA4)
- The establishment or implementation of oversight mechanisms at national and subnational levels (LA5)

The programme found it hard to establish its relevance for the business community in most contexts other than the Philippines. This was partly because programme staff and civil society actors did not perceive business actors to be appropriate partners in some countries or struggled to find effective ways to engage.

Programme staff and partners implemented less activities and or achieved less immediate outcomes that were relevant to LA1: international organisations adopting open contracting in their own procedures. We did not establish the reasons for this.

Despite considerable effort, the programme found it difficult to achieve relevance with different Dutch ministries. Consequently, it made little progress in LA3: influencing and encouraging the Dutch Government to adopt and promote open contracting.

Most medium term outcomes were relevant for the achievement of long term outcomes, but the programme had not progressed far enough to demonstrate proof of concept, that the approach was the right one to achieve the overall goal. The implementation of information disclosure policies (LO1) resulting from commitments to disclose information (LA4) led to infomediaries in Guatemala, the Philippines and Kenya having increased access to information that they found relevant. They were able to use it for feedback to government (LO3) and for stories on public contracting. This relevance was further demonstrated by several instances of oversight actors holding decision makers to account (LO4).

We found fewer activities and outcomes that appeared relevant for influencing governments to consult non state actors—particularly citizens in planning, procurement and monitoring (LO2). This is partly because in contexts where existing spaces were not used due to a lack of

²⁶¹ For example, politicians, civil society actors, contractors, local government administrators, and global actors such the Global Open Contracting Partnership

²⁶² See a recent report by Transparency International who are advocating open contracting as a response <https://www.transparency.org/covid-19-has-created-conditions-which-corruption-health-procurement-can-flourish-heres-how-open>

information, for example in the Philippines²⁶³ and Kenya, disclosure was chosen as the most relevant priority at the start. Following the shift to an ecosystems approach in 2018 the programme tried to find tactics that would be more relevant and engage citizens, particularly marginalised groups, for example in Guatemala and some of the non-focus countries, such as Indonesia.

The relevance of the programme for these women and other marginalised groups was mixed. Initiatives were more relevant in those cases where a process of co-design took place (Bantay Kita) or the needs of existent vulnerable populations were taken into account for their development (Pattiro Semarang and IDEA in Indonesia, Uraia and TISA in Kenya, ITPC LATCA in Guatemala). Evidence indicates that projects that were mainly centred on data disclosure and transparency, even when there were some efforts to raise awareness, were seen as less relevant or rather disconnected from the realities of marginalised groups

In addition, the programme assumed that some of the media work that exposed corruption would trigger citizen action. In many cases it was difficult or too early to assess whether these were the right activities to advance citizen engagement that would lead to feedback and improvements to public services. Despite this, possible issues emerging from a focus on transparency and information are discussed in the section on assumptions that delves deeper into why the programme contributed more to some outcomes than others and the implications of this.

One example that did prove relevant to and trigger the participation of marginalised groups was the work on extractives with IPDOs in the Philippines. While this is clearly an example of a sectoral approach that aligned with their interests, we have some questions about whether a focus on extractives licensing is highly relevant to a programme that aims to shift state contracting behavior as a means to enhance accountability and improve the quality of public services.

8. THEMATIC AREAS

In this section we explore a number of thematic areas of particular interest to the Dutch Ministry of Foreign Affairs to feed into the overarching evaluation of the Citizen Agency Consortium Evaluation. These thematic areas include: Inclusion; environment and climate change; citizen agency; and the dilemma between dialogue/insider and dissent/outsider tactics to change.

a) Inclusion

Gender Equality and Diversity Inclusion (GEDI) considerations hardly featured in the initial programme design and early stages of implementation; this meant that most outcomes are not inclusive of marginalised groups, as this was never the initial intention. At regional and global levels there is evidence that Hivos advanced GEDI debates in the wider OC field. At local level, some of the most recent partners' initiatives represent valuable efforts on inclusion but the timeframe of implementation was too short to yield concrete outcomes.

This section examines how elements of Gender Equality and Diversity Inclusion (GEDI) were considered by Hivos and partners throughout the programme implementation. First, we present the approach to GEDI that the programme took from its initial design and how this evolved. Then we identify capacity development elements linked to GEDI. Finally we present

²⁶³ In the Philippines, there are already existing laws that mandate the government to consult non-state actors in the planning and budgeting processes (Local Government Code of 1991 - Republic Act 7160). Likewise, under the Government Procurement Reform Act of 2003 - Republic Act 9184), civil society representatives are invited as procurement observers.

a summary of the main contributions to GEDI from partners (presented in full in the case study).

Despite the programme having specific mention of inclusivity in its theory of change and outcomes²⁶⁴, no pathways were identified to operationalise this. Considerations of GEDI played no role in partner selection or initial capacity development plans 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. Most of these initial partners were politically savvy organisations which undertook power analysis at country and project level. Yet, as further explored in the case study on inclusion, conducting political economy and power analysis did not translate into more inclusive initiatives; only one partner in the Philippines shifted significantly its approach for it to be relevant to a marginalised population.

In late 2017, when a shift to an ecosystems approach was agreed, partners and Hivos staff also decided to make aspects of gender and inclusion more explicit within projects or as part of specific lobbying and advocacy targets. In 2018, the development and launch of Hivos GEDI strategy—which among other aspects called for a more integrated/holistic approach to improve inclusivity of all Hivos programmes—was seen by country staff as useful for guiding their own and partners' projects.²⁶⁵ The degree to which this strategy was followed varied across countries, as some CEDs had more favourable conditions and opportunities to do so. At the end of 2018, when the final revision of the programme's ToC occurred, the management team identified inclusion as an area where improvements were needed in order to make progress toward the ToC goals. Particularly in Africa and Indonesia, this translated in more partners working alongside marginalised populations.²⁶⁶

At global level, the programme played an important role in raising the importance of gender inclusion in government contracting and procurement processes, i.e., agenda setting. This started during the 2017 Sustainable Development Goals High-level Political Forum with a side-event co-organised with influential economic justice and gender networks on open contracting.^{267 268} Further global advocacy by Hivos culminated in 2018 when the United Nations CSW62 retained, refined and published a paragraph calling for increase of trade and public procurement from rural women and benefits for rural women from public and private sector procurement processes. This is highly relevant for gender inclusion in OC as that paragraph provides a global leverage for women's organisations and movements across the globe to demand local policies, laws, mechanisms, and resources to make this commitment real. The 2018 OGP Global Summit greatly emphasised gender and inclusion, albeit in a binary way, spreading this debate widely across the sector. The Global PM built on this to make the case for the importance of GEDI responsive public procurement reforms at the Ottawa OGP summit pre-day in May 2019. Overall, gender and inclusion were at the centre stage of this summit; Hivos and partners spoke or convened three panels on inclusion and two on participation.²⁶⁹ Without a post-event scoping with participants it is hard to gauge the

²⁶⁴ SP OC ToC Overview

²⁶⁵ Hivos (2018), [Hivos Gender Equality and Diversity Inclusion Strategy](#) 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 DMEI staff to take concrete actions for advancing the strategy such as integration into planning, budget allocation, and creation of monitoring frameworks.

²⁶⁶ Correspondence with Global PM

²⁶⁷ Blog by Muchai, S. (2017) [Advancing opportunities for Women to transform their economies with Open Contracting](#))

²⁶⁸ Actors involved included: Hivos, Tax Justice Affairs, Africa Women's Development and Communication Network (FEMNET), Centre for Economic and Social Rights, Instituto de Estudios Socioeconómicos (INESC) and Latin America Network on Debt and Development (LATINDAD)

²⁶⁹ Notably, the panel "Beyond Inclusion! From Inclusivity to Responsiveness in Public Procurement to Empower Women, Youth, and Underrepresented Communities" brought to this global audience the experiences of partners in Guatemala, Kenya, Indonesia and Philippines who have been working to include concerns of diverse marginalised groups in open contracting. [Agenda OGP Global Summit Ottawa 2019](#)

impact of these events but they have contributed to the visibility of GEDI issues in the wider open governance field.²⁷⁰

At regional level, L&A using the Africa Women's Advocacy position led to the adoption of Call to Action number 10 on procurement quotas for women in rural areas and the inclusion of women-owned businesses, as part of the Africa Position by the Ministers of the African Union adopted on 23 February 2018. In Latin America, Hivos played a key role in bringing elements of GEDI to the Open Data annual government-led ConDatos and civil society-led Abrelatam conferences. In 2018, two LGBTQI+ leaders from Guatemala were invited by Hivos in an effort to disrupt and make these spaces more inclusive; one of them decried the lack of even gender diversity among the panelists. A year later, Hivos sponsored partners and staff to participate in panels on open data and human rights; ethical ways of dealing with sensitive data; and contracting and inclusion. The presentation by the transgender leader called on the audience to question the connection of open data initiatives to marginalised groups' problems and the lack of visibility of LGBTQI+ and other minorities when they are not counted in official government data sets.²⁷¹

Several pieces of research were commissioned related to citizen participation and inclusion in open contracting; some were regional in scope while others global, but most were not focused on OC implementing countries.²⁷² It is not within the scope of this evaluation to look at the wider impact of this research but we could not find clear links between findings and programme planning as final drafts of these research reports were only submitted in late 2019-2020. However, one study was particularly relevant to drafting the Marginalised Groups case study of this evaluation and its correspondent launch webinar conducted in Spring 2020 was successful in convening influential actors from all regions. This signals a growing importance of GEDI in the OC field within the current global closing civic space context.

Capacity development

As mentioned earlier, the programme management at global level did not bind partners to consider GEDI in their projects. Each partner had the decision making power to integrate inclusion elements within their projects by identifying and exploring suitable entry points in their contexts. However, in a capacity development review it was explicitly recommended²⁷⁴ that for 2019-20 partners and Hivos staff attend training on people centred advocacy using the Open Contracting Advocacy Toolkit.²⁷⁵ This resource has a strong power analysis component and provides questions for reflecting on issues of causes of exclusion of particular populations, identification of decision making spaces closed to women or others, avenues for marginalised people to actively advocate, integration of GEDI in M&E, among others (p. 32). This recommendation points to an identified need for more awareness and alignment on these issues **in order to amplify the voices of citizens and the more marginalised, not to speak on their behalf;** but this guidance came too late in the programme's implementation.

Due to different circumstances, some partners did benefit from specific capacity building opportunities on GEDI. The East Africa regional office organised further training on L&A which included a focus on GEDI; including challenging stereotypes and understanding differences between gender inclusion, equity and transformation.²⁷⁶ In early 2019, Indonesian partners Pattiyo Semarang and Bojonegoro Institute participated in a training on gender

²⁷⁰ Evaluation of Open Government Partnership (OGP) Events, Duncan Edwards and Charlotte Ørnemark. 2020.

²⁷¹ Interview with Otrans director

²⁷² Step Up Consulting, ILDA, Oxford Insights

²⁷³ Clarification from Global PM and evidenced backed up by global ToC

²⁷⁴ Capacity Development in SP-OC

²⁷⁵ Hivos (2109) Towards transparency & accountability in public contracting processes through people-centered and evidence-based advocacy - A Guide.

²⁷⁶ Clarification by CED in Kenya

responsive and participatory budgeting as part of the activities of the EU co-funded programme: Strengthening Public services through the empowerment of women-led advocacy and audit networks (SPEAK).²⁷⁷ Further, the country office planned a training for early 2020 on Hivos organisational GEDI Strategy for all partners in Indonesia;²⁷⁸ unfortunately, this plan was cancelled due to the Covid-19 pandemic. Other partners may have been developing a greater understanding of GEDI issues as a result of experiential learning during implementation. For example, Bantay Kita staff who encountered complicated power dynamics within indigenous communities were undertaking their own reflections on how data use was influenced by technical and social power dynamics.²⁷⁹ Whereas ITPC LATCA recognised that mentoring and training from the programme made their L&A actions inclusive of other chronically ill patient groups fighting for the reduction of drug prices.

Approaches to GEDI

The absence of GEDI indicators in the programme ToC and the diversity of the partners involved (see Table 1), derived in different approaches to GEDI. The initial partners were mainly capital-based CSOs and media actors with established capacities, legitimacy and networks, which meant they could get up to speed faster on the technicalities of government procurement and open contracting. But also perceived by some as elite actors, they were less inclined to be inclusive due to being disconnected from realities on the ground and a few too close to those in power.²⁸⁰ The partners selected after the shift to an ecosystems approach were organisations operating at subnational level and already working closely with marginalised groups; with a few exceptions, most had limited capacities for connecting their initiatives to OC so they focused on brokering access to local level decision making spaces.

The actions documented below are a valuable starting point in the OC sector where the bar for GEDI is low. One of the case studies accompanying this report narrates different partners' journeys in relation to important dimensions for GEDI²⁸¹. Here, we present partners' efforts for inclusion under three simplified categories and conclude with some reflections.

User-centred approach for increased ownership

Bantay Kita was the only partner who co-constructed its work with indigenous people (IP). The first project coordinator was a determinant factor. He built a strong network of trusted intermediaries, IPDOs, trusted consultants, CSOs, and Palawan state university,²⁸² and implemented a user-centred design workshop where IP identified mining royalties data as most relevant to them. Hivos's management flexibility also played a key role in modifying the programme plan in the most suitable way.

The main contributions of Bantay Kita to GEDI were twofold. First, making complex extractive sector policies and legislation on ancestral domains accessible to IP; evidenced by indigenous communities using awareness-raising materials, infographics and comics produced by Bantay Kita and infomediaries. Second, empowered IPDOs which now understood their rights regarding mining royalties and became more vocal and confident to speak up, recently requesting to have a presence in the EITI multi-stakeholder group.

Despite efforts, limitations were found. IPDOs still depended on intermediaries for both understanding technical information and accessing relevant advocacy spaces; something

²⁷⁷ The main objective of SPEAK is the empowerment of CSOs and local women's groups to advocate for gender-responsive and inclusive budgets

²⁷⁸ Key point for activities 2020 by CED

²⁷⁹ Interviews with Bantay Kita staff and IPDO

²⁸⁰ Triangulation interviews with other CSO actors in Guatemala and Indonesia

²⁸¹ Dimensions explored in the case study are: relationship-building and gaining trust of marginalised groups; their understanding of power dynamics and intersectionality for inclusion; and the different tactics used to overcome technical and socio cultural barriers to inclusion.

²⁸² Interviews, informal chats, and comments during the FGDs noted the importance of these characteristics

unlikely to change with a short-term project like this.²⁸³ Also Bantay Kita staff were ill equipped to respond to the complex power dynamics **within** marginalised groups, i.e., intersectionality, which could strengthen opaque IP elites.

Awareness-raising and brokering access to spaces with power holders

Efforts of partners who showed elements of GEDI in implementation mostly related to awareness raising, brokering access to key spaces for advocacy and at times taking actions of L&A on behalf of those marginalised. Indigenous leaders supported by Bantay Kita, once having awareness and knowledge on their rights, took part in key meetings with mining companies to clarify inconsistencies related to their royalties and took forward L&A with the National Commission on Indigenous Peoples. Some question the real power of the commission, but what we highlight is that IP themselves gathered the confidence to be present at the table.

Similarly in Indonesia, IDEA worked at sub-district level with women street vendors, a women's group of beneficiaries of a government subsidy, and an association of people living with disabilities (PWDs) to involve them in holding local authorities to account for their lack of access to clean water. First they started building awareness of people's right to clean water by conducting workshops with the local people, as well as FGDs that involved the government. They also provided extensive capacity building on different aspects in relation to the budgeting, procurement and maintenance of water services. Further, IDEA acted as a bridge for marginalised groups to meet with the District Planning Development Agency to present a proposal with key demands. Recently, IDEA received confirmation that one proposal, related to the procurement of a clean water network in Dlingo sub-district, has been added to the 2021 budget.²⁸⁴

In Kenya, TISA convened two workshops where local government, civil society, women, youth, and people with disabilities learnt about the Access to Government Procurement Opportunities (AGPO) available to special interest groups. TISA took actions to ensure that these workshops contained a variety of voices, perceptions, and unique needs, e.g., a power and situation analysis study, to identify the current barriers to participation for the different groups. Part of the jointly agreed Plan of Action, included a follow-up scoping which showed participants had shared the learnings on AGPO with others, new groups had formed to be able to bid, and existent increased efforts to meet the criteria; they also expressed a pressing need for follow-up workshops. All interesting GEDI leads.

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 young people trained in data access and use will lose the infomediation skills gained. TYVA in Tanzania, also raised awareness with youth, launching a 10-day campaign promoting guidelines in local language via social media. Though impacts may be still to come, we can flag that there was no use of radio, the media most accessible to marginalised groups, nor of methods for people with sensory disabilities to engage with the guidelines.

In Guatemala, ITPC LATCA used data from their portal to strengthen their long-term advocacy for increased budget allocation and dropping prices for antiretrovirals, essential for HIV+ patients. Since the late 2019 general election they have more consistently partnered with patient groups with other chronic illnesses to build a stronger case for lobbying for the decrease of patented drug prices.²⁸⁵

²⁸³ Interview with first project coordinator of Bantay Kita

²⁸⁴ Interview with Indonesia CED; interviews with IDEA staff

²⁸⁵ Interview with ITPC LATCA

Issues of marginalised groups are considered in their work

Other partners considered issues of marginalised groups in their initiatives. In Indonesia, Pattiyo Semarang partnered with authorities to revise the Standard Operating Procedure (SoP) of their vendor e-catalogue to make the city procurement process accessible for micro and small enterprises. Due to bureaucratic hurdles, the suggested changes were stalled; as a response, Pattiyo Semarang decided to support authorities with the creation of a parallel tech solution where local governments can procure catering services from these small and micro enterprises. Further, they provided step by step support to four women-led enterprises, one formed by women with disabilities, to be able to comply with the administrative requirements and bureaucratic procedures to qualify as suppliers and some basic business advice. Three out of four have already procured catering services to the local government in 2020.²⁸⁶ Similarly, ECCP in the Philippines succeeded in influencing the South Cotabato LGU to gender-tag women-led companies that participate in procurement activities.

Finally, most media actors interviewed for this evaluation report and expose wrongdoing motivated by a social justice vision. A concrete example came from Red Palta, the investigative open data journalism network in Latin America, that published extensive research in Colombia, El Salvador, Uruguay, Argentina, Mexico and Peru showcasing multiple anomalies and corruption in the procurement of milk; particularly important for school meals and other nutrition programmes that should benefit the most vulnerable populations.²⁸⁷

Reflections on GEDI

The management team behind the conceptualisation of the programme faced the question of where to start on GEDI issues. In a programme considering inclusivity, there are inevitable trade-offs between convening smaller, grassroots organisations and partnering with actors that are widely known and have gained legitimacy in the OC and Open Government fields.²⁸⁸ There is no simple answer to this dilemma. In some countries, like Bolivia, despite a long history of grassroots political activism, the programme mostly centred on the development of technical capacities and food data solutions, which did not attract the more outspoken political networks.²⁸⁹ This illustrates the findings from research reminding actors working towards a more inclusive OC sector that making contracting data and processes more open will not yield any real, lasting impact for marginalised groups unless there is also a change in the power dynamics of the ecosystem.²⁹⁰ This means working from the start to put conditions in place throughout implementation so that new actors who question existent exclusionary processes and relationships can become part of the ecosystem on equal footing with those already well-networked, capital-based organisations.

b) Environment and Climate Change

Headline finding: The programme made limited deliberate efforts to link open contracting with climate change and environmental issues. Nonetheless a number of partners and stakeholders were considering issues related to climate change and the environment in their work, which illustrates potential links that could be exploited in the future.

The programme recognises the indirect impacts of public procurement on environment and climate change through efficiency gains resulting in less waste of financial and natural resources. Elements of the public procurement process can and should require environmental and climate change impact assessments, which can help to limit environmental damage as a result of human activities. The original evaluation question asked "Do these changes have environmental/climate effects (positive/negative) and if so how and

²⁸⁶ Interviews with Pattiyo Semarang director and staff members. The site is: <http://gulosem.semarangkota.go.id/>

²⁸⁷ Interview with PODER Mexico, coordinator of Red Palta network. All articles are available here: <https://www.redpalta.org/la-leche-prometida/>

²⁸⁹ Reflections from global PM

²⁸⁹ Interviews with Bolivia CED, one partner and one mentor

²⁹⁰ [Canares, M. and van Schalkwyk, F. \(2020\). Open Contracting and Inclusion, Step Up Consultants](#)

why?". Due to the limitations outlined in the methodology section which restricted the amount of time we were able to interview different stakeholders, we were unable to gather sufficient data, limiting the extent to which we could explore the environmental and climate change effects of the programme and its outcomes in any depth. We have, instead, amended the focus of the question to assess the extent to which the programme considered climate change and environment in the focus of its work.

The evidence we do have suggests that issues of environment and climate change were not deliberately considered in the programme design, programme guidelines or the screening of grants made by the programme.

At the programme level, we have not seen evidence of significant capacity to develop interventions addressing climate change and the environment. In Indonesia, the programme tried to collaborate with partners from the Green & Inclusive Energy programme on open contracting in access to renewable energy. However, the GIE partner backed out as they felt that working on open contracting might put their close relations with governments in jeopardy.²⁹¹ In relation to programme partners, in Sekotong in West Nusa Tenggara (NTB) Province of Indonesia, Publish What You Pay worked with local CSOs to build the awareness and capacity of local citizens to understand their rights to, and how to utilise, access to information laws to support their monitoring of legal and illegal mining by mining companies and the significant environmental damage caused by them.

In the Philippines, Bantay Kita appears to have considered the environment in a number of ways. Bantay Kita's work assisted by the Voice project is empowering IPs to more consciously engage mining companies on the environmental impacts of their operations during pre licensing phases when they communities give informed consent and also at the decommissioning stage when mining companies have to ensure that the cessation of operations considers environmental damage. As well, they form part of the Green Thumb Coalition which called on Senatorial candidates to commit to a 'Clean and Green' 2019 election: zero-waste practices, genuine support to positive reforms on many thematic issues on the environment, climate, protection of natural resources, people's welfare and sustainable development. The Green Thumb Coalition launched its Green Scorecard initiative, a survey questionnaire to determine the social and environmental agenda/platform of a senate candidate. Copies of the Scorecard were sent to all senatorial candidates. Its Secretariat then studied and scored the answers of each candidate based on answers to the scorecard, profile and background, policy and programme pronouncements, and linkages and relationship to major players. On 10th May 2019, eight senatorial candidates articulated their priority social and environmental agenda through the Green Scorecard of the Green Thumb Coalition (GTC).

c) Citizen Agency framework

The approaches the programme took to citizen agency were shaped by the different country contexts, the vision and implementation of the programme by the region and country management, and the existing characteristics of CSO and media partners. On the whole, the focus on citizen agency was indirect and notably weak at the start. The adoption of the ecosystems approach brought more intentional actions to foster citizen agency but these were developed on an ad hoc basis in each country partly due to the lack of parameters for assessment.

This section describes the evolution of the programme's approach to citizen agency, taking as a starting point its conceptualisation in the overarching Citizen Agency Consortium (CAC)

²⁹¹ Written communication with Indonesia CED

programme document.²⁹² It shows that the loose use of the concept of ‘citizen agency’ meant that the first batch of partners had highly diverse ways to relate to citizens who are outside organisations. Also, that the regional and country managers’ vision and expertise played a significant role in shaping the ways the programme connected to other citizens and their organisations. Finally, it shows that even after the adoption of an ecosystems and adaptive learning approach, citizen agency was still inconsistent across countries partly due to the lack of parameters for assessment.

The CAC programme document recognised citizen action as central to influencing policies and practices of market and government actors. It described citizen agency as **giving citizens and their organisations a podium and strengthening their ‘indispensable lobbying and advocacy role’, i.e., ensuring citizens have a voice and a choice**. Further, it stated that capacity **development work within the SP would be targeted at civil society infomediary partners who have explicit citizen engagement aims, and have or are willing to elaborate explicit inclusivity strategies.**²⁹³ However, as already mentioned in Q5, most of the initial partners of the programme did not develop initiatives that fostered the direct engagement of citizens and/or had an inclusivity lens partly because this was not explicitly required in the call for proposals, which was centred on developing OC solutions using civic tech approaches.²⁹⁴

In fact, lack of a unifying citizen agency framework was deliberate as the management team wanted to give partners the opportunity to identify their own approaches, entry points and strategies rather than imposing these.²⁹⁵ The logic behind the shift to the ecosystems approach in early 2018 was to establish collaborations between the circle of infomediaries -who had developed and/or consolidated L&A capacities and skills required to get governments to disclose contracting data- and more ‘traditional’, issue-focused CSOs and organisations representing marginalised communities. Due to a lack of follow-up or assessment for this, the ways in which partners strengthened citizen agency varied, influenced highly by the vision of the CEDs and the existing characteristics of partners. As further seen in the conclusions, this lack of development of a common vision on citizen agency meant that OC reached regular citizens only marginally.

Philippines

In the Philippines, CSOs were already entitled to attend spaces where bids were opened. However, they did not take up these opportunities because they lacked access to the data and information required to participate meaningfully.²⁹⁶ Following the initial programme’s approach, the CED focused on supporting the capacity development of intermediaries to influence government disclosure of data in the first part of the programme and then provide mentoring on how to use it. Most partners had no explicit focus on citizens, even though some stakeholders, e.g., the Governors and CSOs in South Cotabato, saw the main goal of open contracting as putting citizens in charge of designing and monitoring public procurement projects.²⁹⁷ In addition, assumptions underpinning PCIJ’s work on investigative journalism were that it would inform citizens of how their taxes were being used and thus influence public and political opinions as it had done successfully in the past.²⁹⁸ A set of activities undertaken just before the outbreak of Covid-19 sought to scale these efforts to inform ordinary citizens on public contracting through the use of theatre and public expenditure tracking tools.

²⁹² Citizen Agency Consortium programme document (2015) developed by Hivos, Article 19 and IIED

²⁹³ Ibid

²⁹⁴ <https://openupcontracting.org/call-for-proposals/>

²⁹⁵ Clarification of Global PM

²⁹⁶ Interview with PM

²⁹⁷ Interviews with both Governors

²⁹⁸ Interviews with Hivos PM

Bantay Kita was the only Philippines partner who adopted a focus on citizen agency. Because its coalition was unable to make progress with the Freedom of Information bill at national level, the Secretariat decided to focus their project on empowering indigenous people to claim their rights in relation to mining.²⁹⁹

Guatemala

Overall the vision of the initial regional manager and the CED was centred on appealing to the civic tech community; in particular, the grantees of a recently closed Hivos programme in the region. They were not convinced that CSOs with ‘traditional’ advocacy approaches would fit in with a more tech savvy programme. In addition, they were wary of involving organisations they perceived as being too close to industry and powerful elites such as CosT.³⁰⁰ This reflects the fragmentation of civil society in Guatemala noted by some interviewees (see Annex 1).

The three long term partners and the Guatemala CED sought to develop citizen agency to whatever extent possible. Plaza Publica’s investigative stories contributed to the body of evidence that exposed the corruption scandal of the previous administration, triggering the largest civic mobilisations of the past decade.³⁰¹ They recognise though that their regular readers are highly educated, urban and digitally connected, representing a small proportion of the country’s citizens.³⁰² In contrast, Ojoconmipisto’s model of training local journalists to audit municipalities means their stories are closer to people’s lives and more accessible than in-depth investigations. They rely heavily on cartoons and short animations shared via social media to incentivise citizens to be more active in holding authorities to account, i.e., to develop their agency.³⁰³ Ojoconmipisto’s director is critical of citizens who keep relying on journalists to expose and demand accountability, indicating there’s much to be done to strengthen citizen action.³⁰⁴ Despite these efforts, triangulation³⁰⁵ showed that media partners are mainly known among organisations working in the field of TPA at national level and unknown to actors who partner with grassroots, community-based social movements.

ITPC LATCA has a long trajectory of working alongside people living with HIV; the coalition’s advocacy is centred on developing policies and programmes to improve the wellbeing of these populations. Through the OC project they have used channels opened by Plaza Publica and Ojoconmipisto to reach wider audiences, raising awareness of their work among different population groups, such as university students. A further action coordinated by Hivos CED sought to improve access to antiretroviral medicines for key populations. He used an organisational innovation fund to ‘link unusual allies’ from the civic tech and the HIV/AIDS rights communities to foster citizen agency. Through a series of workshops, ten organisations were able to translate and contextualise contracting data into meaningful information that could strengthen their advocacy efforts.³⁰⁶ Interviews indicated that this was a significant effort to break the silos in civil society but the difficulty in creating a common vision and lack of funding for organisations involved translated into weak continuity and some challenges related to the ownership and sustainability of the web portal developed.

Kenya

With the shift to an ecosystems approach, the local CED realised that it was important to

²⁹⁹ Interviews with Bantay Kita Staff and Hivos PM

³⁰⁰ Interview with CED and mentor

³⁰¹ Interviews Plaza Publica, CED and mentors

³⁰² Interviews Plaza Pública

³⁰³ As seen in Ojoconmipisto’s website and social media channels on Facebook, Twitter and YouTube

³⁰⁴ Interview with Ojoconmipisto

³⁰⁵ Interviews with other CSOs

³⁰⁶ Building bridges in the response to HIV epidemic in Guatemala, Hivos document available online: <https://openupcontracting.org/assets/2020/04/Guatemala-Building-Bridges-1.pdf>

³⁰⁷ Interview with PODER and SOMOS; the portal is still managed by PODER, found here: Vivir.con.VIH

bring in organisations who could connect the work done with the subnational authorities to citizens. She noted that running a campaign on open contracting to reach more citizens would have complemented the advocacy work well.³⁰⁸

Kenya partners have considerably different profiles and as such different approaches to citizen agency. IEA as a think-tank has its strength in producing evidence for others to use, civil society, governments or media; we found no particular approach to citizen agency.³⁰⁹ Development Gateway, an INGO who strengthens institutional and stakeholder capacity to use data, uses a methodology that places citizens central to implementation. Initially, they included citizens in the design of the portal with Makueni County and also invited CSOs to the presentation of progress; integrating practical adaptations for reaching citizens such as SMS. Later, they decided to integrate monitoring data produced by the Project Management Committees (PMCs) for which a partner with experience on citizen participation structures was needed. URAIA then joined the programme to become that bridge with the communities.³¹⁰ TISA and URAIA, who worked on the AGPO for marginalised groups in the Elgeyo-Marakwet county and civic education in Makueni respectively, are organisations whose strength lies in mobilising citizens and supporting community-based structures to enter into dialogue with authorities and join efforts of accountability. Both showed a good understanding of what it takes to do so in the Kenyan context.³¹¹

Other countries

Indonesia

The strategy of the programme moved from engaging large, capital-based NGOs that would be working with national level agencies to focus on subnational issues to capitalise on Indonesia's decentralised system. During the management team meeting that led to the shift to an ecosystems approach, it was evident that in Indonesia, Hivos could not work on contracting issues without engaging citizens whose lives were affected by contracting and who had mechanisms to influence changes in policies at local level.³¹² Hence, the incoming CED brought in new partners whose ways of working included direct contact and engagement of citizens; this could be seen as a strong push for citizen agency across the ball. Partners Pattiro Semarang, IDEA and to some extent PWYP-Indonesia have all incentivised citizen participation, in some cases of marginalised groups, to hold accountable authorities locally.³¹³

Bolivia

The programme focused specifically on the municipal government procurement of school meals and on training journalists, researchers, and staff from CSOs in Open Data/Contracting. It was hard to identify a programme mainly centred on developing technical capacities for lobbying the government to open databases on school meals contracting with citizen agency due to Bolivia's longstanding history of social activism for rights claims and accountability³¹⁴. However, both partners are organisations that consider citizen agency central to their work. Construir Foundation due to its model centred on long-term processes of citizen empowerment has continued developing capacities of local municipalities, and local CBOs and CSOs to continue to exercise their rights to monitor and hold governments to account. MIGA aims to widely socialise stories in relation to nutrition and school meals and La Paz school meal contracts database via traditional and digital media to reach the wider

³⁰⁹ IEA Narrative reports

³¹⁰ Interview with Development Gateway

³¹¹ Unsubstantiated OH 2019

³¹² Interview with CED

³¹³ Narrative reporting 2019

³¹⁴ Interview with CED

³¹⁵ Interview with Construir, narrative reporting

³¹⁶ Interview with MIGA, narrative reporting

citizenry, and they have been planning a July 2020 hackathon to connect small producers to urban consumers in response to the Covid-19 pandemic.³¹⁶

Malawi

Similar to Indonesia, the programme started working at the national level and 2018 onwards has focused more on subnational level. The work most connected to citizen agency is that of Youth Net Counselling (YONECO), an organisation that already engaged women and young people on participatory governance. As part of the OC project, they first worked with the local government to explain to citizens public expenditure, then they gave citizens platforms to engage. Currently, they have been working on capacity building of some of these youth to make contracting data accessible.

Tanzania

Overall, in Tanzania the focus of partners remained at national level, mainly focused on transparency of extractive industries, lobbying and advocacy with parliamentarians and procurement authorities. A few partners undertook actions to incentivise citizen agency. HakiRasilimali conducted barazas, i.e., traditional community dialogue spaces, as part of their initial activities to foster citizen engagement around extractive industries. TYVA, as a national-level membership organisation, uses social media and face to face gathering to connect youth and foster their participation; within the programme they promoted through a youth-driven campaign the 30 percent quota of all government contracts reserved for special interest groups, including youth. Stories written by journalists supported by TMF were also assumed to play a role in shaping public opinion, however some of our informants questioned whether the stories' messages on the rights of citizens were sufficiently clear.³¹⁷

d) Combining insider/dialogue and dissent/outsider tactics

Headline finding: Combining insider/dialogue and dissent/outsider tactics worked well in most of the countries.

For the most part, the programme used a mix of these approaches. In Malawi, Tanzania, Kenya, Bolivia, Guatemala, the Philippines and Indonesia we found examples of partners dialoguing with politicians and civil servants at national and subnational level.³¹⁸ Combined tactics of using international or national meetings around global norms such as OGP to dialogue and gain political support for OC principles, then following up with offers of insider technical assistance to help develop systems for data disclosure worked well across several countries. These included Kenya, the Philippines and Guatemala.

In Malawi, Tanzania, Kenya, Guatemala, Indonesia, and the Philippines the programme also employed outsider or dissenting tactics such as using investigative journalism to expose corruption and/or make accountability demands. In Guatemala, Indonesia, Kenya, Malawi and the Philippines, partners used some of the data released as a result of dialogue and/or their own citizen data for these dissenting activities. With the exception of the Philippines, combining evidence based dialogue and dissent did not seem to cause significant dilemmas. In fact, in Tanzania dissenting stories which drew attention to mining companies exploiting local communities played into the anti-corruption and nationalist narratives of the government, opened doors for further dialogue.³¹⁹ Furthermore, Hivos staff in Malawi argued that complimenting government staff when they respond helps to maintain relationships.³²⁰

In the Philippines PCIJ, a CSO globally renowned for its investigative journalism, demonstrated how it is possible to pivot from a dialogue tactic—the mapping and

³¹⁷ Interview with Tanzania key informant

³¹⁸ See question on outcomes for details

³¹⁹ Personal comms from Africa Regional Project Manager

³²⁰ Personal comms Hivos PM

recommendations it used to influence government commitments to adopt OCDS—to dissent. PCIJ used some of this data released as a result of its advocacy to hold the government to account. But this had some knock on effects and caused dilemmas for another partner taking an insider approach to progressing open contracting reforms with the government. The LGU became nervous that if they disclosed data they would leave themselves vulnerable to dissent. In this instance the CED was able to leverage relationships with national agencies to dialogue and reassure the unit concerned that opening up and disclosing data was consistent with legal requirements under procurement law.³²¹

That programme managers were able to deal with the D&D dilemma does not mean combining these tactics was without problems. CEDs found themselves in positions where they needed to manage relationships with partners who were subject to physical and on-line harassment, which on occasion meant they had to drop stories. This added to the unpredictability and challenges facing project managers and CEDs, which Hivos was only partly equipped to deal with as is discussed under Q14.³²²

³²¹ Media case study, interviews with Hivos PM

³²² Media case study

V. OPEN UP CONTRACTING PROGRAMME AND ITS TOC ASSUMPTIONS

The programme used its theory of change (ToC) as a framework for monitoring progress, reflection and learning to inform relevant adaptations. Many of the assumptions in the Open Up Contracting programme's ToC held true but the extent to which they were valid or not was dependent on the context. The programme was able to build coalitions of different civil society, private sector and government actors working towards common goals. The programme was largely effective in identifying government champions to work on open contracting, and Hivos and programme partners were often able to work effectively with these champions to achieve greater access to procurement data. However, assumptions on the availability of data were over-optimistic and the programme often needed to adapt its approach to put OC on the agenda. The programme's assumptions regarding government's technical capacity to implement open contracting did not hold, and in many cases the programme helped to provide or build this capacity within government. Although the technical capacity of civil society organisations to use data was clearly a barrier to progress in open contracting, the programme's outcomes and challenges demonstrated that addressing prevailing power dynamics and other socio-cultural barriers is critical to making progress on open contracting. Although programme practice put greater emphasis on engagement with citizens and the media, the programme's theory of change also did not explicitly contemplate the roles citizens and the media can play in leveraging increased transparency for accountability claims and ultimately improved delivery of public services. Those roles warrant further consideration.

The previous sections on effectiveness and relevance show that the Open Up Contracting programme has done things right and done the right things to influence policy on disclosure and the ability of infomediaries to use information released. Feedback from those infomediaries has led to some important actions by oversight actors. Progress in areas of participation, inclusion and adoption by international agencies was initially slow, however, the adaptations undertaken after reflections on the theory of change have led to improvements. In this section, we reflect on the assumptions in the programme's theory of change drawing on evidence from across the programme and the thematic case studies. Firstly, we explain how the ToC was used and how it changed over the course of the programme. Next, we look at why some of the tactics worked well – and explore the nuanced evidence relating to assumptions that have been validated. Then we move on areas of challenge. We draw on evidence from the field to consider what, if anything, was wrong in the initial assumptions—and the adaptations made yielded for learning and for how assumptions can be adjusted for similar programmes in the future.

1. USE OF THE THEORY OF CHANGE

The programme's theory of change guided activities and provided a framework for monitoring progress and for periodic reflection and learning. Although it wasn't consistently contextualised in each country, it was used either explicitly or implicitly in country plans and activities.

Among the three main evaluation study countries, the application of the ToC was slightly different:

- **The Philippines:** In the early part of the programme the PM prioritised working on the disclosure, given that citizens and civil society have many spaces to engage but lack sufficient information to use these spaces.
- **Kenya:** The local team worked cleverly at the international, regional and national levels to secure disclosure commitments at the national level. They found opportunities at subnational levels to advance OC and to leverage affirmative action procurement provisions to make processes more inclusive. Towards the end of the programme greater emphasis was put on work with media.
- **Guatemala:** The work focused on the capacity of tech savvy media partners to make accountability claims and direct collaboration with the national government to secure disclosure. The extent to which the programme built a coalition of actors was very limited.

Despite contextual differences, most countries were testing assumptions that they could engage civil society actors in the programme, build coalitions, establish legitimacy, engage with champions and get buy in to open contracting. A key assumption was that the Ministry could be persuaded to create additional incentives.

During implementation the programme used a series of adaptive learning workshops to reflect on the theory of change and the emphasis given to various change pathways and contextual assumptions.

As a result of these workshops and ongoing reflection, the programme adopted an ecosystems approach and updated its ToC and in late 2017-early 2018 articulated a number of important new change pathways, outcomes and assumptions. One significant shift reflected partners' learning that assumptions regarding the availability of contracting data (CA1) didn't hold. Though the starting points for open contracting in the focus countries were mixed, generally speaking there was a lot less data available than the programme assumed at the outset. As a result partners had to tailor the programme approach across the focus countries. For example, because of limited data availability in Indonesia, the programme decided to shift its focus from supporting infomediaries' data access and use to what the team considered foundations for future open contracting work, increasing the focus on support for citizens and CSOs to understand their rights and provisions in procurement legislation. This also meant rejecting the use of School of Data Fellowships and Engine Room capacity building opportunities. (It should also be noted that language barriers associated with international assistance were a significant factor in this decision and that mentoring and capacity building support from Indonesian organisations such as Indonesia Corruption Watch played this role instead in some cases.

This recognition that the programme was not only about leveraging incentives, that it would have to play more of an insider role in supporting government capacity to develop policies and disclose data in some contexts was among several major shifts reflected in new outcomes and assumptions. Developing staff and partner capacity to make the programme more inclusive and increase citizen participation were two other important areas, as was influencing reforms in non-focus countries.

Shifts in themes and outcomes were reflected in new assumptions and learning questions. For example, a number relate to engaging citizens through sectoral or issue based approaches that have been found to work in successful ecosystems approaches.

Other new assumptions and questions indicated areas of potential challenges. These related to if and how the programme could make gains in areas where legal frameworks around access to information were lacking; where it could not find champions or in situations of legal transitions; and where diverse stakeholders, for example business and private sector actors had different and sometimes competing interests.

2. THE ECOSYSTEMS APPROACH

With its shift to an ecosystems approach, the programme found it easier to **build and support coalitions of different types of actors who could work together toward common goals (AA1)**. This approach resonates with evidence from the wider transparency, accountability and participation (TAP) field that government accountability depends on incentives and power dynamics but that varied actors can build power to challenge these dynamics through collaboration and collective action. Taking integrated approaches with horizontal and vertical links among actors across the ecosystem are most effective, while technical capacity of governments is insufficient to claim accountability.³²³

The way in which the programme was able to implement an ecosystems approach demonstrates it is possible to build coalitions of different types of actors who work together to achieve common goals, but not in all contexts. Effective coalitions tend to have a clarity of purpose, with a range of complementary goals, skills and expertise, and with the capacities and relationships to work together coherently.³²⁴ This was most evident in Kenya and the Philippines where the programme country teams were able to use contextual knowledge, relationships and political savvy to build a coherent network of government and non-governmental actors contributing different expertise, knowledge, relationships and political weight to advance open contracting reforms and influence the wider ecosystem. In order to do so, the programme needed to build (or already have) legitimacy and the trust of a range of actors³²⁵. Evidence from this evaluation would suggest that in Kenya and the Philippines at least, the programme was seen as legitimate and trusted to build such coalitions. One Kenyan respondent commented "Hivos is synonymous with open contracting in Kenya".³²⁶

It should be recognised that it has only been about 30 months since the programme made its shift to an ecosystems approach and some of the more recent programme partners such as media partners in Kenya have not progressed as far as hoped due to contracting delays and Covid-19 disruption. Therefore, it is difficult to assess whether the partners involved will continue to develop into strong coalitions advancing open contracting together.

³²³ Anja Rudiger, June 2018. Fiscal Transparency and Accountability - Research Note for the Fiscal Futures' Scenario Planning Workshops. International Budget Partnership

³²⁴ What Makes an Effective Coalition? Jared Raynor, TCC Group, March 2011 <https://www.tccgrp.com/resource/what-makes-an-effective-coalition-evidence-based-indicators-of-success/>

³²⁵ This makes the findings regarding contracting and disbursement delays even more critical.

³²⁶ Interview with Kenyan respondent who was not a partner.

PHILIPPINES: Building sustainable capacity for influence

The programme was a decisive contributor to the creation of sustainable capacity among the Philippines partners for influence on the OC ecosystem.

First, it supported the capacity of individual partner intermediaries to understand open contracting and to advocate and lobby government champions in PhilGEPs and LGUs for the disclosure of contracting data.

Second, it brokered relationships among partners, enabling them to collaborate and share skills that strengthened their individual projects. Many of these gains involved increasing the use and usability of the data made available through their advocacy. For example, Layertech had greater technical capacity than ECCP and was therefore able to advise them on possible uses of data to create businesses and government incentives for open contracting.

Third, it enabled partner intermediaries to share and build other actors' capacity to advocate and to use contracting data, by leveraging existing coalitions and building new ones. For example, PCIJ used articles from its investigations to train other journalists and CSOs operating at a local level while building support systems between them in a risky area. PCIJ also provided orientation for CODE-NGO, a large coalition whose secretariat is one of the country's OGP commitment holders. CODE-NGO then went on to train its CSO members and also key staff of a federal fiscal accountability programme – DIME.

Bantay Kita was able to use its learning from its involvement in the programme to broaden the networks it engaged with to advocate for freedom of information advocacy. At the same time it was able to incorporate IPDOs into EITI advocacy networks. As a result of ECCP's learning and engagement with the South Cotabato LGU, the two groups have been able to share new approaches with 60 other LGUs across the Philippines.

The Philippines programme also brokered a relationship between Layertech and champions in PhilGEPs who have since reached out to Layertech to request technical support for implementing the OCDS.

In Guatemala, the programme took a different approach. At the start, the programme's country and regional management were skeptical of bringing in partners that were too different from the media actors who were their traditional and trusted partners, and who had a proven track record using open data for accountability. ITPC was perceived as a traditional CSO that would struggle to fit in with the civic tech/data focus and CoST Guatemala was seen as too close to power, and difficult to trust.³²⁷ Over the course of implementation, CoST left the partnership but ITPC and the two media partners learnt to capitalise on their strengths. When it was time to target new partners in 2019, the selected organisation was the spin-off think tank of Plaza Publica, Diálogos. The Guatemala programme was unable to follow the example of Kenya and Indonesia and bring in new, more locally-grounded organisations with a stronger connection to citizens. We were unable to speak to sufficient respondents in Indonesia, Tanzania, Malawi and Bolivia to comment in detail on their success fostering coherent coalitions, but based on data from a sample of interviews and analysis of outcome harvests, it would appear that valuable collaborations were supported between ICW, local journalists and CSOs in Yogyakarta, Indonesia; and between CoST and Yoneco in Malawi. In Bolivia, MIGA and Construir Foundation, the two partners working on local school meal contracting, collaborated when incentivised by the CED, resulting in an early 2020 workshop for sharing best practices among municipalities. Beyond this, the partners are collaborating on a number of open data initiatives for human rights and food security.³²⁸

³²⁷ Interview CED and mentor

³²⁸ Interview with MIGA and Construir Foundation. Written input from CED.

By building these coalitions, the programme was able to identify infomediary organisations who were able and willing to advance open contracting reform efforts. This confirms the programme's assumptions that **infomediaries and other civil society organisations would be interested in working on open contracting (CA3, AA3)**. There is evidence to support this assumption across all countries and the programme was able to engage civil society organisations working in all the focus countries to engage in OC reform. At the international level the programme was able to help put open contracting on the agenda with multi stakeholder initiatives such as the OGP and to generate donor interest³²⁹ which confirmed the programme's assumption **Lobbying and Advocacy will influence international policies**. The concept of open contracting was new to organisations in most focus countries and the programme was able to build awareness and interest in open contracting—and many partners plan to continue this work. However, the approach was not without challenges. The expectable challenge of convincing CSOs to engage on a technical issue was compounded by the programme's caution about imposing a donor agenda and thus attracting organisations whose primary interest was funding. Although we recognise that funding was certainly an incentive for different partners to get involved, the grant sizes were relatively small and there were a number of potential partners who rejected getting involved as the grants were not sufficient to allow the organisation to deliver the outcomes expected.³³⁰ Nevertheless, many organisations went above and beyond what was covered by grant funding to advance their open contracting work.³³¹ The programme had to carefully frame the open contracting opportunity to enable potential partners to see the linkages to their own organisational goals. For example, the European Chamber of Commerce (ECCP) in the Philippines—a civil society organisation representing the interests of business were initially reluctant to discuss open government with businesses, anticipating that members would feel the issue could damage their standing with the government. But after much effort Hivos were able to persuade ECCP that open contracting could be framed without the implication that CSOs dominated the process.

It should be noted that Hivos and their partners were also able to navigate local concerns that could have undermined the programme's legitimacy, regarding Hivos's position as an international or foreign group. This was achieved by maintaining a low organisational profile and not demanding acknowledgement by the programme partners.

The programme's ToC made implicit and explicit assumptions regarding how capacity development support can lead to increased disclosure and use of data for accountability. For the assumption that "**CSOs lack effective campaigning skills for lobbying and advocacy (using evidence based policy proposals, cooperation/confrontation strategies, new forms of media) and operating in regional and international networks for lobbying and advocacy (CA5)**", this assumption partially held as many partners and programme staff became effective advocates for open contracting in different fora through the programme and achieved impressive outcomes related to increased disclosure of contracting data. This is demonstrated by the success the programme had in agenda setting at international level and commitments, policy and practice changes at national and subnational levels in all programme countries. Although many partners were experienced in lobbying and advocacy, those that were not did gain value. Following the shift to the ecosystems approach in 2018, Hivos played a greater role supporting effective coordination and coherence of partner projects. It should also be noted that this shift was used as an opportunity to ensure Hivos and Article19 coordinated more effectively in their advocacy and messaging on open contracting issues.

However, this capacity development approach appears less effective when the aim is to support partners to use and analyse disclosed data in investigations. In the places where

³²⁹ Outcome Harvests and Interview with OGP Support Unit

³³⁰ Interview with CED.

³³¹ Interviews with Kenya CED. Some local partner interviews.

School of Data Fellows worked with partners or government teams, they were often able to provide technical capacity to advance OC reforms. However, we found that technical sprints and mentorships were more successful at building participants' understanding of the benefits of data work, than at enabling partners to actually use these skills.

Evidence from this programme resonates with other data-focused initiatives in the TAP field, such as Publish What You Pay and the Natural Resource Governance Institute's programs for capacity development in data use. These findings all suggest that capacity development for data use needs to be more granular and to start from the assumption that not all groups **have** the aptitude or inclination to do data work.³³²

We similarly found that short courses on legal issues were not able to adequately support non-specialists to undertake investigations of contracting data. As illustrated by partners in Tanzania, Indonesia and the Philippines needing further mentoring on legal aspects during their investigations of government contracts.

In all focus countries there is evidence that **the programme was able to find synergies with other related initiatives (AA6)** such as OGP processes or commitments in OGP National Action Plans. In Tanzania, though the country formally exited the OGP in 2017, the programme was able to find synergies with the civil society sustainable development platform. EITI offered opportunities for synergy in the Philippines and Tanzania for work on contract transparency in the extractives sector.

Initiatives like OGP and EITI offer significant opportunities for synergies as they provide an opportunity to get policy issues on the agenda and government commitment which can be leveraged at national and subnational levels, and programmes such as Open Up Contracting can support implementation of commitments at national and subnational levels. However, there is a danger of "openwashing", where governments appear to promote transparency but do little in practice and may actually hide the persistent abuse of power and impunity.³³³

In Malawi, Yoneco's engagement with CoST led to successful advocacy for rebuilding a bridge. The programme was also able to find synergy with the CAC Sustainable Diets for All programme in Bolivia, through a collaboration on procurement. Although there were attempts across a number of the other countries to build synergies with other CAC programmes, many did not progress. We do not have data to explore why there were not greater synergies among CAC programmes.

Regionally, the East Africa Procurement Forum opened opportunities for local-level advocacy. This led to discussions and projects with CUTS and ATPS who have existing work at regional level. CUTS met with East African Legislative Assembly (EALA) and had a joint engagement at the next procurement forum which resulted in new commitments on open contracting.³³⁴

The programme assumed that the "**Dutch government promotes Open Contracting domestically and internationally (AA7)**". The evidence from this evaluation suggests that this assumption only partly holds. Although the programme managed to get a high ranking Dutch Government official to give the opening keynote at the **OCCGlobal17 conference** in Amsterdam in November 2017, and the Dutch Government committed to open contracting in 2018,³³⁵ there is not much evidence that the government has played a significant role

³³² <https://www.pwyp.org/wp-content/uploads/2019/05/PWYP-Data-Extractors-Evaluation-for-publication.pdf> and <https://resourcegovernance.org/sites/default/files/documents/nrgi-external-evaluation.pdf>

³³³ Fox, J. (2018) 'The Political Construction of Accountability Keywords', in Nelson, E., Bloom, G and Shankland, A. (Eds) *Accountability for Health Equity: Galvanising a Movement for Universal Health Coverage*, IDS Bulletin 49.2, Brighton: IDS.

³³⁴ Interviews with CED and RPM

³³⁵ Outcome fully substantiated by 2 and partially by 1. Contribution fully substantiated by all 3.

internationally or in the focus countries. The programme's ToC and the ecosystems approach envisaged that the promotion of open contracting at the domestic and international level could help in promoting and role modelling. In the programme's focus countries, promotion of open contracting by the Dutch country embassies might have provided useful pressure. And while country teams did engage with Dutch embassies, we don't have evidence that this was a particularly active or successful pathway in accordance with the theory of change. This could have been because influencing work is done behind closed doors, or because lobbying by an embassy was judged as counterproductive in countries with nationalist agendas, or because the programme's agenda was not high priority for the respective embassies.

3. WORKING WITH GOVERNMENT CHAMPIONS

Evidence from the TAP field suggests that it is possible to foster political will for open government by building countervailing power, by working with government champions, by enacting institutional reforms, or through combinations of these approaches.³³⁶

While these insights can inform the design of initiatives like the Open Up Contracting programme, the approaches bring significant challenges. For example, though government champions can be an effective entry point for reform, such approaches can often result in fragile gains that are jeopardised when champions move on. In the OGP, for instance, reforms and commitments are often associated with incumbent administrations or influential civil servants, which puts the changes at risk with incoming administrations.³³⁷ Those working on open government reforms in countries including Indonesia, the Philippines and Tanzania have struggled to different degrees as political will has waxed and waned through changing administrations. Failure to carefully consider the sustainability of transparency initiatives through such transitions can leave potential unfulfilled and plans in tatters.

The programme's theory of change placed a high importance on working with champions in government with numerous assumptions, pathways of change and outcomes based on this approach. In this section we explore how the programme engaged government champions, the range of relevant incentives for champions, and the various tactics taken to seek continuity through political transitions.

Evidence demonstrates that **Hivos and its partners were able to identify and work with government champions to advance open contracting in all the focus countries** indicating the programme's assumptions about champions were valid. This progress was due to officials' willingness to work with the programme, but also to partners' willingness to work with government officials amid a history of CSO distrust in government, which can make collaboration difficult or even unimaginable. For example, in Guatemala, some partners were unwilling to work with some municipalities due to concerns regarding entrenched clientelism, patronage and associations with organised crime.

In many other cases, including at the national level in Guatemala, the programme worked collaboratively with government champions. In several places, existing relationships with government officials gave partners credibility. In Kenya, Malawi, and Indonesia, Hivos had been involved for many years in the implementation of OGP in the country and are seen as a trusted partner.³³⁸ This gave Hivos a strong entry point to engage with the government in helping to shape OGP National Action Plan (NAP) commitments including those relating to OC and beneficial ownership. In Makueni County, although Hivos had not worked with the government previously, their involvement with the Kenyan OGP process and their referral

³³⁶ Anja Rudiger, June 2018. *Fiscal Transparency and Accountability - Research Note for the Fiscal Futures' Scenario Planning Workshops*. International Budget Partnership

³³⁷ Malena, Carmen. (2009). From Political Won't to Political Will.

³³⁸ Interviews with OGP Government Point of Contact, OGP Support Unit, CED

from Open Contracting Partnership, a respected international initiative, helped to make them a credible partner. Similarly, official involvement with national and international mechanisms such as OGP offered other opportunities for building credibility as organisations suitable for local government partnerships. In the Philippines, Layertech had a strong relationship with the mayor and other government officials in the Legazpi LGU, and these were strengthened by Layertech's selection as a co-holder of an OGP National Action Plan commitment.

a) Incentives

Hivos and its programme partners found a variety of incentives for governments to engage. Some were technical, some were more political, and of course sometimes some technical incentives become stepping stones to more political incentives. In Legazpi, South Cotabato and Muntinlupa, the desire to improve efficiency, and to spur the private sector competition and investment proved successful motivations for local politicians and bureaucrats to engage in open contracting. In addition to their professional desire to improve the procurement process, these groups believed that such improvements would appeal to voters. Evidence from the field would suggest this electoral incentive only works in contexts where there is political jeopardy and electoral competition.³³⁹ Similarly, a reputation for innovation and efficiency were desirable because they attracted recognition at the national level.

In the Philippines, the European Chamber of Commerce of the Philippines (ECCP) was able to offer a slightly different value proposition for the government to engage. The ECCP is a bilateral foreign chamber that promotes European interests in the Philippines and vice versa. In addition to the legitimacy the organisation brings through its existing Integrity Circles work and its relationship with Government, ECCP offers value for local governments interested in attracting investment and the private sector to their regions.

Competition can be a significant incentive for the government. In addition to obvious efficiency gains by driving down procurement costs, in South Cotabato and Legazpi disclosure of procurement data is believed to help to encourage investment in the following ways:

- **Carrot and stick investment:** Government has incentives to disclose data to financial institutions and ratings agencies who will use evidence of openness to encourage private sector investment
- **Peer pressure:** Local governments who want to be seen as better or more competitive for business than other districts or provinces can be induced by business ranking or standards
- **Demonstration:** Multi-stakeholder groups with a private sector focus on anti-corruption and other measures that promise to create an enabling environment for investment can create an incentive for government reform and disclosure

In some cases, governments have taken action in response to procurement issues raised by civil society and media partners. For example, In Indonesia, CSOs in Blitar, Yogyakarta and Bojonegoro used investigations by journalists to raise issues with local government or legislatures. In each instance they received a government commitment to follow up. In Guatemala, there were cases where investigative journalists working with the programme identified issues with public works and the problematic issues were addressed. Both these cases involved public disclosure of the problems which appear to have stimulated response. In other cases such as in South Cotabato, problems with project delays resulted in the passage of a procurement blacklisting policy to improve performance. This response may have been a result of a desire to see public procurement systems made more effective, but there may also have been a fear that such information could be made public.

³³⁹ Cheema, A.; Khan Mohmand, S. and Liaqat, A. (2017) Competing to deliver? Political workers and service delivery in Pakistan, Making All Voices Count Research Briefing, Brighton: IDS

As discussed earlier, the programme's assumption that there would be more procurement data available turned out to be misguided. The programme also assumed that "**National and international government actors recognise the legitimacy and expertise of CSOs, and are sensitive to civil society pressure to integrate Open Contracting in policies and practices, and have the capacity to do so**" (AA6). There is some evidence to support this assumption across all countries, as Hivos and programme partners were able to develop relationships with governments to support the disclosure of and analysis of government procurement data. However, although the programme and its partners were able to successfully interest government actors in open contracting, governments didn't necessarily have the capacities to put it into practice. This created an important additional incentive for governments **where the programme could provide capacity to advance open contracting reforms**. Subnational work in Kenya, in Makueni County by Hivos, Development Gateway and URAIA and by TISA in Elgeyo Marakwet, demonstrated that county governments recognised the value the programme offered in helping to achieve their open contracting objectives. Similarly, Hivos's prominent role in OGP national and subnational processes in Kenya and the Philippines highlighted their legitimacy for government and other stakeholders. In Kenya and the Philippines, significant support was provided by partners such as IEA, Development Gateway, Layertech and School of Data to support the government in locating, collecting, cleaning, and organising data.

The programme encountered a range of incentives for government champions to get involved in open contracting. In many cases there were multiple incentives in play:

- **civic duty and professional pride**
- **improving efficiency and integrity** of public procurement
- **increasing private sector competition** in public procurement to drive down costs
- **increasing investment** in the region or country
- **electoral/political motivations**
- **helping to meet existing commitments or legal requirements**
- **appeal of the technology and innovation**
- **recognition** at national and international level
- **access to national, regional and international platforms** such as OGP and EITI

The programme demonstrated that **it is possible to continue or advance OC reforms in spite of political transition (new assumption 17)**. Identifying and working with government champions can be effective, yet this approach can result in fragile reforms when these champions move on.³⁴⁰ There were elections in many of the programme countries, and partners met this challenge using a combination of different tactics including :

- Embedding reforms in new or amended laws and policies
- Widening government commitment by working with politicians, technocrats and bureaucrats so that the initiative is not reliant on a single champion
- Framing reforms as non-partisan and including trusted non-partisan actors
- Building demand for the data disclosed³⁴¹

Ahead of elections in South Cotabato the implementers took a non-partisan approach so that the work would not be too closely associated with the incumbent. In addition, new legislation related to open contracting was created via administrative order rather than executive order framed to improve the efficiency of procurement processes. This approach was supplemented by Hivos and OGP support for the new governor to engage with officials from other countries, which helped to build local buy-in. In South Cotabato, the reforms

³⁴⁰ Malena, Carmen. (2009). From Political Won't to Political Will.

³⁴¹ More detail can be found on Hivos's experiences engaging government here: <https://docs.google.com/document/d/1FY6czNQf-q2Pj60lzQPliv9dxboKnEt/edit#heading=h.ms172go1cbk3>

survived and the new governor has embraced open contracting and the data the system can provide to make procurement more efficient. In South Cotabato, Makueni County and La Paz, the programme made efforts to build buy-in from the technocrats and middle managers, who usually stay on when administrations change, to help deepen commitment and further embed reforms.

However, in cases such as in Bojonegoro in Indonesia, despite very strong commitment to open government reforms earlier in the programme, overall commitment to open government has waned since the change of regent mayor and it is likely that some of the potential gains are unlikely to be realised in the short/medium term.

In some cases, such as South Cotabato, elections have come and gone and we can see that the combination of tactics used have proved effective for the survival of open contracting initiatives through changing administrations. In others, such as Makueni County and La Paz, elections are yet to take place so it remains to be seen how these initiatives will fare.

The programme ToC assumed, “**a legal framework that allows for access to information and information disclosure on public contracts is a precondition for OC reforms.**” Our evidence is not strong enough for conclusions regarding this assumption. In the Philippines the programme supported the implementation of disclosure reforms at national and subnational level even in the absence of national level legislation; in fact it influenced FOI legislation at the subnational level. In Kenya, partners believed that Access to Information law and a Presidential Executive Order have been important factors in progressing open contracting, particularly at the subnational level. However, most partners believed that their work making accountability demands would remain constrained without the implementation of national legislation, as was the situation in Bolivia. Experience in Guatemala illustrates that FOI law can help CSOs make accountability demands, however slow progress on disclosure reforms in countries such as Malawi caution against assuming FOI laws are magic bullets. According to partners in Guatemala, until local government actors are aware of and understand the implications of such laws, there is likely to be an implementation gap.

4. PRIVATE SECTOR

The open government field has struggled to engage successfully with the private sector,³⁴² so it is no surprise that this was a significant challenge. In the programme’s original ToC, the private sector was considered a subset of civil society and received no special attention.³⁴³ Early in the programme, following reflection by the team, the management team decided to adapt and expand the ToC to include a special impact pathway for business and the private sector.

Initial assumptions that “**open contracting can be understood as a win-win situation for both government and private actors**” (AA2) became more refined as new tactics to engage business were explored. There were two cases in the Philippines where the programme was able to successfully frame open contracting as a win-win situation for the private sector and government, demonstrating that this assumption can hold, and, more importantly, illuminating how value propositions can work in contexts where opportunities exist for meaningful private sector engagement.

In South Cotabato in Mindanao, the programme partnered with the European Chamber of Commerce Philippines (ECCP) who had an existing initiative operating across the Philippines

³⁴² Promoting Private Sector Engagement in the Open Government Partnership: A Discussion Paper, 2017

³⁴³ Interview with Hivos PM

using multi-stakeholder “Integrity Circles” to enhance the integrity of local government by providing a safe space for private sector, LGUs and CSOs to consider how the business environment can be improved. By building on their existing trusted processes and framing open contracting as a means to “level the playing field” rather than as an open government or anti-corruption effort, ECCP were able to get the private sector to engage. Similarly, in Legazpi, Layertech was able to leverage an existing trusted relationship with the LGU to initiate private sector engagement with open contracting. Key incentives or value propositions to the private sector in the Philippines included:

- **“Levelling the playing field”:** enabling businesses to compete for contracts on a more equal basis
- **Business intelligence:** open contracting provides businesses with intelligence or tenders, details of successful bids which can help them to better tailor bids for government contracts
- **Efficiency in payments:** speeding up the process of payments and information on when payments are likely to be made.
- **Avoiding framing as open government or anticorruption**

However, there were several examples where the programme was unable to offer a value proposition strong enough for the private sector to actively engage. In Malawi and Guatemala, the programme found it challenging to engage private sector actors in CoST multi-stakeholder initiatives. Malawi stakeholders found that business was reluctant to “bite the hand that feeds them” or to risk reprisals. In Guatemala the gaps between the values of dissenting CSOs and the industry partner CoST was too big to bridge. The lack of progress in Kenya—which is recognised as a more favourable context—can partly be explained by the fact that many beneficial owners of businesses hold positions of power in government, and the Kenya team recognised that direct engagement with these businesses might achieve very little.

In Bolivia, Kenya, Tanzania and Indonesia country programmes engaged with small private sector actors led by marginalised groups, either to make them more aware of the potential to access government contracts through affirmative action provisions, or for the terms of these contracts to be fairer. However, all of these demonstrated that small businesses seeking government contracts face significant technical, socio-cultural barriers and unequal power dynamics unrelated to open contracting itself, e.g., poor access to tech solutions and finance, rent seeking by official gatekeepers of registration and participation processes, tax, etc.

However, it is important to recognise the range of incentives among different private sector actors. In some situations, it is in the interests of large incumbent businesses for the procurement process to be opaque, as this makes competition harder. Opaque procurement processes can “protect” those businesses with personal links to government officials or those who are prepared to offer incentives. But for smaller newcomers to the market, open contracting can offer valuable intelligence via access to tenders and historical records of awards and contracts.

ECCP’s work in South Cotabato has led to the replication plans discussed earlier, which would provide opportunities to test one of the programme’s most recent assumptions: **that it is possible to multiply local government OC experiences.**

5. WHAT IS PROBLEMATIC OR MISSING IN THE TOC?

As discussed, the programme discovered early in its lifetime that assumptions on procurement data availability and about government capacity to disclose data required adjustment. As a result of this learning, the programme adapted and focused more on the earlier steps to getting data out and to raise awareness of rights and understanding the process of public procurement. But the assumption “**Lack of knowledge, resources, skills and networks is the main obstacle for infomediaries to be effective advocates, monitoring and reporters for and on the basis of Open Contracting Data, and in influencing the policies and practices**” (CA4) is perhaps more problematic and hints at deeper issues with the ToC.

Although lack of knowledge, resources, skills and networks are significant barriers to infomediaries’ use of open contracting data in advocacy, monitoring and reporting, evidence from the programme reveals are other significant barriers to effective influence on policy and practice. While it was initially assumed that data is available and useful for these purposes, in many countries this is not the reality. The programme had to work politically to locate and leverage political will and government relationships in the Government to secure disclosures and engagement in open contracting. It also made the assumption that there is capacity in Government to effectively manage the procurement data that would be of interest to civil society infomediaries or the private sector. In some cases the programme was able to leverage political will to secure disclosure commitments and then provide capacity to the government to disclose.

As highlighted in the section on GEDI and TISA’s work in Kenya, there are other socio-cultural and technical barriers that need to be overcome in order for infomediaries to be effective in supporting citizens—particularly marginalised groups—to engage in public procurement, as contractors or as advocates engaging oversight authorities.

The examples of intimidation of journalists in Kenya, Guatemala and Indonesia (and as seen more broadly in light of shrinking civic space around the world)³⁴⁴ highlight the significant disincentives for these infomediaries to challenge incumbent power dynamics and vested interests. Although Hivos put procedures in place to help protect journalists—including grant management support, training on digital security and a strategic partnership with Frontline Defenders, the risks of challenging power are not made explicit in the ToC.

The limitations in these specific assumptions serve to highlight a deeper flaw in the programme **ToC’s problem analysis statement**:

Public contracting is an essential step in delivering goods and services that people care about: good public education, quality health care, safe roads and clean drinking water. Public contracting processes are often complex and involve a lot of money, at the same time there is little information available about how procurement is planned, how companies are selected and awarded and if the services and goods are delivered as planned. This lack of disclosure makes public procurement processes opaque and vulnerable to bad planning, mismanagement, fraud and corruption. As a result, people have no equal access to quality public goods and services.³⁴⁵

This diagnosis concludes that lack of disclosure results in unequal access to quality public goods and services, rather than focusing on the underlying reasons why bad planning, mismanagement, fraud and corruption occur. In other words, the disclosures that reveal

³⁴⁴ 2019 State of Civil Society report, CIVICUS. <https://www.civicus.org/index.php/state-of-civil-society-report-2019>

³⁴⁵ Open Up Contracting Overall Programme ToC

mismanagement or corruption are unlikely, on their own, to resolve problems with public procurement. Although this may appear to be an overly semantic analysis of the programme's ToC, it highlights the distinction between transparency advocacy—which is a central pillar of the ToC—and the related efforts to understand and address the causes of mismanagement and corruption and to engage in the longer term work of dismantling those practices through infomediation and citizen mobilisation and reform; a theory of change aimed at improved, sustained accountability will be stronger if it elucidates these root causes as the source of opacity and the ultimate target of informed citizen, NGO, private sector and government action. Given the challenging contexts in which the programme has been working with a focus on transparency, it may be unrealistic to anticipate outcomes related to greater accountability within the programme's lifetime. And it should be recognised that the programme took a "power-aware" approach in its advocacy, and worked intelligently to navigate the politics of transparency reform. But future efforts can build on these programme lessons by increasing their focus on the root causes of unaccountability and poor service delivery, and developing a theory of change that incorporates those causes and their ultimate remedies into a vision of transparency and participation for accountability.

6. MEDIA, CITIZENS AND CITIZEN ACTION

The roles of media and citizens did not feature explicitly in much in the programme's theory of change. However, the programme did engage in a number of promising initiatives which interacted with both groups³⁴⁶ and a number of assumptions and learning questions related to citizens did appear in programme documentation from 2018 onwards. In this section we draw on evidence generated by the programme,³⁴⁷ and from the wider transparency, participation and accountability field, to consider a number of the roles and interrelationships between journalism, media and citizen action which don't feature substantially in the programme ToC but which could be useful in the design of future open contracting programmes aimed at addressing the lack of accountability in public procurement and improving public services.

a) Media and journalism

The roles journalists and media played and assumptions on how this would bring about change varied across the programme. The specific role of media was not fleshed out in the overall programme theory of change. Media was mentioned as one of the infomediary actors whose capacity Hivos planned to support under the programme's second objective. A key assumption of the original programme designers was that **capacity building—both technical and relational—would enable journalists and media actors to contribute to the first objective**. This was to lobby and advocate both for the disclosure of more data, and/or improved public contracting processes, including by playing oversight roles and making accountability demands. (The latter may involve a range of activities targeting policymakers, accountability seeking institutions and actors including ordinary citizens).

Although the ToC didn't articulate explicit assumptions relating to media, interviews with programme staff and partners suggested that another, or alternative dominant implicit assumption was that by influencing the disclosure of data and capacity to infomediate it, journalists would be able to publish stories that would influence public opinion, debate, engagement and accountability demands. Arguably this second strand engages with a theory of social change that is less technical and information centric, highlighting the potential of collective action by citizens seeking accountability.

³⁴⁶ For the purposes of this analysis, we talk about citizens as a distinct group, but recognise that in reality people from the media, private sector and government are all citizens. In the analysis we are referring to the role people are envisaged to play as normal citizens in accountability processes. We also recognise the term "citizen" is contested and not unproblematic.

³⁴⁷ You can read more about the programme's engagement with media actors in the evaluation case study on media and journalism.

Our review of literature discussed in the Media case study broadly reflects the ideas conveyed by programme staff and partners. Effective journalistic and media work require the capacity to write compelling stories that raise awareness and engage policy makers or citizens, leading to shifts in policies and practice. It also involves building networks of journalists, informed mediaries and other intermediaries who can engage in collective action to influence the ecosystem.

The Media case study demonstrates that the programme's assumptions that it would be able to support the capacity development of journalists and CSO intermediaries to write compelling stories that raised awareness and interest broadly held in Indonesia, the Philippines, Guatemala, Malawi and Tanzania. Moreover, the programme was able to support the development of networks among media actors in the Philippines, Indonesia and Guatemala. However, developing the capacity to use data and pursue investigations, which were painstaking, took time and often required accompaniment by lawyers. In the Philippines it also involved assistance from public auditors and procurement experts. Moreover, these activities, mostly taken in contexts where journalists are badly rewarded, were highly risky and sometimes unsuccessful, requiring politically savvy adaptive management. To ensure stories were published, Hivos staff and partners in Tanzania and Guatemala had to build relationships to get senior editorial staff on board which is vital when media houses demand news 24 hours a day.

According to the evidence, the two pathways through which stories work to influence policy and accountability practice and build networks are through influence on decision makers and citizens. We were able to find more evidence to support the programme's influence on the former than the latter.

- **Influencing decision makers:** The causal pathways by which journalists and media actors seek to influence policy makers also entail complex vertical and horizontal relationships. Successful land reform advocacy in the Philippines, for example, has historically involved journalists working in coalitions that link grassroots groups to national level CSO intermediaries who have access to policy makers.³⁴⁸

But strong evidence and access to policy makers do not guarantee sound policy decisions, as data on the limits of evidence-based advocacy suggests. Evidence is also mediated by power. Oxfam's media work in the UK shows that media influencers, such as newspaper editorials, columns, and even important political blogs, are more effective at shaping decision-makers' ideas and behaviour than general news coverage³⁴⁹.

It follows that the effects of media on decision makers are limited without specific advocacy. Recent evidence from Oxfam implies that timing and framing of advocacy messages are important and that headline numbers can be more effective than deep rigorous studies in an emergency.³⁵⁰ Similarly, the sources of information matter. Several studies suggest local level state actors may be more responsive to community generated data and video evidence than other sources.³⁵¹ Community perceptions, stories and photos have been found to be particularly effective in engaging local government actors as they work on emotions.³⁵² In addition, comparative information is more effective than

³⁴⁸ <https://accountabilityresearch.org/wp-content/uploads/2018/07/Going-Vertical-e-book-14may2018.pdf>

³⁴⁹ <https://oxfamblogs.org/fp2p/who-do-governments-listen-to-some-intel-from-the-oxfam-media-team/>

³⁵⁰ <https://blogs.worldbank.org/impactevaluations/8-lessons-how-influence-policy-evidence-oxfam-s-experience>

³⁵¹ An example from Guatemala can be found in Flores, W. (2018) How can evidence bolster citizen action?; and across the world in Joshi, A. and McCluskey, R. (2017) The art of 'bureaucraft': Why and how bureaucrats respond to citizen voice, Making All Voices Count Research Briefing, Brighton: IDS

³⁵² Flores, W. (2018) How can evidence bolster citizen action? [://accountabilityresearch.org/web/wp-content/uploads/2018/02/Accountability-Note2_English_2-22-18.pdf](https://accountabilityresearch.org/web/wp-content/uploads/2018/02/Accountability-Note2_English_2-22-18.pdf).

³⁵³ Naeve, K., Fischer-Mackey, J., Puri, J., Bhatia, R., & Yegbemey, R. N. (2017). Evaluating advocacy: an exploration of evidence and tools to understand what works and why December 2017.

information on single cases or communities.³⁵³ Studies on how information triggers audience reactions, show that the nature of the comparison matters. While shaming governments can work in some places, 'name and fame' comparisons that use positive role models to inspire duty bearers to improve can work better in others.³⁵⁴

There are a number of examples across from the OUC programme that validate the assumption that the programme could support journalists to influence decision makers. Stories of corrupt practices authored by partners in Guatemala, Malawi, Indonesia and the Philippines all triggered action by national level oversight authorities. However, examples in Tanzania and Indonesia both raised questions about whether follow up by the programme was adequate to influence policy actors or oversight bodies. In Tanzania we were told that a series of stories concerning Tanzanian's rights related to mining helped to open doors with an administration who shared that agenda, however more systematic advocacy using the story had been thwarted by programme management challenges. In Indonesia, where the accompaniment model discussed earlier ensured CSOs could help journalists write stories and use their analysis for advocacy, journalists asked questions about whether the right groups were being engaged. For example, one argued that a CSO in Bojonegoro should have engaged the Regent. While another in Yogyakarta asked questions concerning whether the stories should have been used to facilitate discussions with the public. This relates to the second media impact pathway: influencing citizens.

- **Influencing citizens:** The evidence supporting causal pathways that link media stories with citizen action is strong, in democracies at least. Transparency alone is generally insufficient to improve governance.³⁵⁵ It is only when information disclosure, particularly through the media, shapes citizens' political engagement and voting behaviour that it influences political incentives and thus reforms and other outcomes.³⁵⁶

There is also good evidence that powerful investigative journalism can influence public opinion in ways that have significant impacts on accountability and governance between elections. Reporters play roles as public interest watch-dogs, not just by analysing data, but also by reporting public outrage. They can generate insight and public engagement in the democratic process, inform consumers, and hold powerful institutions accountable.³⁵⁷

Several programme partners in the Philippines, Guatemala and Indonesia found it easy to attract internet audiences who were interested in open contracting on the internet and in print media. However, despite staff assumptions that this would sway public opinion, we have little evidence on whether this triggered any deeper deliberation or citizen action. Likewise although we were told that a story concerning a scandal about the sell off of government tractors and machinery had stimulated considerable public debate we do not have evidence to support it.

One of the most interesting stories involving some level of citizen engagement that also had influence on decision makers came from Yoneco, a partner in Malawi, Yoneco used a media tactic, community radio, to overcome information asymmetries and engage women and young people in investigative journalism and deliberation on issues raised in programmes through community listening clubs³⁵⁸ In February 2018, YONECO developed a script for a radio show "Who calls the shots in construction regulation?" in which the Corporate Affairs Officer of NCIC took part.³⁵⁹ While on air, they questioned him about the results of community

³⁵⁴ See more in Williamson, V., & Eisen, N. (2016). *The impact of open government: Assessing the evidence*. Brookings.

³⁵⁵ <https://www.worldbank.org/en/research/publication/making-politics-work-for-development>

³⁵⁶ There are many obvious caveats here such as the credibility of the information source and of the inherent confirmation bias of most humans, who tend to discard information that does not conform to their existing beliefs.

³⁵⁷ [Investigative Impact: A Report on Best Practices in Measuring the Impact of Investigative Reporting](#), Global Investigative Journalism Impact

³⁵⁸ Interview with Hivos PM, Yoneco, project documentation

³⁵⁹ Hivos Outcome Harvesting reported by YONECO

investigations that revealed a substandard bridge had been constructed by a contractor who was not compliant with the NCIC standards. When interrogated by YONECO, the Officer was forced to admit that a number of procurement shortcomings and possible issues of non-compliance were responsible for this. Following the show in which YONECO had successfully intermediated community data to hold the contractor to account, representatives from COST, who are infrastructure experts, investigated the matter. This later resulted in the NCIC publishing a list of registered contractors and re-tendering the contract for the bridge.

YONECO was one of the few partners that tried to engage marginalised groups using stories in any meaningful way. On one hand this is not surprising given the programme's focus on policy reform and decision not to impose ideas on partners. On the other hand, it seems an omission given Hivos's reputation for influencing the OC community's discourse regarding marginalised people and the overarching programme's title 'citizen agency consortium'. Regardless of the reasons, clarifying assumptions about if and how media work is likely to influence citizen action and how that, in turn, influences power holders and decision makers seems an important area for further consideration in future programmes.

b) Citizens and citizen action

Evidence from the wider transparency, accountability and participation field reinforces that citizens are important in a number of change pathways for accountability. This may be in the form of political pressure via the "long route"³⁶¹ of the ballot box leading to problems in public service addressed via the apparatus of the state, or in the form of collective citizen actions that seek to address government accountability deficits.³⁶²

Citizens are largely absent from the programme's original ToC and there is little visibility of causal mechanisms by which disclosure of data and information mediated by infomediaries such as media and CSOs to citizens is likely to lead to citizen action. In fact, citizens appeared explicitly in the ToC only as of 2018, when a focus on inclusion was incorporated in the programme in the form of inclusion outcomes and in relation to a number of new assumptions and learning questions related to citizens (see Table 5 below).

Table 5: New theory of change assumptions and learning questions related to citizens, added in 2018

Assumption	Learning questions
Beneficiaries of specific public services will be interested and engage in achieving positive impacts of Open Contracting reforms	<ul style="list-style-type: none"> • Are OC reforms more likely to be robust and sustainable if they are based on people's engagement to meet their needs? • What is the (active/passive) that people (beneficiaries) have in your L&A? • What strategies can be used to engage people in issues related public service delivery and OC reforms?
People/beneficiaries will act on issues they care about, once they have relevant information to make informed decisions	<ul style="list-style-type: none"> • If people don't act on issues they care about, how to incentivise and engage? • What else is needed to engage people, once contextualised and actionable information is available?
Citizen engagement (e.g., campaigns) will strengthen case for Open Contracting	<ul style="list-style-type: none"> • What is the role of people exerting public pressure in OC reforms?

³⁶⁰ Holland, J. (2017). What works for Social Accountability? Findings from DFID's Macro Evaluation. ITAD

³⁶¹ "The long route involves citizens holding the government accountable through mechanisms of political representation (closely related to regime type), and then the government (through formal mechanisms in the public administration) holding providers accountable for delivering public services to the population." Baez Camargo, Claudia and Jacobs, Eelco. (2013) Social Accountability and its Conceptual Challenges: An analytical framework. Working Paper Series, 16.

³⁶² Anja Rudiger, June 2018. Fiscal Transparency and Accountability - Research Note for the Fiscal Futures' Scenario Planning Workshops. International Budget Partnership

As discussed above in relation to the role of media actors, there are important questions as to how disclosure is most likely to lead action. Looking at the programme's original ToC, it would be useful to consider who is infomediating and intermediating between whom and why? What actions are expected as a result? and by whom and for what?

In the ToC there are high level outcomes regarding "**Governments in selected countries create mechanisms for oversight authorities to respond to and act upon public feedback related to public contracting**" (LA5) and "**Government (Oversight Authorities) is acting upon public feedback to hold decision makers and contractors to account for any irregularities**" (LO4). Is it envisaged that public feedback is mediated through representation through intermediaries such as CSOs, or as discussed earlier, the media? Evidence would suggest the potential of technology platforms mediating individual feedback from citizens to government is limited³⁶³. TISA's work in Elgeyo Marakwet in Kenya demonstrates a well thought out consideration of why marginalised groups may or may not engage in government contracting processes some of which are likely to also be highly relevant more broadly and highlight a range of technical, socio-cultural factors and barriers to citizen participation and engagement with oversight authorities. Due to the breadth of this evaluation and travel restrictions as a result of Covid-19 we were not able to source sufficient data to make conclusions but the programme's activities where partners engaged directly with citizens in Kenya, Indonesia, Malawi, Tanzania, Guatemala, and the Philippines should offer rich material for learning.

Citizen dissent and protest is another potential pathway in which citizens might play a role in accountability claims by applying pressure for change. For example, long before this programme, an investigative piece by the Philippines Centre for Investigative Journalism (PCIJ) that exposed presidential corruption. This played an important role in a popular uprising in 2001 that triggered a series of events that brought down President Estrada of the Philippines. Public action led to official inquiries, effective reform and recovery of funds.³⁶⁴

But what is it that triggers citizen action? Evidence discussed above in relation to media would suggest that sophisticated data and analysis is often not necessary to run a compelling story which solicits a reaction from the public. For example, in the United States, the statistics of deaths of people of colour in custody have been accessible to the public for years. But video footage of George Floyd being suffocated under a police officer's knee while fellow officers looked on, outraged much of society and triggered widespread protest across the USA and other countries across the world.

The evidence would suggest data and information can be important triggers for collective citizen action, but it depends on timing, how compelling the story is, the medium in which it is communicated and the way in which it connects with citizens emotions³⁶⁵.

Interestingly, if Hivos were able to answer their learning questions related to citizens in the table above, and the evidence used to update the ToC would make significant improvement in factoring in the causal mechanisms by which citizen action might trigger greater accountability.

³⁶³ McGee, R. with Edwards, D.; Anderson, C.; Hudson, H. and Feruglio, F. (2018) Appropriating technology for accountability: messages from Making All Voices Count, Making All Voices Count Research Report, Brighton: IDS. and Tiago Peixoto, T. & Fox, J. (2016) When Does ICT-Enabled Citizen Voice Lead to Government Responsiveness? World Development report 2016, World Bank.

³⁶⁴ <https://impact.gijn.org/case-studies/investigating-estrada-millions-mansions-and-mistresses-philippines/>

³⁶⁵ Flores, W. (2018) How can evidence bolster citizen action? [://accountabilityresearch.org/web/wp-content/uploads/2018/02/Accountability-Note2_English_2-22-18.pdf](http://accountabilityresearch.org/web/wp-content/uploads/2018/02/Accountability-Note2_English_2-22-18.pdf).

7. INFLUENCING THE FIELD

Considerable research supported by the programme indicates there is an implicit assumption that it will influence the field. As much of this was commissioned around the time of the evaluation we cannot comment on whether it holds. However, enthusiastic responses of key TPA actors to a recently published case study on inclusion bode well.

VI. EFFICIENT USE OF RESOURCES

Cost efficiency was not given adequate consideration during the programme planning and implementation as per approaches recommended by Efficiency Labs. However, the adaptive management ecosystem approach with a focus on sustainability adopted by the programme management team implicitly encouraged cost efficiency. Despite not being able to undertake detailed cost efficiency analysis we can conclude that the programme was less efficient than it could have been. Initial budget phasing and problems with grant management meant the programme was able to achieve less than it would otherwise have done ceteris paribus - all other things being equal.

Cost efficiency as defined by the Dutch government is about the relationships between input resources or costs programme outcomes. It can be assessed by comparing the costs associated with achieving a pre-defined targeted level of outcome. For example, using less inputs/costs than planned to achieve the given targeted level of outcome could be assessed as efficient. Alternatively achieving more than the targeted level of outcome for a given cost or input level could be defined as efficient. A stronger measure of efficiency involves comparing the input and outcome levels of 2 different initiatives working to achieve similar outcomes and impacts. The one achieving more outcomes for a given level of input is judged to be more effective than the other. These methods to assess efficiency obviously work best and are strongest in programmes with linear relationships between inputs and quantitative outcomes that are easy to value monetarily.

However, it is far more complicated to apply cost efficiency ideas to an innovative value based effort such as the Open Up Contracting programme, which aims to prioritise issues of inclusion. On the one hand, there are a number of value propositions implicit in the theory of change that appear to offer attractive opportunities for measurement. In the long term capacity building and advocacy is expected to lead to better quality or more services as a result of less corruption or more efficient contracting. Therefore, in theory, such programmes should produce a gain that can be measured. On the other hand however, the programme wanted to build sustainable capacity to influence and grow the ecosystem as well as engage and benefit marginalised groups which is difficult and often costly. Moreover, its approach to testing risky approaches such as investigative journalism, learning and adapting means relationships between costs and benefits are complicated and non-linear. For example, the Global Institute for Investigative Journalism notes that investigative journalism does not guarantee outcomes. The risks and challenges associated with accessing information mean many inquiries will fail and they often require significant collaborations, sharing of expertise and follow up advocacy to work.³⁶⁶ However, when they do succeed and lead to the recoup of public funds, they achieve remarkable value for money.³⁶⁷

Findings from the programme illustrate how such investigations using similar inputs can have very different outcomes and potential benefits, which are dependent on context. Some investigations in Indonesia and elsewhere had to be abandoned when journalists were threatened, i.e., they had no outcome value beyond the training of the journalist. Whereas successful stories and actions in Guatemala had positive effects that could be measured in terms of their impacts on public finance. The exposure of public money being used to fund a private race, for example could lead to 140k Euros more being available for the government to spend on public services.

³⁶⁶ https://cmds.ceu.edu/sites/cmcs.ceu.hu/files/attachment/article/1129/humeinvestigativejournalismsurvey_0.pdf

³⁶⁷ [Investigative Impact: A Report on Best Practices in Measuring the Impact of Investigative Reporting](#), *Global Investigative Journalism Impact*; Tim Davies, Stephen B. Walker, Rubinstein Mor, Perini Fernando, and Francesca De Chiara. "The State of Open Data: Histories and Horizons." (2019).

In view of the complicated relationships between costs and effects in large transparency programmes which may produce large gains or nothing at all, approaches to assessing and improving cost efficiency need to be tailor made to suit the values and nature of a specific programme.³⁶⁸ According to a recent lessons learned paper by the Efficiency Lab that we have used for our assessment, achieving cost efficiency is as much about good management as measurement. It involves monitoring and assessing the relationships between costs or resource use and potential outcomes at various stages during the programme.

1. OUR APPROACH

As Hivos did not have any explicit measures in place to assess efficiency during the programme, our assessment was based on a framework suggested by the Efficiency Lab that is fitting for a programme that aims to test, learn and iterate. More specifically we considered:

1. **Use of cost efficiency considerations during the design stages of programmes or projects:** Was there a comparison of various options and try to select an intervention, or mix of interventions, that are expected to achieve optimal effects at the lowest possible cost, without undesirable side effects?
2. **Efforts to use or improve cost efficiency measures during implementation:** Did project teams try to maximise the positive effects and minimise costs while avoiding undesirable side effects?
3. **Evaluation of pilots:** Were pilots of innovative approaches compared with conventional interventions in terms of their efficiency? A new intervention that, on balance, does not generate more desired effects per euro spent will rarely be considered an improvement.
4. **Assessing the scalability after pilots:** Was there an assessment on whether outcomes have been achieved at an acceptable cost and whether project implementers have done their best to achieve these effects at the lowest possible cost. The key question that emerges after an innovative intervention has been successfully piloted is whether the costs of scaling up are proportionate with the expected effects? Also implementers need to account for project costs need to be accounted for to donors, beneficiaries, and other stakeholders.

Findings from this analysis are outlined below:

1. **There were few specific measures considered at the design stage of the programme that would have influenced efficiency** beyond ensuring Hivos management systems a) assessed and monitored risk associated with different partners and b) checked that certain unit costs, e.g., consultant fees were within established caps.³⁶⁹ That said, Hivos's intention to apply rigorous monitoring and learning using outcome harvesting and various reporting methods right from the start of the programme allowed, in principle, for promising approaches to be identified and scaled and inefficient or risky projects to be identified and stopped.
2. **Efforts used by the team to enhance efficiency improved during the programme.** The initial start-up was inefficient. Because the grant budget phasing had not been thought through, several communication and other support roles that wouldn't become relevant until later in the programme were appointed too early and therefore resources were used

³⁶⁸ Shutt, C, (2015). The Politics and Practice of Value for Money, in (eds) Eyben, R. Roche, C. Guijt, I. & Shutt, C. The Politics of Evidence in International Development: Playing the Game to Change the Rules, Practical Action UK

sub-optimally³⁷⁰ Additionally, and somewhat ironically, Hivos encountered inefficiencies as a result of failed calls for proposals. This was because the amounts of the grants advertised in calls for proposals were too small, for example in the Philippines 5,000 Euros, and too short-term - less than a year to attract the kinds of organisations Hivos needed to partner with to achieve the programme's aims.³⁷¹ Offers of mentoring support were appreciated, but demanding, capacity assessment approaches and monitoring and reporting requirements still made the programme a hard sell.³⁷²

In spite of these early problems the learning and adaptation approach was implemented and achieved some efficiency improvements. Pilots in 2017 allowed partners such as ECCP to fine tune the promising approach to integrating OC in its integrity circle approach in the Philippines. Additionally, we encountered several examples where risky or unsuccessful projects were stopped in a timely manner, for example support for CIJM in Malawi and also a weak CSO in Semerang, Indonesia.

The decision in 2018 to respond to partner feedback and grant larger and longer term grants within an ecosystem approach with a very intentional focus on sustainability offered further opportunities for improvements. As a result, grantees and programme staff were able to use the financial resources more strategically as elaborated in other parts of the report.

Unfortunately, the full potential of the shift to an ecosystems approach was not realised due to weaknesses in the grant financial management system that caused inefficiencies. Grantees and PMs reported huge delays in contracting and transfers of funds that had a negative effect on relationships as well as planned activities. For example, in Malawi, it became very difficult for partners and programme managers to match requests for mentors with consultant availability and funding. This was one of several issues that prevented the Malawi programme being able to execute its plans for partners to collaborate and focus their advocacy efforts around a 2019 election campaign.

Consortium partners also raised questions about whether it is efficient for international organisations such as Article19 and Hivos, School of Data, OCP and Engine Room, which have similar competencies to partner with each other and implement programmes in the same geographies. Without careful coordination, the risks of duplicated effort, incoherent messaging, confusion of local partners and tensions are high.

What can't be measured unfortunately, are the efficiency gains or losses of taking a partner led approach within Hivos's new 'projectised' model. Hivos sought to support existing trusted partners working on relevant and topical issues in their country context rather than contracting them to deliver on specific results.³⁷³ While this value based approach was arguably cost efficient and consistent with the organisation's values and bottom up solidarity type approach it may become more difficult to defend within Hivos new 'projectised' top down organisational model. The new model not only encourages more contractual type relationships with partners, it also means that Hivos staff are encouraged to play more direct roles in programme implementation as was the case in Kenya.

3. The programme has not made explicit efforts to evaluate pilots. However, the overall monitoring and learning approach that supports regular meetings together with more informal methods, such as regular check-ins by programme managers and other

³⁶⁹ Interviews with finance staff and PMs

³⁷⁰ Interviews with PMs and finance staff

³⁷¹ Interviews with PMs

³⁷² Interviews with several PMs and partners

³⁷³ Interviews with PMs

support staff has served this purpose. As a result, some partners are seeking to replicate approaches to enhancing the openness and efficiency of government procurement systems. For example, ECCP is currently preparing materials that will share South Cotabato's experience of opening up an LGU with 60 more of its partner LGUs in the Philippines. As it is integrating OC within its existing approach to facilitating relationships between CSOs, LGUs and businesses, ECCP's approach appears to offer significant efficiency gains. Similar opportunities exist for URAIA and TISA in Kenya though we have no evidence that replication is being considered or that it is that plans are based on a careful cost analysis.

4. **Unfortunately due to Covid-19 we were not able to find a reliable comparator programme or conduct a participatory assessment of whether outcomes were achieved at a reasonable cost and or which tactics appeared the most cost efficient.** Our considerable work on value for money and cost efficiency cautions against undertaking such analysis without in depth and time consuming engagement with accountants responsible for taking decisions for cost classifications when posting entries³⁷⁴. We know, for example, that Hivos's approaches to direct costing have changed due to its transformation into a projectised organisation and that would need to be considered in any comparative analysis within the programme or with other organisations. Likewise, as no internal targets were set relating to costs for the specific quality or quantity of specific types of outcomes, we cannot make any assessment of the relative cost efficiency achieved against prior expectations. To be clear, we are not suggesting that the programme should have identified simplistic cost efficiency measures, but future programmes could, for example, use learning about journalist attrition rates and the risks associated with investigative journalism to develop cost efficiency targets that allow for failure. Similarly, any learning regarding the relative expense of being more inclusive could be factored into future, value based cost efficiency frameworks.

³⁷⁴ Interview with finance staff

VII. PROGRAMME CONTEXT

The organisational and implementation context of the programme had a positive influence in some respects, but the challenges resulting from delays in contracting and payments were detrimental to programme activities, to Hivos organisational and individual staff reputations, and to programme outcomes.

As detailed earlier, the programme's implementation can be seen in five logical phases which put emphasis on different dimensions of the implementation:

- **2016: Inception, scoping, understanding, planning:** programme set up; recruitment of key personnel; country selection; developing relationships and coordinating roles with key partners such as OGP and OCP and with capacity development partners School of Data and the Engine Room
- **2017: Learning, experimenting, testing:** launching call for proposals; country partner selection; onboarding and support of first cohort of programme partners
- **2018: Adapting, deepening in working towards lobbying and advocacy outcomes:** adapting programme and structure to an ecosystems approach in light of learning from 2016-2017
- **2019: Scaling, deepening in working towards lobbying and advocacy outcomes:** identifying and brokering new grants with new partners; strengthening relationships with existing partners; commissioning research and evaluations
- **2020: Learning, sustainability:** programme closedown; supporting partners to complete projects; supporting sustainability strategies in relation to outcomes and partner organisations; supporting learning from research and evaluation

In this section, we explore the influence of the programme strategy and several operational factors on the programme and its achievements.

1. GRANT SIZES AND HIVOS'S PARTNER SELECTION CRITERIA

Following the programme's inception period in 2016, the first implementation phase in 2017 was framed as a period of experimentation and testing. The programme launched a call for proposals in January 2017 to build "the capacity of Civil Society Organisations (CSOs), media, entrepreneurs or social start-ups in analysing public contracting data, for lobbying and advocacy purposes".³⁷⁵

This initial period was an opportunity for the programme to explore working with potential partners for longer term partnerships. The financial offer was described in the call for proposals as seed funding up to €10,000, with the main non-financial offers being mentorship and capacity building for work on open contracting. (See section VI above for discussion of the impact of this model on overall programme efficiency of the programme).

The seed funding³⁷⁶ model resulted in the initial partners conceiving and developing their projects in isolation,³⁷⁷ which limited their opportunity to think strategically, collaboratively or with a longer term vision. In Latin America, for instance it was not possible to plan for development of new open data portals without funds to pay for a staffer to begin such plans. Different Hivos actors pushed for grant revisions.³⁷⁸ The shift to an ecosystems approach

³⁷⁵ Call for proposals 5th January 2017 <https://openupcontracting.org/call-for-proposals/>

³⁷⁶ Interviews with PMs in Latin America and the Philippines

³⁷⁷ Written communication with PM

³⁷⁸ Interviews with all partners, mentors and CED

came with larger sums and longer term grants, which worked well for partners in Guatemala and the Philippines who had strong capacities and networks. However, for new partners (those who had not already worked on OC or been involved in the first phase of the programme) the initial grants did not increase significantly. In Kenya, TISA was unable to pay the radio fees that would have helped its awareness campaign for the AGPO to reach the most marginalised groups;³⁷⁹ and a women's organisation did not join the programme because the grant seemed too small for the outcomes expected.

For some partners, the increased grant sizes were not necessarily utilised and were unable to absorb these funds.³⁸⁰ This could indicate that some partners didn't need all of the funds, but it could also relate to the challenge of prioritising and dedicating time to smaller more piecemeal projects. This would be a useful issue to explore to inform future granting strategies.

In African countries, the Philippines, Bolivia and Indonesia, the ecosystems approach required the CED to scout out and invite new partners. This "curated" approach caused tension because programme staff considered it a significant departure from Hivos's usual process of partner selection via open calls for proposals. Meanwhile, other Hivos staffers dispute that open calls for proposals are Hivos's default granting mechanism. We were not able to explore this inconsistency in staff perceptions more fully. Also, the due diligence process classifies any organisation without topical experience as a higher risk, even though open contracting was new to many partners.³⁸¹ In Kenya, both these tensions led to constant negotiation, which affected the pace of implementation.

2. HIVOS GRANT AND FINANCIAL MANAGEMENT PROCESSES

The programme's 2018 shift to an ecosystems approach relied heavily on country staff to develop relationships and build interest among a range of local stakeholders. Staff successes forging local partnerships are noteworthy, not least because they were achieved despite significant operational challenges, such as ongoing delays in grantmaking and financial disbursements. In some cases partners were unable to take advantage of time-sensitive opportunities or left with very little time to fully actually implement their projects; therefore limiting the potential to achieve outputs and outcomes.³⁸² Hivos PM and CEDs witnessed how contracting and disbursement delays undermined trust and caused reputational and relationship damage for CED/PMs; and partners were not able to achieve what they might have without these operational delays. This is a lesson that could/should have been learned from a previous Hivos programme, Making All Voices Count, which took an ecosystems approach to country implementation and met with similar challenges.³⁸³

Hivos tightened controls for grants management at the country, hub and global level, in response to an incident of mispractice by grantees and regional staff in a different programme.³⁸⁴ Although these financial reporting requirements are reasonable, the lack of clarity about requirements and the time required to complete the granting process resulted in significant project delays (i.e., up to 6 months) which adversely affected relationships and planned activities.³⁸⁵ There was inconsistency in messaging, as different financial staff

³⁷⁹ Narrative reporting TISA

³⁸⁰ Interview with CED

³⁸¹ Interviews with Finance Officer, CED, RPM

³⁸² Interviews with partners, programme staff and Hivos Partner Survey 2019, Keystone Accountability.

³⁸³ Edwards, D.; Hudson, H.; Anderson, C.; McGee, R. and Brock, K. (2018) Supporting innovation and the use of technologies in accountability initiatives: lessons from Making All Voices Count, Making All Voices Count Programme Learning Report, Brighton: IDS

³⁸⁴ Interviews with FO, PM, RPM, CEDs. Hivos Annual Report 2017.

³⁸⁵ Interviews with finance staff, partners and the Keystone Report

communicated different requirements and expectations. Some respondents attributed this inertia and inaction to a “culture of fear” among financial and contracting who worried about doing the wrong thing.³⁸⁶ The global PM actively mediated and pushed for improvements to lower the administrative burden, but partners in all regions continued to experience it.³⁸⁷ For example, in Malawi, it became difficult to match requests for mentors with consultant availability and funding. In the Philippines and Guatemala, partners had to pay for activities from personal funds or funds from other donors. In Guatemala, one partner paid for expenses so as not to miss a key L&A opportunity and was very disappointed to later discover they would not be reimbursed.³⁸⁸

Hivos has a responsibility to ensure accountability and appropriate usage of donor funding and to manage the risks of grantmaking to organisations working across a wide range of formality and maturity. In particular, Hivos has to devote special attention to navigating reputational risks associated with management of public funds by a transparency and accountability programme—i.e., it could be seen as hypocritical to support government accountability in public procurement if Hivos itself were not managing its own resources effectively. As Hivos tightens grant procedures to reduce the risk of mismanagement or fraud, the question to be considered is whether current systems, policies and procedures are appropriate to the size of grants made in a programme like this—and whether they can still be streamlined to be made more efficient and responsive.

The programme has demonstrated it is possible to take an embedded and contextually relevant ecosystems approach to TPA work, but for this to be most effective, Hivos must find ways to ensure fiscal and operational accountability while remaining agile, lightweight and time sensitive in responding to the needs of its programmes and partners.

3. COUNTRY, REGIONAL AND GLOBAL DYNAMICS

A related issue of programme management was the ‘mediation’ by regional hubs. Within the time available, we were not able to uncover specifics of budget management, but we know that regional hubs were responsible for myriad budgetary, staffing and programme management decisions.

Personnel management was complicated because local staff were managed by regional hubs while content/programme management came from a global programme manager in the Hague. This matrixed management arrangement resulted in tensions and challenges.

The dynamics between country-level implementation and the regional hubs played out differently across regions. In East Africa regional management contributed to strategic planning, engagement with regional OC L&A opportunities, and coordinated closely with CEDs to guide the programme’s direction.³⁸⁹ In Southeast Asia the relationship was not prominent, and apart from the delays above, nothing significant was noted. In Latin America there were three different regional managers during the implementation, each with different levels of strategic thinking and management skills³⁹⁰, which led to changes in emphasis. Regional partners felt the strain of these changes in 2019 when requirements kept shifting: different people from Hivos kept asking for documentation that was previously sent; and the delays in contracting and disbursements were even more significant. Some said that without these delays Guatemala would have reached the OCDS by 2020³⁹¹ but the regional office’s

³⁸⁶ Interviews with multiple actors

³⁸⁷ Interviews with partners and CEDs

³⁸⁸ Interviews with various CEDs

³⁸⁹ Interviews with CED and regional PM

³⁹⁰ Interviews with CEDs, partners and mentors,

³⁹¹ Interviews with multiple actors

decision to hire the CED on a part time basis only made this more challenging.

At the start of the programme there appeared to be a disconnect between design and implementation decisions made by the consortium team (including Article19) at global level and what was communicated to the regional teams.³⁹² One respondent felt as though they had been assigned a budget to work on open contracting but no strategic guidance on what they were expected to achieve or what different consortium members' responsibilities were.³⁹³

4. STAFFING

Staffing challenges and strengths played out differently across programme countries. When staff were hired specifically for the programme (as opposed to existing staff having time allocated to the programme), these recruitment decisions were made at the regional level with the programme's Global PM having little input as budgets are managed at the regional hub level.³⁹⁴ In Southeast Asia it was decided not to have a regional PM and instead hire full-time CED positions in each country; both were highly skilled, politically savvy individuals who were able to shift the programme objectives to fit better to their contexts. In the Philippines the PM was able to draw on existing networks as she had been working in the procurement space for many years.

In East Africa, the initial plan was to have a regional PM and one CED who would cover both Kenya and Tanzania. After feedback from partners in Tanzania a country level contact with greater local familiarity was put in place, but that position was only filled in July 2018, in a context where partners needed more constant support. In Latin America, the CED in Guatemala shifted their status from full time staff to contractor and then back to part-time staff; this inevitably had an impact on his ability to keep on top of all matters and his motivation.³⁹⁵ In Bolivia, the CED position was held by two people, with the second hired only in late 2018 again after a long hiring process, leaving the newer CED responsible for outcomes over a shorter period of time, even while working under a part-time contract.

Other staff-related challenges included getting support from Hivos Communications, M&E officers, finance and administrative staff assigned to multiple projects. In addition, the programme experienced a high turnover of project, administration and finance staff across the hubs and the global office.³⁹⁶ The administrative burden of new financial and grant procedures exacerbated these problems and added to contracting and disbursement delays. We have also mentioned the sub-optimal use of resources by appointing several communication roles that would only become relevant until later in the programme.³⁹⁷

5. SHIFTING TOC AND PROGRAMME APPROACH

The programme was designed to be flexible and was able to revise its ToC and approach over time. In other types of programmes this could have resulted in confusion. However, for an innovation-focused area like OC it worked out well. The freedom to plan every year was welcomed by Hivos staff: With no set activities to achieve, there was more space for flexibility and adaptation to opportunities as they arose. However, this was not the case for the many partners required to operate within more rigid project plans and grant compliance procedures. This differed slightly across regions with Latin American partners enjoying more

³⁹³ Interviews with CEDs and Article19

³⁹⁴ Interview with an anonymous respondent.

³⁹⁵ Interviews with partners and mentors

³⁹⁶ Interviews and written communications with PM and CEDs

³⁹⁷ Interviews with PMs and finance staff

flexibility as compliance procedures were interpreted and applied slightly differently. One CED commented that they wished that “**partners had the same level of flexibility as we do as Hivos**”. Most partners acknowledged the role that the Global PM had in making adaptations possible, especially considering the rigid organisational structures. One partner said that the PM “**tried to understand partners’ dreams and [find] opportunities for these to come true**”.³⁹⁸

Also, the project allowed for a flexible interpretation of “open contracting”—i.e., not everything had to be tied to OCDS implementation. In this way there were opportunities to further articulate and advance the concept of OC itself. While globally OC work has tended to be heavily data focused, the programme benefited from connections to work in the broader transparency, participation and accountability field. This worked particularly well with the second cohort of partners in Indonesia and Kenya, where emphasis was placed on citizen agency and participation.

6. EXCHANGES WITH MENTORS AND OTHER PARTNERS

Although, the programme’s mentorship scheme is not reflected strongly in the tangible capacities developed by partners, it had a significant influence on how the programme evolved. In Latin America, mentorship work led to stronger strategic planning and thinking. In the Philippines the mentorship was mainly technical, with the School of Data fellows serving to both partners and LGUs. In East Africa, School of Data Fellows provided valuable technical expertise in the development of partner projects, despite one case in which there was a mismatch between partners’ needs and what the Fellow was able to provide.³⁹⁹

In some cases local partners were confused as to the roles and responsibilities of the various capacity development partners; they were all seen to offer similar technical and data skills and capacity support.⁴⁰⁰ Hivos found this challenging and are planning to capture these lessons in their own learning outputs.⁴⁰¹

Ultimately, all partners interviewed, including governments, highly valued exchanges with project partners, staff from other regions, and mentors. Those spaces were seen as inspirational, life-changing, and key to the emergence of innovative ideas and synergies. These are hard to quantify or pinpoint to particular outcomes, but still they had huge value in building commitment to the OC cause.

7. OUTCOME HARVESTING MEL APPROACH

The rigorous outcome harvesting approach introduced at the start of the programme proved challenging for most partners and staff. Many who were familiar with results based reporting found the new method interesting, but hard. For M&E officers the biggest challenge was to learn the outcome harvesting approach and then to support a range of organisations who were using Outcome Harvesting for the first time.⁴⁰² Some partners expressed frustration at their inability to provide evidence that publishing investigative stories directly influences citizens (especially when those same investigative stories were gaining traction and popularity in the media).⁴⁰³

³⁹⁸ Interview with partner in Guatemala

³⁹⁹ Interview with School of Data

⁴⁰⁰ Interview with the Engine Room and Article19

⁴⁰¹ Written communication with PM

⁴⁰² Interview with SEA MEL coordinator

⁴⁰³ Interview with PM

Despite this, in SEA and EA the MEL Coordinator was able to encourage some partners to compare their reflections on outcomes to the theory of change to help them revise assumptions and tactics.⁴⁰⁴ Some found the outcome harvesting useful and planned to use it in future work.⁴⁰⁵ Some CEDs suggested that outcome harvests should be more frequent, to capture nuance and detail while events are fresh in partners' minds.⁴⁰⁶ Overall, the outcome harvesting approach yielded mixed experiences across regions. The opportunity to use it as evaluation for learning was fully realised in the Indonesia,⁴⁰⁷ and to some extent in Kenya,⁴⁰⁸ and some recent interesting work was done by Wajibu in Tanzania.⁴⁰⁹

As an external team conducting this evaluation towards the end of the programme, we question whether a partner-centric focus to the outcome harvesting was appropriate for a programme taking an ecosystems approach. Arguably outcome harvesting would have benefited from a country level unit of analysis, an adaptation that could have been made when the programme shifted to an ecosystems approach.

Additionally, it may have been more efficient to evaluate the programme using an accompaniment model in which the same team that was supporting the outcome harvesting brought their understanding of the programme's ToC, outcomes and relationships to bear on the final evaluation process. While this approach arguably could pose a threat to independence, our experience has shown that independence is determined by attitudes and values, and not by prior involvement with a programme.

A final observation: The plan for a complex umbrella evaluation of the Citizen Agency Consortium that was separate from the component evaluations resulted in an unfortunate lag between the component evaluations and the final synthesis. This left many of the intervening programme achievements by Hivos and its partners not captured to their fullest extent.

⁴⁰⁴ Interviews with SEA MEL coordinator, EA MEL Coordinator and partners in the Philippines

⁴⁰⁵ Interviews with Kenyan partners

⁴⁰⁶ Interview with CED.

⁴⁰⁷ Documentation on OH, Interview with LAC MEL coordinator

⁴⁰⁸ Interviews with Kenyan partners

⁴⁰⁹ Interview with CED

VIII. CONCLUSIONS

The Open Up Contracting component of Hivos's Citizen Agency Consortium was moderately effective in advancing its long term objectives at the global level and in seven countries in the Global South. It had the most success in the areas of influencing policies and practice related to transparency, in the disclosure of open contracting data and infomediation, and in capacity development for intermediaries. Where institutions already existed, some feedback by intermediaries using disclosed information triggered actions by oversight actors. However there was generally less progress in areas of accountability or participation in terms of government engagement or consultation with non-state actors. Hivos should be heralded for putting the demand side and inclusion on the international open contracting agenda. However, the engagement of marginalised communities or organisations that represent them remains nascent in open contracting efforts and the jury is still out on whether the progress achieved will lead to the programme's vision of improved services for ordinary people. There would need to be much more evidence of accountability responses for the field to be confident disclosure is a meaningful commitment to openness and not only "openwashing."⁴¹⁰

Despite progress in countries in the Global South, the programme was less effective in getting international bodies to open their own contracting data or in persuading the Dutch Government to harmonise and promote open contracting. This is particularly unfortunate amid the current debate about power relations in international development and the pressure to decolonise. The international organisations pushing for open contracting have a particular opportunity and obligation to adopt these practices, to serve as role models and to preempt any appearance of double standards.

The shift to an ecosystems approach increased efficiency and prospects for sustainability in several countries. An overly long inception period weighted by 'top down' approaches to grant making and capacity development that ignored views of staff and past lessons from similar programmes, contributed to a slow start for the programme. However, after adopting the ecosystems approach and a more contextually embedded and responsive attitude to partners, things improved. A more flexible approach to capacity development, matchmaking, brokering relationships, engaging political and technocrat champions began to yield better results. Horizontal learning spaces were particularly valued by partners. While the programme was able to be effective in supporting the development of technical and relational capacities to advocate for greater disclosure, the programme's shorter trainings and mentorships appeared to have been less successful at building data skills that were used by partners.

Though sustainability of capacities, outcomes and relationships is not guaranteed, **Hivos deserves credit for the amount of emphasis put on sustainability.** In the Philippines, Guatemala and Kenya the prospects are good for intermediaries with new technical and relational capacities to continue advancing the OC agenda. More attention and follow up is needed to determine the success of the tactics used to encourage demand for data, and to learn if and how these result in governments upkeep of portals, data collection and dissemination.

The programme's adoption of a theory of change approach that encouraged adaptation based on outcome harvesting and reflections on emerging outcomes and assumptions worked reasonably well. Importantly, it provided a space for partners to give honest feedback

⁴¹⁰McGee, R., & Edwards, D., 'Opening Governance: Change, Continuity and Conceptual Ambiguity', IDS Bulletin 47(1).

about whether Hivos's partnership model was fit for purpose. It also led to adaptations that enhanced efficiency and effectiveness. These included the shift to an ecosystems approach; recognition that the programme needed to support government capacity to disclose and use data; greater emphasis on inclusion; the increased focus on the potential roles of media; increased emphasis on citizen agency; and greater focus on the subnational level. These changes meant the programme had to shift its emphasis from its initial top down and technical approach to data and data use. Instead, it began to pay more attention to the 'demand side', including the private sector as special actors; academics who were likely to demand data; and most of all the engagement of ordinary and marginalised citizens and the organisations that represent them.

Though the adaptations enhanced programme effectiveness they did not go far enough in respect to the MEL approach or use of the theory of change at country level. The case studies that accompany this report demonstrate that programme managers and CED's adaptation decisions have largely been positive and generated important lessons that are outlined in the following section. Nonetheless, the programme still struggled to make the theory of change and MEL approach maximally effective for the ecosystems approach. Indonesia was the only country that managed to develop and use a country level theory of change. This may have been because the outcome harvest approach tended to be too partner centric rather than focused on the ecosystem level.

The Open Up Contracting programme's theory of change and many of its assumptions were upheld in respect to lobbying and advocacy and capacity development to increase the transparency of public procurement. However, we question whether there was sufficient focus on the reasons for mismanagement and unaccountable behaviours and practices, and connection to media and citizen action for the theory of change to lead to greater accountability and improved public services. The programme was effective at building coalitions of CSOs and government champions, with the programme and its partners having the legitimacy and credibility to work on open contracting. It was able to identify and frame open contracting in a way which responded to or offered incentives for government champions to buy in. In most countries the programme struggled to engage the private sector but where it did, partners were able to find value propositions that appealed to private sector actors and prompted participation in open contracting reforms.

Lessons on tactics that tended to work well:

- Hivos and/or its partners using their positionality, convening power and sensitivity to and awareness of political contexts **to convene and nurture trusting relationships** in coalitions with diverse membership
- Using **value propositions effectively** to leverage the incentives of different actors involved in OC ecosystems, for example:
 - Politicians – investment and electoral prospects
 - Government agencies – professional progression, fear of criticism
 - Accountability seeking actors
 - Private sector actors – level playing field or increases in efficiency
- Using a **combination of dialogue and dissent strategies**
- **Providing technical capacity to government** to help it disclose, analyse and present data in more usable formats
- Using **long term mentoring approaches** to build capacity for disclosing data and analysing it. This means considering data and systems experts as staff central to an ecosystems approach.
- Including **legal experts as advisor mentors**
- **Behind locked door offline deliberations on data** collected **prior** to official disclosure
- **Engaging with a range of political and technocrat champions** operating at different levels of government, particularly during political transitions
- **Empathic lobbying and user centred design approaches that are mindful of the power relationships** affecting different participants. Examples included
 - Bids and Awards Committee members who felt anxious about possible backlashes when opening up their data
 - Small private sector actors and government with no previous experience using ICT or data
 - Indigenous and marginalised people who have internalized powerlessness after years of discrimination
- Using an **understanding of political context and learning** through using outcome harvesting to reflect on assumptions for adaptation

There were a number of programme assumptions that didn't hold. The programme discovered early on that its assumptions around the availability of procurement data and government capacity were unfounded and the programme had to adapt its focus. The programme discovered that although knowledge, resources skills, and networks were barriers to infomediaries engaging with open contracting, there were also significant socio-cultural and power dynamics that prevented infomediaries or marginalised groups from making use of open contracting reforms. The programme did not go far enough in unpacking causal assumptions about the role of media and how it would build bridges with ordinary and marginalised citizens so that they could become more active within the ecosystems approach.

The programme theory of change's problem analysis was overly focused on transparency rather than addressing a lack of accountability and the causes of poor public service delivery. As a consequence the ToC is largely geared more towards lobbying and advocacy for greater public procurement disclosure than towards a broader approach to addressing the causes of procurement problems and accountability gaps. Although the programme's practices shifted towards participation and citizen action, the ToC does not fully reflect this shift. The programme made these shifts fairly late. Hence it is too early to test assumptions on whether shifting from a transparency-focused theory of change to one which provides more space for collective action by broad based coalitions to challenge power will achieve the programme goal.

Ultimately, the success of the ecosystem approach and tactics employed by the programme depended on contexts and operational challenges.

- They worked better in the Philippines and Kenya than in Guatemala. In Guatemala it was more difficult to build trust between CSOs working from a dissenting rights based approach who were wary of private sector representatives because of their association with beneficial owners in positions of power.
- Combining insider/dialogue and dissent/outsider tactics worked well in most of the countries. For the most part, the programme used a mix of approaches. In all of the focus countries the programme and its partners were able to dialogue with politicians and civil servants at international, national and subnational level. In Malawi, Tanzania, Kenya, Guatemala, and Indonesia the Philippines the programme also employed outsider or dissenting tactics such as using investigative journalism to expose corruption and/or make accountability demands. In Guatemala, Indonesia, Kenya, Malawi and the Philippines, partners used some of the data released as a result of dialogue and/or their own citizen data for these dissenting activities.
- Weaknesses in Hivos organisational structures, management and grantmaking systems caused inefficiency and substantial delays. Similarly to MAVC, Hivos was ill equipped to support the kind of political and adaptive ways of working required in programmes supporting partners working on transparency and accountability. Though this is partly the result of a difficult organisational transition to a project based approach and update of financial control systems, it presented staff and the organisation with unacceptable levels of reputational risk and limited the potential of some partners in realising outcomes.

The programme made limited deliberate efforts to link open contracting with climate change and environmental issues. Nonetheless a number of partners and stakeholders were considering issues related to climate change and the environment in their work, which suggests links that could be exploited in the future.

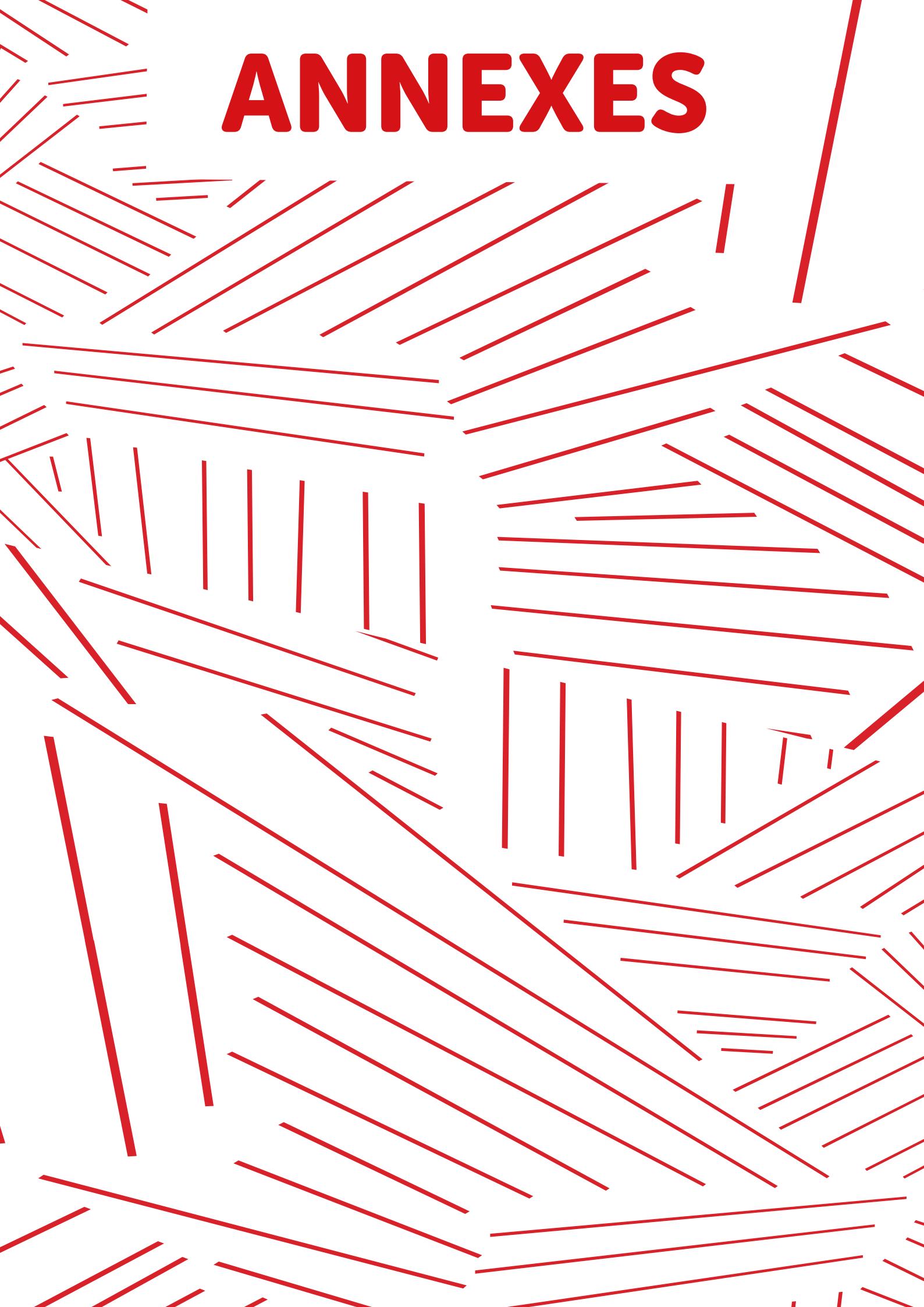
IX. RECOMMENDATIONS

Conclusions lead us to make the following recommendations:

- As the open contracting field builds on the impressive transparency gains demonstrated by the programme, greater focus needs to be given to the underlying causes of procurement problems and the actions that can turn greater accountability into improved public service delivery. **Future open contracting programmes can build on learning from this programme and tease out the theory of change's assumptions relating to participation and citizen action.** In particular, future programmes need to be clear about if and how an ecosystems approach can support unusual suspects or intermediaries representing ordinary citizens and marginalised groups. Hivos can capitalise on its local and grassroots networks, as well as its campaigning expertise to raise awareness and further incentivise direct citizen action and participation.
- The programme made significant progress in enhancing its capacity to support inclusivity. However **there are still capacities and skills that need further development across the open contracting landscape, particularly in relation to intersectionality and other intra-group power dynamics.** The Hivos GEDI strategy is a great resource that should be followed and adapted to country contexts in order to continue the journey towards inclusivity. A new programme aiming to be more inclusive of marginalised populations must prioritise inclusion at the design stage and create structures throughout every stage of implementation that facilitate participation and ownership.
- **Causal pathways for the role of media actors need further unpacking.** Media initiatives that seek to influence public opinion and stimulate citizen action may require different follow up tactics (such as radio and deliberation) from those seeking to influence policy.
- **More research and learning is needed on what kinds of information trigger decision makers and citizens to take action:** What will trigger government response? What forms of citizen generated data? What was it in the Guatemala example that triggered government response?
- Future programmes need to **generate more evidence on how changes in contracting produce benefits for ordinary people.** Such research needs to consider if and how enhancements for private sector contractors (such as those instituted in South Cotabato) translate to changes in the services available to citizens.
- Hivos should keep a watching brief on **the sustainability of technical portals** supported by this programme, to see if and how they evolve and adapt. Key questions include whether portals managed within government and by infomediaries outside government become so valuable that the government will sustain them.
- **Approaches to capacity development and support need to be fit for purpose.** Short term training events can equip experienced partners with sufficient understanding for advocacy on OCDS. However, developing data capacity in different parts of the ecosystem, including in government, requires longer and more sustained support. Similarly, procurement investigations depend on complex legal knowledge. Hence building links with lawyers who can play a role in ecosystems and mentor those investigating suspicious projects may be a pre-condition for complex cases.

- **You can't make everyone a data scientist.** Capacity development for data use needs to be more tailored and to start from the assumption that not all groups **have** the aptitude or inclination to do data work.
- Given the programme's success engaging policy makers operating in global spaces and governments in the Global South, **Hivos should become a champion and advocate for international development actors to follow suit.** This would also require Hivos to lead by example and publish its own tendering and commissioning information.
- Institutional learning and programme design. **Hivos needs to institute internal systems that ensure key lessons from large programmes such as Open Up Contracting and MAVC—and evidence from the wider TAP field—are carried into future programmes.** This requires processes to socialise key lessons and secure buy in for policy and practice change at all levels of the organisation, within the Hague, in regional offices and at country level.
- **Hivos and others should seek ways to Institutionalise an ecosystems approach for programmes working on transparency, participation and accountability.** The programme showed the potential of an ecosystems approach. Hivos needs to be able to provide support for partners in such programmes over the long term, allowing experimentation while imposing conditions that allow Hivos to sever relationships for non-performance. In this instance, non-performance could include partners failing to reflect and adapt on the basis of their learning.
- Future programmes adopting ecosystems approaches need to build on learning from this programme and MEL approaches that help partners and staff to "see the wood for the trees" and monitor and reflect at the appropriate level. **This is likely to mean making country level open contracting ecosystems and partner relationships key units of analysis in MEL activities.**
- **Hivos should take a user centred and power aware approach to revising its own grantmaking and financial control systems.** The programme reinforced the value of Hivos as connector and matchmaker building and coordinating ecosystems of accountability actors and brokering relationships and multi-stakeholder mechanisms at subnational, national, regional, and international levels. In order not to lose this, Hivos must be better able to manage its responsibilities for grantmaking and financial probity in a way that is agile, lightweight and time sensitive in responding to the needs of a programme and its partners.
- The Ministry of Foreign Affairs of the Netherlands, and programmes such as the Citizen Agency Consortium they fund could **consider the merits of an accompaniment model for external programme evaluations** which could enable a deeper and more nuanced understanding of how and why programmes develop and how outcomes evolve over time.

ANNEXES



Annex 1. Country context

1. Philippines

The scoping study revealed that the Philippines offered a fairly conducive environment for the Open Up Contracting programme. This shaped its evolution and relative success in building intermediary capacity for advocacy that has resulted in increased disclosure, interest in and use of contracting and tendering information. Key factors responsible are:

- **Political dynamics:** Despite the president's notorious human rights abuses, during the duration of the programme no major event destabilised the political context until the recent Anti-Terror Act and the Covid-19 crisis.
- **Legal framework:** Duterte has been accused of 'open washing'.⁴¹¹ Further, the comprehensive legal provisions for citizen participation in government procurement processes were not being implemented; and the laws and regulations related to extractive industries in indigenous territories were also overlooked. These factors led to two main programme adjustments. First, shifting the focus from national-level advocacy to working at subnational level, while still using the existing laws and champions to leverage support for OCDS at national level. Second, focusing on advocating for data disclosure and then equipping intermediaries to use it and share it more widely via infomediaries.
- **OGP commitments:** Membership of OGP and a strong commitment to the goals by civil servants and CSOs provided opportunities to leverage some of the mechanisms discussed earlier, including at the subnational level.⁴¹²
- **Decentralisation and political dynamics at the subnational level:** Two of the three LGUs involved had incentives to join the OC project. Political competition in both Legazpi and South Cotabato influenced incentives of key political players to commit to a more transparent agenda. Further, an element of 'healthy competition', linked to the existence of various local government awards, incentivised officers in both places to collaborate. e.g., South Cotabato being chosen as an OGP LGU incentivised them to integrate OC commitment. This openness to collaborate with CSOs on transparency and OC was seen as highly unusual and perhaps linked to their reputation as a dangerous area. In Palawan the weakness of both the LGU and the NCIP limited progress but the impact was ultimately not significant as mining contracts are negotiated and granted at national level where Bantay Kita had strong leverage.
- **Private sector willing to engage:** Representatives of private sector actors had historically been willing to engage with CSOs and this allowed the PM to unpack the local theory of change to

⁴¹¹<https://webfoundation.org/2017/09/open-washing-flawed-freedom-of-information-in-the-philippines/>

⁴¹² Ref needed

include value propositions and impact pathways for business that had been missing in the original programme ToC.⁴¹³

- **Characteristics of partner institutions:** Attaining the previously documented outcomes and their high chance of sustainability was possible in great part due to the strength of the ecosystem approach that networked private sector, CSOs, media actors, and even representatives of a marginalised group (as explored in [section 11](#)). ECCP and the Makati business club both had an explicit interest in advancing the OC agenda. Media is outspoken and although risks exist, the context still allows for the publication of critical articles, moreover an audience who is reasonably connected and literate gives media actors power. Finally, the CSOs involved are mature, used to coalition building, able to cope with multiple programme demands and have been able to decide to position themselves and insiders/collaborators within a difficult and divided civic space.

2. Guatemala

In the scoping study, Guatemala's environment for implementation of the programme was given a medium low score. But programme staff and partners seized opportunities appropriately and reinforced their commitment to strong evidence-based investigative journalism and advocacy despite significant political instability and general elections.

The contextual factors that shaped these outcomes are:

- **Country's political dynamics:** Guatemala has been battling with continuous corruption scandals over the past 5 years,⁴¹⁴ with brave protesting and mobilising against corruption. The latest mobilisations in the Autumn of 2018 had an impact in the breadth and depth of outcomes. First, the general slowing down of activities and the whole country's attention turning to this, including that of the Ministry of Finance. Second, partner Plaza Publica was threatened and persecuted because they were part of the media actors exposing opaque power relations and dynamics; this resulted in staff burnout and an expected period of less visibility. The general elections held in late 2019 meant that TPC LATCA's advocacy actions, in relation to decreasing antiretroviral prices, that had reached congress fell through.
- **Legal framework:** Despite not following the OCDS, the legal framework in Guatemala was rather conducive to OC. The existence of a relatively functional and accessible webportal where government institutions at all levels must record any procurement, in addition to the country's OGP commitment, was an opportunity seized by the CED to work with the Ministry of Finance to advance the OCDS.⁴¹⁵ Moreover, the existence of a legal framework on FOI allowed partners Ojoconmipisto and ITPC LATCA to complete their respective portals with the use of the already published data or via government FOI requests who are required by law to respond.
- **Decentralisation and political dynamics at the subnational level:** working in partnership with LGUs is not easy as municipalities operate like feuds, a legacy of the war years; recently, many

⁴¹³ Interview with PM

⁴¹⁴ <https://www.theguardian.com/world/2018/sep/13/guatemala-jimmy-morales-corruption-cicig>

⁴¹⁵ Interview with CED

are closely linked to organised crime.⁴¹⁶ Hence, there was never an attempt to work at subnational level beyond the work done by Ojoconmipisto's network of journalists holding them accountable via exposure.

- Characteristics of partner institutions: As mentioned before there is no doubt that all partners are strong, politically savvy institutions;⁴¹⁷ These complex dynamics of collaboration between different types of civil society actors run both ways as organisations more connected to grassroots/community-based movements are suspicious of actors who dialogue with the state rather than confront them.

3. Kenya

The scoping study suggested that Kenya offered a challenging context for the Open Up Contracting programme. Although legal, policy and institutional dimensions offered potential for open contracting, significant challenges existed in relation to participation and low levels of disclosure. Consequently, the programme evolved to focus on capacity building and technical assistance to support the information disclosure, strengthening government commitments to open contracting and supporting participation in public procurement. Key factors responsible are:

- **Country's political dynamics:** Kenya's disputed election in August 2017 brought some disruption to the Open Up Contracting programme's implementation but provided a degree of continuity for the programme and OGP processes as the incumbent administration (and responsibility for OGP at the Deputy President's Office) continued into a second term. Kenya was elected to the international OGP Steering Committee in May 2020 which indicates an ongoing commitment to the partnership. The presence and commitment of champions in the office of the Office of the Deputy President to implement the OCDS and a beneficial ownership registry enabled progress on open contracting at national level.
- **Increasing national media coverage:** Over the last couple of years, several major corruption scandals linked to procurement have received prominent press coverage. This has increased pressure on the national government to act. Adoption of OCDS is one of the proposed actions.
- **Legal framework:** Kenya has a number of strong legal and policy provisions relating to public procurement, disclosure and participation but implementation of these is lacking from a combination of capacity, and limited political will and rampant illicit enrichment. These factors led to a focus on capacity of building and training with government authorities and oversight bodies such as the Office of the Auditor General. In 2018 the President issued an Executive Order which stated all public procuring entities had to publish details of tenders, awards and contracts updated on a monthly basis. This provided opportunity for civil society partners to work with government champions to make these disclosures
- **Open Government Partnership:** Kenya has been a member of OGP since 2011 and there is a strong commitment to the goals by civil servants in the Deputy President's Office Hivos have been involved in OGP for many years, and are part of the core OGP group, playing a significant role in convening civil society. This provided Hivos with opportunities to put OC on the agenda and facilitate links with other parts of government. OGP also offered opportunities to support subnational OC developments in Elgeyo Marakwet and Makueni County. OGP NAP

⁴¹⁶ Interview with CED and Ojoconmipisto

⁴¹⁷ Interview with CED

commitments provided incentives for action on OC at subnational and disclosures at the national level.⁴¹⁸

- **Decentralisation and political dynamics at the subnational level:** Devolution in Kenya has offered the opportunity to work collaboratively with the County Governments to increase disclosure in public procurement. In Makueni County, existing participatory oversight mechanisms in the form of Project Management Committees provided the participatory infrastructure to link new disclosure data to citizen oversight. In Elgeyo Marakwet, AGPO obligations have provided an entry point to working with the government to meet their procurement obligations.
- **Characteristics of partner institutions:** For many of the partners, OC was a new area for them which they hadn't previously worked on but they had significant experience and expertise in related areas and were able to build on existing connections and networks.

4. Other countries

Context analysis for the rest of the countries was not so thorough; but overall the contexts were more challenging. We highlight a few points that shaped the evolution and the specific outcomes we explored.

a) Bolivia

Despite initial challenges linked to programme context (see section VII Programme context), outcomes achieved in a short period of time demonstrate that narrowing the programme to working on the very specific issue of contracting of school meals by municipalities was an appropriate decision. However, the magnitude of post-electoral violence in November 2019 went far beyond what was expected and had a significant impact in the execution of most programme activities which was raised by all involved with the programme.⁴¹⁹ The start of the university diploma and the execution of the municipalities learning exchange workshop on school meals OC were planned for October 2019 but could only take place in early 2020, just before the Covid-19 crisis.

b) Indonesia

The outcomes in Indonesia are modest. But it was a wise decision to shift the programme from the national level to subnational. Current political developments such as the rise to power of a more nationalist administration that is challenging NGO registration laws, and a waning in support for OGP at national level, coupled with the departure of a key senior government champion who shepherded OGP through the last two government transitions signals that open contracting reforms may become more difficult to progress. At subnational level the picture is mixed; although progress was made in Bojonegoro under the former Regent, the incoming Regent appears less committed to transparency and accountability reforms. However, other regencies and provinces such as West Lombok offer opportunities to progress open contracting at subnational level.

⁴¹⁸ Interview with CED, RPM, OGP Point of Contact

⁴¹⁹ Interviews with CED and all local partners and mentors

c) Tanzania and Malawi

The context of both Tanzania and Malawi were those rated during inception as the least favourable for implementing the programme. In Tanzania civil society and overall the international development sector has seen a clamp down of their activities under the current government. Progress achieved on advancing citizen's vigilance of extractive industries via investigative media reporting has stalled; Tanzania is the country where journalists are most likely to be co opted, a situation that affected the possibilities of media actors being trusted and transparent. Malawi's government is only recognising the value of joining open contracting efforts and approaching Hivos for support; but not much more can be said about substantial changes in its context since inception.

Annex 2. Evaluation questions

- 1) Describe the programme trajectory: planning implementation monitoring reflection, learning and adaptation**
- 2) What changes have occurred - expected or unexpected- in L&A capacities of participating organisation? This inquiry will pay particular attention to relationships and sustainable capacity to influence the ecosystem.**
- 3) What changes have occurred -expected and unexpected -in policies and practices of targeted social and political actors?**
- 4) To what extent are these changes interpreted as positive or negative steps towards the programme's objectives?**
- 5) Inclusion: to what degree and how are these changes 'inclusive' i.e. benefiting /discriminating specific marginalised people and how has the programme contributed to this:**
 - Was a GEDI lens included in programme design, guidelines and applied to screening of grants?
 - How has GEDI been addressed in capacity development interventions targeting individual and organisational capacity?
 - How have partners approached GEDI in open contracting and what impact has this had?
- 6) Do these changes have environmental/climate effects (positive/negative) and if so how and why?**
 - Was an environment/ climate change lens included in programme design, guidelines and applied to screening of grants?
 - How has climate change environment been addressed in capacity development interventions targeting individual and organisational capacity?
 - How have partners approached climate change and environment in open contracting and what impact has this had?
- 7) Are programme processes outcomes and capacities sustainable**
- 8) How have the changes happened: what was the contribution of the programme versus other factors and actors**
- 9) Analyse L&A strategy related to citizen agency framework**
- 10) Analyse L&A strategy: How successful were the applied tactics and strategies – related to the insider/dialogue and dissent/outsider framework?**

11) Analyse programme according to key assumptions in the theory of change, especially related to
<ul style="list-style-type: none"> ● Working with champions and sustainability ● The programme contributing to relationships and capacity to influence ecosystems in the future
12) What has the program done to ensure a proper use of available/limited resources? What was learned from this? (Efficiency)
13) How did country contexts influence outcomes?
14) How did programme context influence outcomes

Annex 3. List of Interviewees

Location	Name	Organisation
Global	Daniel Dietrich	Hivos
Global	Helena Da Silva	Hivos
Global	Jameela Raymond	BTeam
Global	David Banisar	Article 19
Regional EA	Hope Muli	Hivos East Africa
Kenya	Stephanie Muchai	Hivos Kenya
Global	Kathrin Frauscher	Open Contracting Partnership
Global	Gilbert Sendugwa	Africa Freedom of Information Center
Global	Tonu Basu	Open Government Partnership
Regional LAC	Juan Pablo Marin	Data Sketch

Regional LAC	Anca Maticoc	The Engine Room
Regional EA	Nonso Jideofor	The Engine Room
Regional LAC	Juan Pane	Center for Sustainable Development
Regional LAC	Eduard Martín-Borregón	Red Palta / PODER
Regional LAC	Juan Manuel Casanueva	Social TIC
Regional LAC	José Rodrigo Vega	Hivos
Philippines	Vivien Suerte-Cortez	Hivos
Philippines	Don Parafina	ANSA EAP
Philippines	Tess Briones	ANSA EAP
Philippines	Joy Chavez	AER
Philippines	Benhur Pintor	School of Data
Philippines	Frei Sangil	Layertech
Philippines	Gerry Constantino	ECCP
Philippines	Zyra Fastidio	ECCP
Philippines	Karol Ilagan	PCIJ
Philippines	John Magbanua	South Cotabato - BAC
Philippines	Jennifer Bretaña	South Cotabato - LGU
Philippines	Daisy Avance-Fuentes	South Cotabato – former Governor

Philippines	Reynaldo Tamayo Jr	South Cotabato – current Governor
Philippines	Michael Canares	Step Up Consulting
Philippines	Angelica Dacanay and Rose Ann Paragas	Bantay Kita
Philippines	Chadwick Llanos	Former Bantay Kita staff
Philippines	Velma Chollipas, Nonoy Siplan, Boyet Patio, Anido Acat	IPDO and consultant Bataraza
Philippines	Renato Tundan, Herbert Dazidon, Siverstra Dazidon, Aguilardo Dieg	IPDO Narra
Philippines	Lany Meceda	University of Legazpi
Philippines	Emi Gabinete	Palawan State University (PSU)
Philippines	Ampy Esguerra	Palawan State University (PSU)
Philippines	Claudette Abordo	Palawan State University (PSU)
Philippines	Roel Ian "Yankee" Blanker	CSO-Mahintana Foundation
Philippines	Eugenio	CSO-integrity circle
Philippines	Carlito Y Uy	CSO- integrity circle
Philippines	Mark Louie Ladesma	Journalist
Philippines	Sandino Soliman, Roselle Rasay	Code-NGO
Philippines	Juvy Reyes, Ph.D	Notre Dame of Marbel University NDMU South Cotabato
Philippines	Ivy Ong	Open Government Partnership

Philippines	Rosa Maria Clemente	PhilGeps
Indonesia	Gita Medeita	Hivos MEL
Philippines	Rosemarie Quinto-Rey	Albay Chamber of Commerce
Philippines	Ron Van Anoche	Agro Distributor South Cotabato
Tanzania	Tony Kirita	Hivos
Tanzania	Racheal Chagonja	Haki
Tanzania	Fausta Mosakwa	Tanzania Media Foundation
Tanzania	Salome Kitomary	Guardian Journalist
Tanzania	Suleiman Abdul Makwita	Tanzania Youth Visio Association (TYVA)
Tanzania	Nzumi Malendeja	School of Data
Malawi	June J Kambalametore	Hivos OM
Malawi	Donald Kamthunzi	Yoneko
Bolivia	Eliana Quiroz	Hivos
Bolivia	Leslie Salazar	MIGA
Bolivia	Estefania Rada	MIGA
Bolivia	Alex Ojeda	CESU
Bolivia	Fernando Mayorga	CESU
Bolivia	Neyza Cruz	Construir Foundation
Bolivia	Susana Saavedra	Construir Foundation

Bolivia	Gabriela Aro	La Paz city government
Guatemala	Julio Herrera	Hivos
Guatemala	Ana Carolina	OjoconmiPisto
Guatemala	H Marizza	Plaza Pública
Guatemala	Alma de Leon	ITPC - LATCA
Guatemala	Walter Corzo	Dialogos
Guatemala	Sofia Montenegro	Dialogos
Guatemala	Iliana Parra	Dialogos
Guatemala	Evelyn	Dialogos
Guatemala	Marco Loarca	SOMOS
Guatemala	Lola Vazquez	OTRANS
Guatemala	Walter Flores	CEGGS
Guatemala	Fernando Jerez	CEGGS
Guatemala	Lesly Ramirez	CEGGS
Guatemala	Brendan Halloran	International Budget Partnership
Guatemala	Marvin Flores	Accion Ciudadana
Indonesia	Siti Juliantari, Kes & Mata Bening	ICW
Indonesia	Octrina Nanda Sihombing & Ilham	Hivos
Indonesia	Widi	Pattiro

Indonesia	Ella Syofii	Pattiro
Indonesia	Maryati Abdullah	PWYP Indonesia
Indonesia	Mohamad Mova Al'Afghani	OGP IRM Researcher for Indonesia/ also had a research grant with Hivos OC
Indonesia	Haeder	Idea
Indonesia	Galih Pramilu	Idea
Indonesia	Haris	Journalist- Yogyakarta
Indonesia	Behkti	Journalist- Yogyakarta
Indonesia	Ririn	Journalist-Bojonegoro
Kenya	Abubakar Said	URAIA
Kenya	Faith Weyombo, Wallace Mwangi	The Institute for Social Accountability (TISA)
Kenya	Collins Owegi	Consumer Unity and Trust Society- Center of International Trade, Economics and Environment (CUTS-CITEE)
Kenya	Alfred Nyambane	African Technology Policy Studies Network (ATPS)
Kenya	Churchill Otieno	Nation Media Group
Kenya	Catherine Muema	Africa Uncensored
Kenya	Alex Kyalo	Makueni County Government (Procurement)
Kenya	Zipporah Wambua	Makueni County Government (civic engagement)
Kenya	Charlene Migwe-Kagume	Development Gateway
Kenya	Odanga Madung	School of Data

Kenya	Jackline Kagume	Institute of Economic Affairs
Philippines	Lilian Tribunalo	Jami Construction
Kenya	Philip Thigo	OGP Point of Contact
Kenya	Muchiri Nyaggah	Local Development Research Institute
Kenya	Sandra Waswa	Article19

Annex 4. Documents reviewed

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Programme documentation

The evaluation team reviewed documentation produced by the programme and its partners which included scoping reports, partner assessments, progress reports, global and country level programme annual plans, and research commissioned by the programme.

Country scoping reports
Bangladesh.pdf
Ghana.pdf
Guatemala.pdf
Honduras.pdf
Indonesia.pdf
Kenya.pdf
Malawi.pdf
Myanmar.pdf
Nepal.pdf
Nigeria.pdf
Peru.pdf
Philippines.pdf
Senegal.pdf
Tanzania.pdf
Uganda.pdf

Global programme documentation
Handbook on Open Contracting
Capacity Development in SP-OC
Cumulative list of outcomes harvested and validated by MEL at October 2019
Adaptive Learning - Open Contracting
OUC Theory of Change & Learning Questions
Emerging outcomes at 21st May 2020
Oxford Insights. Civic action and accountability in open contracting February 2020 Draft
Programme document: Analysis and evaluation report for country selection- Open Contracting programme. Version 1.0. July 15th 2016
Call for proposals 5th January 2017 https://openupcontracting.org/call-for-proposals/

	The crucial role of open contracting in the COVID-19 (2020). crisis https://www.hivos.org/story/the-crucial-role-of-open-contracting-in-the-covid-19-crisis/
	Hivos (2018), Hivos Gender Equality and Diversity Inclusion Strategy Diversity Inclusion Strategy.
	Muchai, S. (2017) Advancing opportunities for Women to transform their economies with Open Contracting)
	Hivos (2019) Towards transparency & accountability in public contracting processes through people-centered and evidence-based advocacy - A Guide.
	Citizen Agency Consortium programme document (2015) developed by Hivos, Article 19 and IIED
	Hivos Partner Survey 2019, Keystone Accountability.
	191202 Substantiation report Hivos final 2 correct
	20191206 Database substantiation Hivos-KC.xlsx
	Outcome Harvesting - Cumulative list OC
	196 - A19 - 2019 .docx
	233- GO- Jonathan-2019.docx
	Open Contracting Outcomes 2017.docx
	Open Contracting Outcomes 2018.docx
	Advocacy-Toolkit-Open-Up-Contracting.pdf
	Bridging the gap between anti-corruption advocacy and technology
	Capacity Development concept note 2017
	Capacity development in SP-OC
	OC planning Stories, Resources, Events, 2020
	Proposed topics for the evaluation OC.pdf
	SP & OC ToC overview
	SP MTR 2019 - Reaching beyond CSOs
	Research Agenda
	Case on Makueni County Government Engagement v25.03.2020
	GOV STORIES HUB LATAM
	Learning Note - Engaging State Actors on Open Contracting - FINAL DRAFT
	Learning Note - Gov Engagement - SHORT.docx
	Long_OC-Direct Government Engagement master.docx
	OC-Accel - Working with Governments
	OC 2017 Implementation Plan.xlsx
	Annual Plan 2017 - Citizen Agency Consortium.pdf
	Annual Plan 2018 - Citizen Agency consortium.pdf
	Annual Plan 2019 - Citizen Agency Consortium.pdf
	Annual Plan 2020 - Citizen Agency Consortium.pdf
	OC Annual Plan and Budget 2018
	OC Annual Plan and Budget 2019
	OC Annual Plan and Budget 2020
	Africa Region Annual Plan 2020 v25.09.2019
	20191016 Outcome Harvesting - Cumulative list OC_EN
	Adaptive learning process - Open Contracting

	Advocacy-Toolkit-Open-Up-Contracting.pdf Bridging the gap between anti-corruption advocacy and technology Capacity Development concept note 2017 Capacity development in SP-OC OC planning Stories, Resources, Events, 2020 Proposed topics for the evaluation OC.pdf Learning Note - Engaging State Actors on Open Contracting - FINAL DRAFT
Bolivia	2019 Summary of OC programme in Bolivia Annual Plan 2018 Mapping of Actors on Open Data Annual report MIGA 2018-2019 Mid-term report MIGA April 2020 Annual report Construir Foundation 2018-2019 Mid-term report Construir Foundation April 2020 20 years of OC in School Meals Annual Plan 2018 - Bolivia
Guatemala	Scoping Study Guatemala Transparencia Activa / VIH Open Contracting Infomediaries Open Contracting Public Sector OCD Program: Outputs and Activities Latin America OC Annual Plan 2017 Guatemala Annual Plan 2018 Guatemala Annual Plan 2020 Guatemala Narrative report ITPC Final report 2018-19 OjoconmiPisto Narrative report 2019 Plaza Publica Summary of TRIPS amendment protocol Legal Opinion number 5371 Outcome statements 309 & others Plaza Publica 2019 Building bridges in response to the HIV epidemic in Guatemala (2020). https://openupcontracting.org/assets/2020/04/Guatemala-Building-Bridges-1.pdf 309 & others PlazaPublica -2019 .docx Annual Plan 2018 - Guatemala Annual Plan 2020 -Guatemala
Indonesia	Outcome harvest report (unvalidated), longer outcome harvest Indonesia documentation which includes links to many of the articles 265 & 264 - ICW -2019.docx OC Annual Plan 2017 Indonesia Annual Plan 2018 - Indonesia

Kenya

Oxford Insights. Kenya, Makueni County Draft
Narrative reporting TISA
Lessons Govt Engagement IEA - Kenya
Updated MoU 26.04.2018.docx
ATPS Implementation Plan Revised.docx
ATPS Proposal.docx
CUTS Implementation Plan Revised.docx
CUTS Proposal.pdf
TISA Implementation Plan Revised.docx
TISA Proposal.docx
URAI A Proposal.docx
URAI A Workplan.docx
Annual Plan 2018 - Kenya.docx
Annual plan 2018 Kenya and Tanzania
2017 IEA Narrative Report.docx
Africa Uncensored.docx
Progress report - ATPS.docx
Progress report - CUTS.docx
Progress report - IEA.docx
Progress report - Strathmore.docx
Progress report - TISA.docx
Progress report - URAIA.docx
Uraia Q2 Progress Report.docx
Kenya_CRECO.pdf
Hivos Kenya Approved 2019.docx
IEA Approved 2019.docx
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Africa Uncensored.docx
Capacity Assessment - ATPS.docx
Capacity Assessment - CUTS.docx
Capacity Assessment - IEA 2017.docx
Capacity Assessment - IEA 2018.docx
Capacity Assessment - Strathmore.docx
Capacity Assessment - TISA.docx
ATPS Implementation Plan Revised.docx
CUTS Implementation Plan Revised.docx
Strathmore Implementation Plan.pdf
TISA Implementation Plan Revised.docx
URAI A Workplan Final 2019 - 2020.docx
Vision Document 03.04.2020.docx
CASE STUDY-MAKUENI - summary.docx
Africa Uncensored Q2 Progress Report.docx
ATPS Q2 Narrative Report.docx

	CUTS Q2 Narrative Report.docx IEA Q2 Narrative Report.docx Strathmore Q2 Narrative Report.docx TISA Q2 Narrative Report.docx Partner Logbook - ATPS Partner Logbook - CUTS Partner Logbook - IEA Partner Logbook - STRATHMORE Partner Logbook - TISA Partner Logbook - URAIA Case on Makueni County Government Engagement v25.03.2020
Malawi	Oxford Insights case COST Malawi Malawi Government stories.docx OC Annual Plan 2017 Malawi Annual Plan 2018 - Malawi Hivos SA Approved.docx
Philippines	Scoping study Philippines There's always room for improvement: Open contracting in the province of South Cotabato Open Contracting and Inclusion Case Study Comics as a tool to explain mining concepts to IP communities Protecting ancestral land through mining data Setting social accountability in motion in Pasig City Can you spot red flags in government contracts? Struggling to be 'sexy': Reporting contracting values amidst competing news values Layertech Labs: Business Intelligence in Action Layertech Labs: Securing buy-in from the top down Faces of Gov South Cotabato-interview Jen Not a contradiction: Privacy and freedom of information On the road to a better procurement system in South Cotabato Open Up Contracting, Open Up Mining Empowering the 100 Dialogue and Dissent in the Philippines 307 & others- PCIJ -2019.docx Philippines cases Working with Governments OC Annual Plan 2017 Philippines Annual Plan 2018 - Philippines Annual Plan 2020 - Philippines Capture learnings - ECCP.docx Partner Logbook - PHL_ECCP.docx 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
Bantay Kita - 2019 capacity assessment
Bantay Kita - 2017 Annual report
Bantay Kita - 2018 Annual Report
Bantay Kita - 2019 1st quarter report
Bantay Kita - 2nd quarter 2019
Bantay Kita - 3rd quarter
Canares, M. (2020). Case Study: Philippines Improving transparency in the mining sector for indigenous communities
Canares, M. (2020). Bantay Kita Philippines
ECCP - 2018 implementation plan
ECCP - Capacity self-assessment
ECCP - review self-assessment
ECCP - Learning log
ECCP - 2018 Annual report
ECCP - First quarter 2019 report
ECCP - Second quarter report 2019
ECCP - 3rd Q 2019
ECCP - Activity log
Layertech - Contract
Layertech - Powerpoint from an analysis of procurement of HIV Aids services requested by a local CSO
Layertech - Capacity assessment with April 18 hand in date
Layertech - Capacity assessment that mentions plans for 2019-2020
Layertech activity log from April 2018 onwards
Layertech - Longer of 2 implementation plans
Layertech - Learning log
Layertech - 2018 annual report
Layertech - 1sq Q 2019
PCIJ - Implementation plan
PCIJ - Learning log
PCIJ - Activity log
PCIJ - Annual report 2018
PCIJ - Annual report 2019
PCIJ - Outcome Statements
PCIJ - Substantiators comments
CODE NGO

	259 & others Hivos Philippines - 2019.docx
Tanzania	Wajibu Implementation Plan Revised.docx Annual Plan 2018 - Tanzania.docx 2017 Hakirasilimali Narrative Report.pdf TYVA Implementation Plan Revised.docx TYVA Proposal.docx TMF Final Approved Narrative Report.docx TMF Narrative report Period 2.docx TMF Narrative Report Q1.pdf Progress report - Hakirasilimali.docx Progress report - TCIB.docx Progress report - TMF.docx Progress report - TYVA.docx Progress report - WAJIBU.docx Hakirasilimali Approved 2019.docx Hivos Tanzania Approved 2019.docx TMF Approved.docx Capacity Assessment - Hakirasilimali 2017.docx Capacity Assessment - Hakirasilimali 2018.docx Capacity Assessment - Hakirasilimali 2019.docx Capacity Assessment - TCIB.docx Capacity Assessment - TMF 2017.docx Capacity Assessment - TMF 2019.docx Capacity Assessment - TYVA.docx Capacity Assessment - Wajibu.docx TCIB Implementation Plan Revised.docx TYVA Implementation Plan Revised.docx Wajibu Implementation Plan Revised.docx Hivos OC Evaluation PM Questions Tanzania.docx Haki Rasilimali Q2 Narrative Report.docx TCIB Q2 Narrative Report.docx TMF Q2 Assessed Narrative Report.docx TYVA Q2 Narrative Report.docx Wajibu Q2 Assessed Report.docx Partner Logbook - HAKIRASILIMALI Partner Logbook - TCIB Partner Logbook - TMF Partner Logbook - TYVA Partner Logbook - WAJIBU
Programme research	Kenya: Makueni County Makueni County - Civic Accountability and Open Contracting case study.pdf 01 Case Study Report - Indonesia

02 Case Study Report - Philippines
03 Case Study Report - Nigeria
04 Case Study Report - South Africa
05 Case Study Report - Kenya
01 FINAL DRAFT - Synthesis OC and Inclusion Research Report DRAFT v2.0
Case Study 1 - Bandung, Indonesia
Case Study 2 - Bantay Kita, Philippines
Case Study 3 - Budeshi, Nigeria
Case Study 4 - Preferential Procurement, South Africa
Case Study 5 - Access to Procurement Opportunities - Kenya
ILDA Making procurement deliver for equality.pdf
Citizen participation and public procurement in Latin America ILDA.pdf

Annex 5. Open Contracting Theory of Change diagram

Vision/Impact (guiding compass)	People have equal access to quality public goods and services they care about: good public education, quality health care, safe roads and clean drinking water. Governments are increasing transparency of public spending; non-state actors are participating in and engaging citizens in the planning, procurement, and monitoring of public contracting; and accountability mechanisms have been created to receive and act upon citizen feedback.
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Long-term Outcomes (key institutional changes)	LO1 Government articulates clear policies mandating proactive disclosure of documents and data related to the planning, procurement, and implementation of public contracts; and information is published in understandable, open, reusable formats;	LO2 Government consults non-state actors in the planning of public contracts; invites non-state actors to observe and give feedback on public procurement; and acts upon third party monitoring reports of contract performance.	LO3 Civil Society, Media, and Private Sector organizations have the capacity to become effective infomediaries and understand and analyze open contracting information and data to give credible feedback to government and oversight authorities regarding the efficiency, integrity, competitiveness, fairness, and effectiveness of public contracting without fear of reprisals.	LO4 Government (Oversight Authorities) is acting upon public feedback to hold decision makers and contractors to account for any irregularities.
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LOBBY AND ADVOCACY						
Medium-term Outcomes (5 year)	L&A1 International bodies and agencies have (further) opened up their contracting processes.	LA2 International bodies and agencies have included Open Contracting principles in their interactions with and support for their partners.	LA3 The Dutch government has taken steps to harmonize Open Contracting related activities across the responsible agencies and is a supporter of the	LA4 Governments in the selected low- and lower-middle income countries have initiated specific (access to information) reforms to improve local conditions for efficiency, effectiveness and	LA5 Governments in selected countries create mechanisms for oversight authorities to respond to and act upon public feedback related to public contracting.	LA-new <i>Governments in other low- and lower income countries have initiated specific reforms to improve local conditions for efficiency, effectiveness and</i>

			Open Contracting Partnership's mission.	integrity of public contracting.		<i>integrity of public contracting</i>
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Intermediate Outcomes	LA6 Governments are more transparent and publish better quality data.	LA7 Governments engage in policy dialogue regarding public contracting;	LA8 Champions in government agree to put Open Contracting on the government agenda;	LA9 Champions in government agree to provide contracting information to infomediaries;	LA10 Identified champions in government agree to engage with infomediaries on the importance of Open Contracting;
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Pathways of Change (Strategies)	LAP1 Proactive brokering of linkages at local, national, regional to international level to foster strong accountability coalitions including civil society organisations, government and business actors	LAP2 Directly engaging with policy makers, opinion formers and influencers in relevant debates;	LAP3 Creating and presenting evidence and practices of (the conditions for) data uptake and building the use case for Open Contracting Data for different stakeholders (including governments and private sector)	LAP4 Actively integrating research insights and learnings from the target countries into the international advocacy agenda through global networks and communities of practice (such as the Open Government Partnership and Open Contracting Partnership)	LAP5 Working in concert with other relevant international stakeholders (such as the Open Contracting Partnership)	<i>LAP-new Direct into policy formulation via inside strategy lobbying??</i>
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Assumptions	AA1 Coalitions can be built that consist of different types of actors that can work together to achieve common goals;	AA2 Open contracting can be understood as a win-win situation for both government and private actors;	AA3 Civil society organizations that work in the field of transparency and accountability will be interested in Open Contracting;	AA4 There will be government champions in each target country that are willing to participate in a dialogue on Open Contracting;	AA5 In all target countries there will be fruitful synergies with other (sector-specific) related initiatives;	AA6 National and international government actors recognise the legitimacy and expertise of CSOs, and are sensitive to civil society pressure to integrate Open Contracting in policies and practices, and have the capacity to do so;	AA7 The Dutch government promotes Open Contracting domestically and internationally.
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CAPACITY DEVELOPMENT

Medium-term Outcomes (5 year)	CD1 In each country infomediaries have developed and increased their individual/organization-based capacities, relating specifically to Open Contracting Data;	CD2 In each country infomediaries have increased their individual/organization-based general lobby and advocacy capacities;	CD3 Infomediaries have increased their collective lobby and advocacy capacities, including national, regional and international networking building;	CD4 Infomediaries participate in multi-stakeholder coalitions at national, regional and international level, including governmental actors.	<i>CD-new1 Governments' capacities have been increased and developed relating to OC</i>	<i>CD-new2 Programme staff capacities have been developed and increased relating to L&A and OC and OCDS</i>
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Intermediate Outcomes	CD5 Infomediaries are identified that are interested in working on this topic and fulfil the selection criteria;	CD6 Organisation based capacity needs are identified and plans are developed;	CD7 Government champions are identified and willing to collaborate;	CD8 Collaborative relationships of selected infomediaries are established, including other relevant stakeholders.
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Pathways of Change (Strategies)	CDP1 Investing in capacity development for selected infomediaries to strengthen individual/organization-based and collective lobby, advocacy and reporting activities ;	CDP2 Making grants and mentoring opportunities to support the uptake of available information, data and appropriate tech tools by infomediaries to become more effective;	CDP3 Brokered new relationships to support the development of strong coalitions (including, where possible, government and private sector actors);	CDP4 Encourage learning, sharing new ideas and the scaling-up of successful initiatives.	
Assumptions	CA1 There is sufficient information and/or data on the contracting process available to build on;	CA2 Contributing towards the enabling open data ecosystem for Open Contracting to work;	CA3 Infomediary organizations exist and are interested in open contracting and want to apply this to strengthen their activities;	CA4 Lack of knowledge, resources, skills and networks is the main obstacle for infomediaries to be effective advocates, monitoring and reporters for and on the basis of Open Contracting Data, and in influencing the policies and practices;	CA5 CSOs lack effective campaigning skills for lobby and advocacy (using evidence based policy proposals, cooperation/confrontation strategies, new forms of media) and operating in regional and international networks for lobby and advocacy.

INCLUSION

Medium-term Outcomes (5years)	Inclusion 1 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.		
Intermediate Outcomes on Inclusion	I2 Groups that are particularly vulnerable to exclusion and impacted by contracting processes are identified during the scoping study.	I3 Specific issues of power and inclusion that affect women are analyzed and understood.	I4 Targeted engagement strategies are developed and built into the design of the programme
Problem Analysis	Public contracting is an essential step in delivering goods and services that people care about: good public education, quality health care, safe roads and clean drinking water. Public contracting processes are often complex and involve a lot of money, at the same time there is little information available how procurement is planned, how companies are selected and awarded and if the services and goods are delivered as planned. This lack of disclosure makes public procurement processes opaque and vulnerable to bad planning, mismanagement, fraud and corruption. As a result, people have no equal access to quality public goods and services.		

Annex 6. Evaluation Terms of Reference

Terms of Reference External End-Term Evaluation
Citizen Agency Consortium

Open Contracting (OC)

July 2019

1. Background

The Citizen Agency Consortium (CAC), consisting of Hivos, the International Institute for Environment and Development (IIED) and Article 19, will commission an external end-term evaluation of the five-year CAC strategic partnership with the Dutch Ministry of Foreign Affairs under the Dialogue and Dissent framework¹ (2016-2020). This external end-term evaluation consists of a number of separate-but related –evaluations (as explained in par. 3.4.)

The present document provides the Terms of Reference for one of these: **an evaluation of the Open Contracting (OC) program**, which is one of the four thematic programs of this Strategic Partnership². The document also shows how this thematic evaluation (cf. 3.4.2.) is part of the overall end-evaluation.

2. *Open Contracting* as one of the thematic programs of the Citizen Agency Consortium Strategic Partnership program

The Citizen Agency Consortium Strategic Partnership program focuses on strengthening the lobby and advocacy capacities of civil society partner organisations in countries in East & Southern Africa, Southeast Asia, and Latin America as well as at global level, and -together with these civil society partner organisations- on achieving lobby and advocacy goals (influencing policies and practices of market and government actors) in four specific thematic areas.

The *Open Contracting* program is implemented in Kenya, Tanzania, Malawi, Indonesia, Philippines, Guatemala and Bolivia, as well as globally/in the Netherlands. In the southern countries OC supports and collaborates with 25 civil society partner organisations³.

Under the Citizen Agency Consortium program four separate thematic project teams are responsible for implementation. Each team is led by a global manager, based in Hivos Global Office in The Hague. Sub-teams, residing under the Hivos Hubs in Nairobi (for East Africa), Harare (for Southern Africa), Jakarta (for Southeast Asia) and San José (for Latin America), are responsible for implementation in the countries of their (sub) region. Sub-team members are not always based in the Hub-countries themselves. **The OC project (sub) team members are based in Kenya, Tanzania, Malawi, Indonesia, Philippines, Guatemala, Bolivia, Costa Rica, the Netherlands and the UK (A19 staff).**

¹ <https://www.government.nl/documents/regulations/2014/05/13/policy-framework-dialogue-and-dissent>

²The other three programmes are: Sustainable Diets for All, Green & Inclusive Energy, Decent Work for Women.

³For more information on the OC programme see Chapters 5 in:

<https://www.hivos.nl/assets/2019/07/2015-Programme-Document-Citizens-Agency-Consortium.pdf>

https://www.hivos.nl/assets/2019/07/Annual-Progress-report-2016_.pdf

<https://www.hivos.nl/assets/2019/07/Annual-Progress-Report-2017.pdf>

<https://www.hivos.nl/assets/2019/07/Annual-Progress-Report-2018.pdf>

see also the OC website

<https://openupcontracting.org/>

<https://www.hivos.org/program/open-contracting/>

Overall coordination within the CAC is provided by a project coordinator and a Project Team, which includes the four thematic global managers. Overall responsibility lies with a Steering Committee, representing the management of Hivos, A19 and IIED.

Under a consortium-wide Theory of Change (ToC), for its operation each thematic program is guided by its own Theory of Change. These Theories of Change are not static documents; they have been adapted over time. Each thematic program has carried out baseline studies in 2016⁴.

The Citizen Agency Consortium uses a number of approaches for monitoring of results. These include Outcome Harvesting and Narrative Assessment (for monitoring L&A results) and Capacity self-assessments. Each thematic program uses the findings from monitoring for analysis and reflection, both at team level as well as in meetings with partners, to compare progress with the ToC, for adaptation of ToC where necessary, and for annual planning. Within the annual cycle for presenting reports and plans, set by the grant decision, the 4 thematic programs follow similar but not the same trajectories, depending on their different internal logics.

3. The End-Term Evaluation

3.1. Introduction

The end-term evaluation is organized in line with the Partnership Agreement between the Citizen Agency Consortium and the Ministry of Foreign Affairs and the Ministry's Grant decision.

The responsibility for this evaluation lies with the Citizen Agency Consortium, and is commissioned by Hivos.

3.2. Principles and Purpose of the Evaluation

This evaluation will seek a balance between Learning and Accountability purposes.

In line with the program's focus on capacity development the evaluation is designed to maximize learning, among partners as well as among CAC members.

It will facilitate learning by actively involving partners and project teams throughout the evaluation process, from inception phase to discussing findings and formulating conclusions.

To the degree that the evaluation is able to enhance a sense of 'ownership' among these stakeholders it may be expected to be useful, in the sense that findings will be 'owned' and used in the future. It is expected that the CAC member organisations as well as partner organisations - especially those who will be more intensively involved in the evaluation- will be able to use it for

strengthening their future advocacy efforts, by learning from how changes have (or have not) been achieved through their joint efforts. Concretely the (findings from the) evaluation will be used in future programming i.e. the ‘intended’ follow-up to Dialogue and Dissent (D&D2)

The CAC will also use the findings of the evaluation to account for the implementation of its program. The evaluation will meet the methodological requirements for this purpose. It is expected that the evaluation will be useful for the Dutch Ministry of Foreign Affairs in D&D2 and in its accountability to Parliament. It is further expected that the evaluation report will be an ingredient in the planned 2021

⁴ <https://www.hivos.nl/assets/2019/07/2016-Inception-Report-Citizen-Agency-IIED-ARTICLE19-Hivos.pdf>

synthesis study by IOB (Policy and Operations Evaluation Department of the Ministry of Foreign Affairs).

3.3. Objective of the Evaluation

The objective of the evaluation is to assess the *effectiveness, relevance, sustainability and efficiency* of the Open Contracting program. These evaluation criteria relate to the *changes* the program has contributed to:

- changes* in capacities for Lobby and Advocacy of (Southern) partner organisations,
- changes* in agendas, policies and practices of government and market actors (and possibly other actors, depending on the specific ToC of the program).

Following the OECD-DAC definitions, *effectiveness* is about the degree to which intended changes were achieved, i.e. the degree to which these changes took place and the contribution of the program to these changes. *Relevance* is about the importance of these changes (i.e. their significance for longer term changes) and *Sustainability* is about whether these changes can be expected to last. *Efficiency* relates the results of a program (at output or outcome level) to the cost of achieving them.

It is generally acknowledged that processes of Lobby and Advocacy as well as of Capacity Development are not simple and linear. These Terms of Reference explicitly recognize this character of L&A and Capacity Development. The evaluation questions in paragraph 3.5 provide an appropriate operationalization of the evaluation objective.

3.4. Phasing of the CAC SP end-evaluation

In order to effectively serve its purpose and objective, the CAC SP end-evaluation will consist of a sequence of separate evaluation studies, commissioned to different evaluation teams.

This will allow to do full justice to the individual thematic programs as well as to generate a synthesis of the overall Citizen Agency Consortium. It will allow learning in each thematic program and provide for overall learning between the programs and about the CAC as a whole.

3.4.1. Substantiation of Harvested Outcomes.

As a first step of the evaluation, an Outcome Harvesting expert will carry out a standard exercise of *substantiation* of the Outcomes that were harvested in the program period.

Outcome Harvesting was used for monitoring the results of Lobby and Advocacy interventions. CAC staff and partner organisations contributed to Outcome Harvesting. Outcomes were harvested in three rounds, in 2017, 2018 and 2019. This substantiation exercise will enhance the quality of data available to the evaluators. It is part of the evaluation's triangulation process, and will generate an input for the phase of thematic evaluations.

3.4.2. Thematic Evaluation studies & learning events

Four parallel studies will evaluate effectiveness/relevance/sustainability/efficiency of the 4 thematic programs (Decent Work for Women, Open Contracting, Green and Inclusive Energy, and Sustainable Diets for All).

Each evaluation will be theme specific, but will at the same time address the major common issues of the overarching CAC program, thus allowing for a subsequent CAC-wide synthesis.

Case studies will make up the core of the thematic evaluation studies.

Each of the four thematic evaluations will include a learning event with partner organisations to validate and learn from the findings of the evaluation. These learning events will be integrated as much as possible with the regular partner meetings in the thematic programs.

3.4.3. Evaluation of the internal organisation of the Citizen Agency Consortium

This will be implemented after the completion of the 4 thematic evaluations, i.e. after a clear picture of the program's effectiveness has emerged. It will look at the Citizen Agency Consortium partnership and its implementation modalities as a whole.

3.4.4. Overarching CAC-Synthesis & learning event

On the basis of the completed studies a CAC wide synthesis exercise and learning event will be organized in the second half of 2020. These will compare the findings from the studies and analyze patterns of commonalities and differences between them, leading to a final synthesis report with overall conclusions and lessons for the future. It will be validated in a CAC-wide learning event, bringing together participants from the CAC consortium and from partner organisations

3.5. Evaluation Questions thematic evaluations

The evaluation questions below provide the first operationalization of the evaluation objective, as guidance for evaluation proposals. Further operationalization will take place in dialogue with evaluation teams, during the inception phase.

Each of the four thematic evaluations will give an account of the thematic program, its Theory of Change, the process and history of implementation, monitoring and learning as well as of the changes (results) that were achieved. Processes of Capacity Development and Policy influencing do not follow predictable cause-effect trajectories. Narrative and participatory approaches are necessary to capture these processes of change (absence of change).

As much as it will focus on the changes that were (or were not) achieved, it will focus on the way the program team and partners have learned from these.

The evaluation will seek to maximize the learning effect for the thematic teams and partner organisations, by involving them in the design of the evaluation and the specific questions, during the inception phase, by validating findings and by organizing learning events on the final report.

Evaluation Questions

- * Describe the trajectory of the program and its implementation since 2016: its various cycles of planning-implementation-monitoring-reflection and learning- adaptation etc.
 - * Which changes have occurred - expected or unexpected- in agendas, policies and practices of targeted social actors and in the L&A capacities of participating organisations?
 - * to what degree can these changes be interpreted as positive (or negative)steps towards the objectives (2020 goals) of the thematic program's ToC, a.o. in comparison to the situation described in the baseline studies?
 - * To what degree and how are these changes 'inclusive' i.e. benefiting /discriminating specific marginalised people?
 - * Do these changes have environmental/climate effects (positive/negative), and if so, how?
 - * How relevant are these changes in the context in which the program is operating?
- *To what degree are these changes sustainable?
- *which factors and processes have influenced these changes? Consider a.o.
-the role /contribution of the CAC consortium members and partner organisations, and the collaboration/partnership between them?
-the role of the Ministry of Foreign Affairs/ Dutch Embassies?
- * Analyze the applied strategies and interventions in terms of CAC's overall Citizen Agency approach to Lobby and Advocacy.
 - * Analyze the applied strategies and interventions in terms of CAC's overall L&A approach of combining
-insider and outsider strategies;

- dialogue and dissent strategies;
- * What has the program done to ensure a proper use of available/limited resources? What was learned from this?
- * Which factors, external (context) and internal (program) may explain your findings?

Approach and Phasing

This evaluation will answer the above questions for the entire **OC program**. In doing so it will build as much as possible on existing monitoring data, and complement these with additional data collection where needed. As was indicated above, the core of –the fieldwork of – the OC evaluation will consist of a number (4-5) of case studies. The OC project team has suggested topics for these case studies⁵. The selection of topics and formulation of the case studies will take place during the inception phase, in consultation between the evaluation team and the OC project team.

The evaluation will start with an **inception phase** in which the selected evaluation team elaborates its original proposal, on the basis of documentation to be provided and consultation with the OC project team and the evaluation managers.

The inception report must be approved by Hivos before the actual research phase will start.

3.6. Evaluation Management and Quality Control

- Two Hivos senior DMEL officers are responsible for commissioning and managing the evaluation.
- The Project Team will function as an Internal Reference Group.
- The External Reference Group has provided quality advice on the Terms of Reference and will advise on the quality assessment of the draft reports.
The External Reference Group for the CAC evaluation consists of three international MEL specialists:
Dr. Huib Huyse, KU-Leuven, Belgium,
Mr. James Taylor, CDRA, South Africa
Mrs. Jennifer Chapman, independent consultant, UK.

⁵ See: <https://www.hivos.nl/assets/2019/08/OC-Proposed-topics-for-the-evaluation.pdf>

-Consortium partner MEL colleagues will be involved in the quality assessment of the draft reports.

3.7. Requirements of Evaluation Team and Proposal

The evaluation will be commissioned to an evaluation team that combines the following demonstrated skills and experience in:

- (Qualitative) Evaluation,
- Case study research,
- Facilitating Learning evaluation,
- Civil Society Capacity Development,

-Lobby and Advocacy,
and has thematic expertise in the area of Open Contracting.

The proposal must

- show a good understanding of the Terms of Reference, principles and purpose of the evaluation, evaluation criteria, and the evaluation questions and their interconnection,
- propose realistic approaches to answering these questions,
- propose a realistic approach to the contribution question,
- propose how to make this a learning evaluation,
- propose how to undertake the case studies,
- show how this proposal will be further elaborated in the inception phase,
- respect the budget maximum.

Proposals will consist of:

- A technical proposal (max 10 pages),
- A financial proposal,
- References to successful completion of similar evaluation exercises,
- CVs of all proposed team participants.

Proposals must be sent to

Karel Chambille / kchambille@hivos.org
at the latest on September 15th, 2019.

3.8. Deliverables

- Inception report
- Draft & Final Reports. The reports of the four thematic evaluation studies will all follow the same outline, given by the evaluation questions. They will include separate case study reports. The precise outline for the final report will be defined during the inception phase.

3.9. Budget

The total budget available for the OC thematic evaluation amounts to max. € 112,000.-, inclusive of VAT. It is expected that 55-60% of available days will be allocated to the case studies.

The budget does not have to cover learning events, for which Hivos holds a separate budget.

3.10. Timing

-Deadline for presenting proposals	: September 15 th , 2019
-Final decision on proposals/contracting	: October 15 th , 2019
-Inception Report	: December 1 st , 2019
-Draft Report	: April 1 st , 2020
-Final Report	: May 1st, 2020



A detailed time plan will be made during the inception phase, in consultation between the evaluation team and the OC project team. This will include planning for learning event(s).