# Open Government

## THE GLOBAL CONTEXT AND THE WAY FORWARD

OECD

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OECD
BETTER POLICIES FOR BETTER LIVES

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# *Foreword*

Open government has come a long way. In the past decade, reformers from public sector and civil society from all around the world have gathered into a global movement, epitomised by establishment of the Open Government Partnership in 2011. The diverse nature of countries' open government agendas has led them to include many different policy objectives, evolving from an initial focus on increasing transparency towards more ambitious goals such as fostering democracy and generating inclusive growth.

However, until now, open government reforms in general, and citizen participation initiatives in particular, were built on loosely defined concepts, implemented with methodologies that were far from being standardised, and were not linked to strategic national policy outcomes. Nowadays, there is an increasing awareness of the wider implications of what it takes to implement successful open government and citizen participation practices and how they can help to better interpret and respond to citizens' demands and to restore their trust in public institutions.

This report provides a holistic, data-driven analysis of how countries are currently implementing open government practices, the main challenges they face and the untapped opportunities that exist for enhancing transparency, accountability and citizen participation both in the policy-making cycle and in service design and delivery. The questionnaire and analytical framework on which the report is based stem from more than a decade of work on open and inclusive policy making by the OECD Secretariat. This work includes thematic reports and country-specific open government reviews, and was enriched by the policy dialogue that has taken place in the OECD Public Governance Committee and in the three regional networks on open and innovative government that the OECD hosts in Latin America and the Caribbean, Middle East and North Africa, and Southeast Asia.

The report finds that countries are moving from an intrinsic to an instrumental understanding of open government reforms, using them to achieve broader policy objectives such as good governance and inclusive growth, rather than as a goal in themselves. The UN Sustainable Development Goals (SDGs) are a case in point, as open government policies and initiatives can not only contribute to Goal 16 (on Peace, Justice, and Strong Institutions) but they are potentially beneficial to reach all the other SDGs as well. In line with this new approach, the report highlights ways to improve whole-of-government co-ordination of the national open government agenda; such co-ordination is needed in order to achieve more integrated and strategic policy outcomes. There is a need to consolidate the multitude of scattered initiatives into a single national open government strategy, based on a country-specific understanding of what open government reforms entail and seek to accomplish. To support the ensuing national discussion and provide a reference model, the OECD has developed its own definition which can be adapted to countries' specific historical, legal, social and economic contexts: Open government is "a culture of governance based on innovative and sustainable public policies and practices

inspired by the principles of transparency, accountability and participation that fosters democracy and inclusive growth."

The success of open government reforms greatly depends on the how their impact and outcomes are monitored and evaluated. Yet, findings from the report show that there is an important divide between the many countries that only monitor open government initiatives and the few that evaluate them. Admittedly, the lack of internationally recognised guidelines that define the policy areas relevant to open government reforms and of standardised process and impact indicators impede sound data collection and rigorous monitoring and evaluation systems.

This report arrives at a time when countries increasingly acknowledge that the complex policy issues characterising today's political discussions cannot be addressed by the executive branch alone. Some of them are already including the other branches of government (the legislature, the judiciary, and independent state institutions) and subnational governments, thereby moving towards what the OECD defines as an "open state" by including them in the national open government agenda. Nevertheless, the results of these noteworthy endeavours are not always in line with citizens' expectations and demands. With accurate data and evidence-based analyses, this report will help ensure that open government reforms adapt to the current circumstances and deliver on their promises.

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# Acronyms and abbreviations

| | |
|---|---|
| **ADB** | Asian Development Bank |
| **ADM** | Assistant Deputy Minister |
| **ATI** | Access to Information |
| **BCN** | National library of the Congress of Chile (*Biblioteca del Congreso Nacional de Chile)* |
| **CEDN** | Coordination of the National Digital Strategy |
| **CNAL** | National Commission for Local Administrations |
| **CoG** | Centre of Government |
| **CoST** | Construction Sector Transparency Initiative |
| **CPPC** | Citizen Participation in the Policy Cycle |
| **CSOs** | Civil society organisations |
| **DCD-DAC** | OECD Development Co-operation Directorate - Development Assistance Committee |
| **EITI** | Extractive Industries Transparency Initiative |
| **FAR** | Federal Acquisition Regulation |
| **FOI** | Freedom of Information |
| **FOIA** | Freedom of Information Act |
| **GIFT** | Global Initiative on Fiscal Transparency |
| **HR** | Human resources |
| **HRM** | Human resources management |
| **IADB** | Inter-American Development Bank |
| **IATI** | International Aid Transparency Initiative |
| **IBP** | International Budget Partnership |
| **ICNL** | International Center for Not-for-Profit Law |
| **ICTs** | Information communication technologies |
| **IMCO** | Mexican Institute for Competition |
| **INAI** | National Institute on Transparency, Access to Information and Protection of Personal Data (*Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales)* |

| | |
|---|---|
| **IPAC** | Anti-corruption participatory initiative (*Iniciativa Participativa Anti-Corrupción)* |
| **IRM** | Independent Reporting Mechanism |
| **ISDP** | Informational Society Development Programme |
| **LAC** | Latin America and the Caribbean |
| **M&E** | Monitoring and evaluation |
| **MENA** | Middle East and North Africa |
| **MIT** | Massachusetts Institute of Technology |
| **NAP** | National Action Plan |
| **NARA** | National Archives and Records Administration |
| **NDP** | National Development Programme |
| **NED** | National Endowment for Democracy |
| **NGOs** | Non-governmental organisations |
| **OAS** | Organization of American States |
| **OGD** | Open government data |
| **OGIS** | Office of Government Information Services |
| **OGP** | Open Government Partnership |
| **OGSC** | Open Government Steering Committee |
| **OI** | Ombudsman Institution |
| **OPSI** | OECD Observatory of Public Sector Innovation |
| **PB** | Participative budgeting (*Pejabat Pengelola Informasi & Dokumentasi*) |
| **PPID** | Documentation and Information Management Offices |
| **PSI** | Public sector information |
| **ReSPA** | Regional School of Public Administration |
| **SDGs** | Sustainable Development Goals |
| **SHCP** | Secretariat of Finance and Public Credit |
| **TBS** | Treasury Board of Canada Secretariat |
| **UN** | United Nations |
| **UNDESA** | United Nations Department of Economic and Social Affairs |
| **UNDP** | United Nations Development Programme |
| **USAID** | United States Agency for International Development |
| **USDS** | US Digital Service |
| **WEF** | World Economic Forum |
| **WGs** | Working groups |

# Executive summary

This report is based on the responses of more than 50 countries to the 2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle, as well as on the findings of the OECD Open Government Reviews. Countries increasingly acknowledge the role of open government reforms as catalysts for good governance and inclusive growth. Open government principles are changing the relationship between public officials and citizens, making it more dynamic, mutually beneficial and based on reciprocal trust. Open government initiatives are a tool for achieving broader policy objectives, rather than an end in themselves.

## A country-tailored definition of open government and a comprehensive open government strategy are needed to maximise the impact of scattered initiatives.

The OECD defines open government as "a culture of governance based on innovative and sustainable public policies and practices inspired by the principles of transparency, accountability, and participation that fosters democracy and inclusive growth." What open government entails in practice and how countries pursue their open government priorities depends on each country's specific context. However, 49% of respondent countries do not have a single definition. Such a definition would not only facilitate a common understanding among all relevant stakeholders but could serve as the basis for a single national open government strategy to better co-ordinate the various open government initiatives carried out in different policy areas. Furthermore, the involvement of public officials from central and local institutions together with key actors from civil society and the private sector is crucial throughout the development and implementation of such a strategy, to ensure comprehensiveness and buy-in.

## A comprehensive open government strategy achieves its full potential when embedded in an enabling environment.

A national open government strategy can only become effective if supported by an appropriate enabling environment. Its success depends on a solid policy and legal framework to set the rules, frame the boundaries and provide rights and obligations for both governments and stakeholders. Since such a strategy cuts across different but interrelated policy areas, the active role of the centre of government is also needed to provide leadership and effective policy co-ordination. Finally, successful implementation of open government strategies and initiatives depends on adequate human and financial resources, coupled with the strategic use of digital government and public sector innovation tools.

## A sound monitoring and evaluation system for open government initiatives is needed to measure impact and outcomes.

Monitoring and evaluation systems are indispensable for producing sound and robust evidence-based public policies. They ensure that the intended outputs and outcomes are

achieved, and help identify and address implementation challenges. However, while 91% of countries say they monitor open government initiatives, only half evaluate them. The absence of internationally recognised principles and guidelines on what open government strategies and initiatives entail further hampers sound data collection, as well as the identification of comparable process and impact indicators for evaluating them. Without sound monitoring and evaluation systems, open government strategies and initiatives will not be able to deliver on their promises to improve democracy and promote inclusive growth.

**New and innovative forms of citizen participation are emerging across the world.**

Governments around the world recognise the need to involve citizens in policymaking and service design and provision as a means for better delivering on an increasingly broad range of issues. Some institutions go well beyond simple citizen consultation practices and experiment with co-production and co-delivery of public policies. However, while many countries are making and have made important progress in the design and implementation of participatory initiatives, data shows that their full potential is not yet achieved, especially during the final phases of the policy cycle. As for open government strategies, the development of specific policy and legislative frameworks would favour the use of participatory practices by defining which mechanisms to use and how citizen engagement should be encouraged at each stage of the policy cycle. Measuring the cost associated with such exercises and their final impact will also be essential for improving the strategic use of citizen participation practices.

**Future priorities include expanding the range of actors and topics involved in and addressed by national open government agendas.**

As a set of interconnected policy areas and initiatives, open government reforms have paved the way and built national capacities that will help ensure the successful design and implementation of the UN Sustainable Development Goals (SDGs). Beyond the governance focus of Goal 16, the open government principles of transparency, accountability and participation have the potential to support the achievement of all SDGs.

Furthermore, an increasing number of countries are moving from the concept of open government to what the OECD has termed an "open state". This shift consists of promoting a broader collaboration between all key actors in national open government agendas, including the legislative and the judiciary branches, independent institutions such as the ombudsman, and subnational levels of government. While acknowledging each institution's independence, the objective is to create synergies to improve the overall impact of their initiatives.

Subnational governments have for many years carried out the most iconic examples of open government practices. Their role in the achievement of the objectives of open government initiatives is being fully recognised, but further efforts are needed to integrate them in the design and implementation of national strategies. Independent and free (traditional and new) media are also important for the promotion of the open government principles of transparency and accountability, and should be actively involvement in national open government agendas. There is a need to give greater attention to these new areas, and to collect further data on their role in promoting open governments.

# *Chapter 1.*

# Developing a single and comprehensive open government strategy

*This chapter offers a definition of open government and underlines the importance of the open government principles of transparency, accountability and participation. On the basis of evidence collected from more than 50 countries, the chapter calls for a more streamlined approach to the scattered open government initiatives and practices currently in place in various countries. By developing a single national open government strategy, countries can mainstream these initiatives in a whole-of-government approach and allow them to contribute to policy objectives, strategic visions or national development plans. Ultimately, however, the elaboration of a single national open government strategy, as well as its implementation, can only be effective if all relevant stakeholders, including citizens, are engaged in every stage of its development.*

The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

## Introduction

Today, governments around the world face complex challenges including rising inequality, slow economic recovery, low levels of productivity, declining levels of trust in government, the effects of climate change, and in some countries, low commodities' prices that oblige countries to make difficult choices. Increasingly, governments are asked to do more with fewer resources and more importantly, to match citizens' expectations with regard to further advancement of public governance reforms.

The global financial crisis, along with the demanding challenges faced by governments, has eroded trust in state institutions and has prompted a reassessment of the role of government and the relationship that governments have with citizens and markets. Reforms are restructuring the organisation of government by separating policy making from service delivery and devolving more authority to state and local governments. Civil society organisations, business and representatives of governments are collaborating increasingly to enhance good public governance and inclusive growth by building the enabling legal, institutional and policy frameworks.

Different international initiatives have been launched to increase transparency in government activities and despite the recent re-emergence of open government, the term is not new. It has been understood as the disclosure of politically sensitive government information and has been more recently conceptually extended to include the new opportunities in innovation, efficiency, and flexibility in government that were offered by the use of "open data" and information communication technologies (ICTs). The concept of open government encompasses several approaches, definitions and principles and takes into account the varying legal, historical or cultural aspects of countries worldwide. Neither academics nor civil society groups have agreed upon a single definition of open government. The OECD defines open government as a **culture of governance based on innovative and sustainable public policies and practices inspired by the principles of transparency, accountability, and participation that fosters democracy and inclusive growth**.

Elaborating a single definition of open government, which is fully recognised and acknowledged by the whole public sector as well as communicated to, and accepted by, all stakeholders is crucial to develop the overarching national open government strategy, as open government reforms need to be conceived as a whole-of-government strategy to ensure the widest and most sustainable possible impact. In fact, it should not be seen in isolation as it is a critical policy area for the achievement of a number of different policy outcomes in specific domains, such as integrity, fight against corruption, public sector transparency, public service delivery and public procurement, among others. The full-fledged open government strategy should include principles, long-term outcomes, medium-term outputs, and concrete initiatives to be carried out in collaboration with citizens, civil society organisations (CSOs) and the private sector.

## Defining open government

### *The revival of open government reforms*

Part of the elementary tasks of governments entails the delivery of policies and public services to its citizens. A number of scholars have embarked on the endeavour to define such public policies, including Guy Peters for whom they are "the sum of government activities, whether acting directly or through agents, as it has an influence on the life of

citizens" (UN ECOSOC, 2007). For Charles Cichran and Eloise Malone, "public policy consists of political decisions for implementing programmes to achieve societal goals", whereas the scholar Thomas Dye sums it up as a simple, "whatever governments choose to do or not" (ibid.).

In the past three decades, governments have made major changes to the way they manage the public sector. The degree of what governments choose to do or leave to other parts of society has varied constantly. Robert Putnam assessed the positive contributions that civic communities can yield to policy makers and state institutions at the local level "in creating strong, responsive, effective representative institutions". Furthermore, Putnam concluded that civic engagement is key to its success and coined the term "social capital", which he defines as, "features of social life - networks, norms, and trust - that enable participants to act together more effectively to pursue shared objectives. […] Social capital, in short, refers to social connections and the attendant norms and trust" (Putnam, 1995).

During the 1980s, the United Kingdom's Prime Minister, Margaret Thatcher, introduced various reforms aimed to reduce the size of the state and of its bureaucracy to the maximum extent. This "primacy of management over bureaucracy" as termed by the Oxford Handbook of Public Management (Ferlie, Lynn, Jr. and Pollitt, 2007), led to the foundation and rapid diffusion of the concept of "new public management". New public management entailed a focus on performance (in terms of organisational efficiency and effectiveness), citizens as customers (rather than just constituents), and increased managerial autonomy and disaggregation of government functions (OECD, 2009). The underlying philosophy of this concept turned government agencies as deliverers of public services into contract administrators (ibid.). In essence, the concept favours the retreat of the state to the greatest degree possible and leaves non-state actors such as civil society organisations with the tasks of providing the majority of public services. In addition, reforms were carried out to restructure the organisation of government. This often involved separating policy making from service delivery and devolving more authority to state and local governments, dismantling existing organisations and creating new, more autonomous ones.

The global financial crisis, along with the ensuing challenges faced by governments in the delivery of public services, has eroded trust in the state institutions and has prompted a reassessment of the role of government and the relationship that governments have with markets and citizens. Thus, different politicians and academics revived the discussions on the distribution of tasks among civil society and governments. During the general elections in the United Kingdom in 2010, David Cameron introduced the concept of "big society", which aimed at returning more power to the local communities and encouraging civil society organisations to take up a more active role, as generally favoured by *inter alia* Robert Putnam.

Along these lines, US President Barack Obama used the concept of open government as the guiding principle of his term by stressing the importance of creating a new partnership between the executives and citizens. For instance, in the Memorandum for the Heads of Executive Departments and Agencies of March 2009 President Obama declared that the United States' "[…] administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government" (Obama, 2009). Since then, countries have implemented a series of measures to restore

trust, including mobilising citizens or end users of public services, involving the private sector and civil society organisations in decision-making processes and including stakeholders of all levels of governments in service delivery, as well as developing strategies to facilitate reform implementation. As a result, policy makers, businesses, and civil society organisations are increasingly working together by building legal, institutional and policy frameworks that contribute to good public governance and promote inclusive growth.

Different international initiatives have been launched to increase transparency in government activities, including the "International Aid Transparency Initiative", the "Transparency and Accountability Initiative", the "Construction Sector Transparency Initiative" (CoST), "Publish What You Pay" and the "Extractive Industries Transparency Initiative" (EITI). However, no other initiative has been as all-embracing as the "Open Government Partnership" (OGP), which was launched in 2011 and where "countries commit to foster a global culture of open government that empowers and delivers for citizens, and advances the ideals of open and participatory 21st century government. (OGP, n.d.)"[1] This initiative has grown quickly from 8 member countries in 2011 to 70 in September 2016, and has attracted the participation of many of the world's leading advocacy organisations as well as intergovernmental organisations, such as the OECD, to strengthen democracy, transparency, and good governance (Box 1.1).

Box 1.1. **International efforts to enhance transparency**

**International Aid Transparency Initiative (IATI)**

The International Aid Transparency Initiative (IATI) is a multi-stakeholder initiative that aims to improve access to information for the resources devoted to aid, development and humanitarian resources. IATI unites civil society organisations, experts in aid information, donors and recipient countries to effectively combat poverty. The IATI elaborated a standard framework that will provide guidance to all stakeholders involved and will centralise the information to create more coherent aid initiatives.

**Transparency and Accountability Initiative**

The Transparency and Accountability Initiative provides a forum for organisations and projects that share the common goal of greater openness of institutions, public companies and governments. In line with some of the open government principles, the initiative works towards enhancing the impact of transparency, accountability and participation interventions. To this end, the main focal areas are impact and learning, new technologies and policy innovations.

**Publish What You Pay**

The principal aim of Publish What You Pay is a more transparent manner of extracting and managing natural resources through the inclusion of citizens in the decision-making process of which and where natural resources are extracted. According to Publish What You Pay, the disclosure of contracts, revenue payments and receipts would lead to a better-informed local population. The declared ultimate goal is to move towards transparency and accountability in each phase of the value chain of natural resources.

**The Extractive Industry Transparency Initiative (EITI)**

The Extractive Industry Transparency Initiative (EITI) is a global standard for transparency in government revenues from extractive industries that was launched in 2002. The initiative requires governments to report their revenue from the extractive sector and for companies within the same sector to report their payments to government in the form of taxes, royalties or payments in kind.

Box 1.1. **International efforts to enhance transparency** *(continued)*

An independent auditor assesses these two reports, published on line. A multi-stakeholder group composed of government institutions, extractive industry private sector firms and civil society organisations governs the respective national chapters of EITI.

**Construction Sector Transparency Initiative (CoST)**

Similar to the EITI, the Construction Sector Transparency Initiative (COST) aims to improve transparency and accountability through the disclosure of information related to public infrastructure investment. In the four years of its existence, the multi-stakeholder initiative COST has attracted 15 member countries from 4 continents and works closely together with the Open Government Partnership.

**Open Government Partnership (OGP)**

The Open Government Partnership (OGP) was launched in 2011 "to provide an international platform for domestic reformers committed to making their governments more open, accountable, and responsive to citizens." This initiative has grown quickly from 8 member countries to 70 in September 2016 and has attracted the participation of many of the world's leading advocacy organisations for democracy, transparency, and good governance.

By becoming members of the OGP, countries commit to four core open government principles: access to information (including government transparency); civic participation (including civic engagement); integrity (including anti-corruption measures); and access to technology to support openness and accountability. Countries are required to endorse a high-level Open Government Declaration, to develop a biennial action plan through public consultation, and to prepare an annual self-assessment report. In its few years of existence, the OGP has considerably changed the dynamics of the international open government agenda and of the collaboration among key actors of national open government ecosystems.

In order to join the OGP, certain minimum eligibility criteria have to be met to formally join the global organisation. The number of conditions are summarised in four major themes:

- Fiscal transparency, including budget accountability and an open budget system.
- Law on access to information.
- Disclosure of public official's assets.
- Citizen participation and basic protection for civil liberties.

*Sources*: International Aid Transparency Initiative (n. d.), "About IATI", webpage, www.aidtransparency.net/about (accessed 21 July 2016); Transparency and Accountability Initiative (n. d.), "About the T/A Initiative", webpage, www.transparency-initiative.org/about (accessed 21 July 2016); Publish What You Pay (n. d.), "Objectives", webpage, www.publishwhatyoupay.org/about/objectives/ (accessed 21 July 2016); Extractive Industry Transparency Initiative (n. d.), "Who we are", webpage, http://eiti.org (accessed 21 July 2016); Construction Sector Transparency Initiative (n. d.), "CoST - Better Value from public infrastructure investment", webpage, www.constructiontransparency.org/the-initiative?forumboardid=1&forumtopicid=1 (accessed 21 July 2016); OGP (Open Government Partnership) (n. d.), "What is the Open Government Partnership", webpage, www.opengovpartnership.org/about (accessed 13 June 2016).

## *The history of open government*

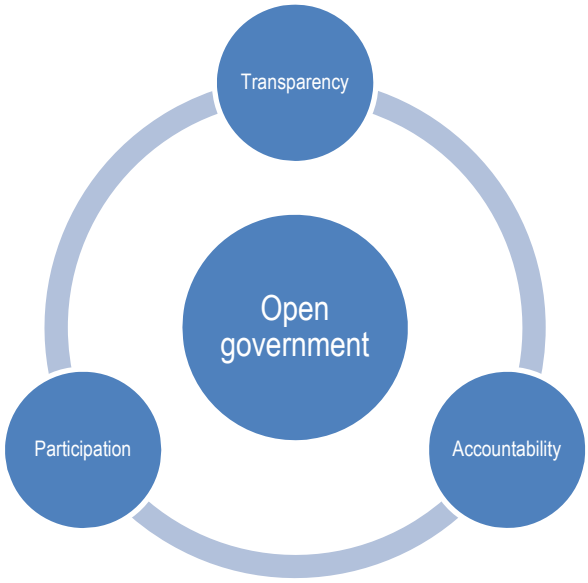
Despite the recent re-emergence of open government, the term is not new. The term "open government" can be traced back to 1798 when Thomas Jefferson declared that "in order for people to trust their own government, they need to be well informed" (Wirtz and

Birkmeyer, 2015). In the 1950s, it referred to the disclosure of politically sensitive government information and was used in the debates leading up to passage of the Freedom of Information Act in the United States (Yu and Robinson, 2012). Over the years, the meaning was conceptually extended to include the new opportunities in innovation, efficiency, and flexibility in government that were offered by the use of "open data" and ICTs that had emerged with the rise of the Internet. Most recently, there is an increasing awareness that open government and open data can provide important opportunities for economic growth, as they can help promote business, develop cost-effective public services and create new jobs (OECD, 2015b).

Neither academics nor civil society groups have agreed upon a single definition of open government. As pointed out by Wirtz and Birkmeyer, " the literature has no clear understanding of what the term open government captures in general and lacks even basic and integrative definitions" (Wirtz and Birkmeyer, 2015). In an attempt to summarise the different strands of definitions that exist, Wirtz and Birkmeyer (2015) narrow the concept of open government down to "a multilateral, political and social process, which includes in particular transparent, collaborative, and participatory action by government and administration." To this end, the two authors set out the following conditions, "[…] citizens and social groups should be integrated into political processes with the support of modern information and communication technologies, which together should improve the effectiveness and efficiency of governmental and administrative action" (ibid.). In fact, the concept of open government encompasses several approaches, definitions and principles and takes into account the varying legal, historical or cultural aspects of countries worldwide.

Throughout past decades, the three pillars of transparency, accountability and participation (Figure 1.1) have been increasingly summarised in the concept of open government as a way to ensure that governments include the demands and needs expressed by citizens in government policies.

Figure 1.1. **Principles of an open government**




*Source*: Author's own work.

*Transparency*

Government transparency is understood as the disclosure and subsequent accessibility of relevant government data and information. Fung, Graham and Weil (2007) differentiate between two generations of transparency policies: the first generation refers to the disclosure of official records to ensure access to information for the public. This generation focuses on the access to information laws, which nearly all OECD member countries have implemented (OECD, 2011). The underlying idea is that unimpeded access to information leads to better ways for citizens to hold government accountable. The second generation of government transparency, which Fung, Graham and Weil (2007) coined, "targeted transparency", refers to the availability of information that serves a concrete purpose, with well-defined areas to which this information shall contribute. It is important that governments move towards a more targeted transparency as it contributes to improving public policies only when the information is relevant, timely and useful for a targeted group of users in a format that is helpful.

*Accountability*

Accountability refers to the governments' responsibility and duty to inform its citizens about the decisions it makes as well as to provide an account of the activities and performance of the entire government and its public officials. In a democratic system of governance, the population is the main source of legitimacy for government officials' mandates. Citizens have thus the right to hold the government accountable for its actions in order to uphold and reinforce the democratic order. At the same time, it should be the underlying culture of the governments to be accountable to their citizens, with or without citizens actively demanding it.

*Participation*

Participation typically refers to the involvement of individuals and groups in designing, implementing and evaluating a project or plan. Thus, participation refers to the idea that in order to fully reap the benefits of active interaction with their population, governments should acknowledge the benefits that all actors of society, especially citizens, civil society organisations and the private sector have to offer in providing information and in consulting - and most importantly- engaging with them. Actively engaging citizens contributes to the well-targeted use of limited state resources and better public service design and delivery, for example through consulting citizens to identify their needs. Active participation goes beyond votes and elections and recognises the capacity of citizens to co-generate policy options. For an effective approach to citizen participation, governments need to share their agendas with all relevant stakeholders and show commitment that policy proposals generated jointly will have an impact on the policy cycle. At the same time, active participation requires that citizens accept their increased responsibility for policy making.

### *Creating a single definition of open government by country*

Over the years, evidence collected suggests that a government is open when it follows the principles of transparency, accountability and participation. Arising from this, the OECD defines open government as "**a culture of governance based on innovative and sustainable public policies and practices inspired by the principles of transparency, accountability, and participation that fosters democracy and inclusive growth.**"

One of the first attempts to contribute to this debate was carried out by the OECD in 2001 when it developed a set of Guiding Principles for Open and Inclusive Policy Making (Box 1.2).

Box 1.2. **Guiding Principles for Open and Inclusive Policy Making**

1. **Commitment**: Leadership and strong commitment to open and inclusive policy making is needed at all levels – politicians, senior managers and public officials.
2. **Rights**: Citizens' rights to information, consultation and public participation in policy making and service delivery must be firmly grounded in law or policy. Government obligations to respond to citizens must be clearly stated. Independent oversight arrangements are essential to enforcing these rights.
3. **Clarity**: Objectives for, and limits to, information, consultation and public participation should be well defined from the outset. The roles and responsibilities of all parties must be clear. Government information should be complete, objective, reliable, relevant, and easy to find and understand.
4. **Time**: Public engagement should be undertaken as early in the policy process as possible to allow a greater range of solutions and to raise the chances of successful implementation. Adequate time must be available for consultation and participation to be effective.
5. **Inclusion**: All citizens should have equal opportunities and multiple channels to access information, be consulted and participate. Every reasonable effort should be made to engage with as wide a variety of people as possible.
6. **Resources**: Adequate financial, human and technical resources are needed for effective public information, consultation and participation. Government officials must have access to appropriate skills, guidance and training as well as an organisational culture that supports both traditional and online tools.
7. **Co–ordination**: Initiatives to inform, consult and engage civil society should be co-ordinated within and across levels of government to ensure policy coherence, avoid duplication and reduce the risk of "consultation fatigue". Co-ordination efforts should not stifle initiative and innovation but should leverage the power of knowledge networks and communities of practice within and beyond government.
8. **Accountability**: Governments have an obligation to inform participants how they use inputs received through public consultation and participation. Measures to ensure that the policy making process is open, transparent and amenable to external scrutiny can help increase accountability of, and trust in, government.
9. **Evaluation**: Governments need to evaluate their own performance. To do so effectively will require efforts to build the demand, capacity, culture and tools for evaluating public participation.
10. **Active citizenship**: Societies benefit from dynamic civil society, and governments can facilitate access to information, encourage participation, raise awareness, strengthen citizens' civic education and skills, as well as support capacity building among civil society organisations. Governments need to explore new roles to effectively support autonomous problem solving by citizens, CSOs and businesses.

*Sources*: OECD (2001), *Citizens as Partners: Information, Consultation and Public Participation in Policy making*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264195561-en, updated in OECD (2009), *Focus on Citizens: Public Engagement for Better Policy and Services*, OECD Studies on Public Engagement, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264048874-en.

While creating a unified definition of open government that could fit every cultural context is desirable, it is important to note that when a country wants to move towards a more open and accountable culture of governance, an internal single definition of the term should incorporate the country's cultural, historical, institutional, social and political features. This definition should be fully recognised and acknowledged by the whole public sector as well as communicated to, and accepted by, all stakeholders (citizens, civil society, private sector, etc.) to ensure better buy-in and ownership.

A good definition of open government is important for the following reasons:

- It informs the public about the essential elements of open government, the extent and limitations of the term.
- It facilitates a common understanding and usage of open government, aligning all stakeholders and policy makers towards the same goals.
- It facilitates a robust analysis of the impact of open government strategies and initiatives across different institutions and levels of government.
- It supports international comparisons of open government strategies and initiatives.

Furthermore, it is important to take into consideration the criteria presented in Box 1.3 when creating the definition.

Box 1.3. **Criteria of a good concept**

**Coherence**: Differentiation, definition, clarity, boundedness. How internally coherent and externally differentiated are the attributes of the concept in relation to neighbouring concepts and entities?

**Operationalisation**: Measurement, indicators, precision. How clear are a concept's borders? How do we know it when we see it?

**Validity**: Accuracy, truth, reliability. Is the concept valid? Are we measuring what we are supposed to be measuring?

**Field utility**: Natural kinds, classificatory utility. How useful is the concept within a field of closely related concepts?

**Resonance**: Familiarity, normal usage. How resonant is the concept – in ordinary and/or specialised contexts?

**Contextual range**: Breadth, scope, compass, reach, stretch. Across how many linguistic contexts (language regions) is a concept viable? How far can it travel?

**Parsimony**: How short is: 1) the term; and 2) its list of defining attributes?

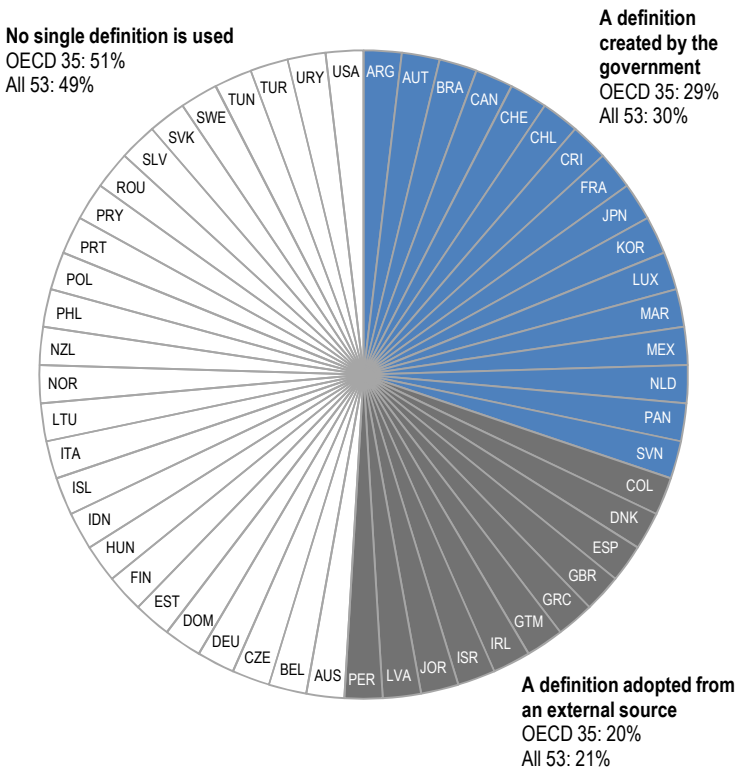
**Analytic/empirical utility**: How useful is the concept within a particular analytic (theoretical) context or research design?

*Source*: Gerring, J. (1999), "What makes a good concept? A criterial framework for understanding concept formation in the social sciences", *Palgrave Macmillan Journals*, 31(3), pp. 357-393.

According to the findings of the 2015 OECD Open Government Survey, only 51% of all the surveyed countries (49% in OECD countries) have a single definition for open government. Out of these countries, 30% (29% in OECD countries) have created their

own definition (Figure 1.2). For instance, Canada defines open government as "a governing culture that holds that the public has the right to access the documents and proceedings of government to allow for greater openness, accountability, and engagement" (Government of Canada, 2014). Korea defines open government as "a new paradigm for government operation to deliver customised public services and generate new jobs in a creative manner by opening and sharing government-owned data to the public and encouraging communication and collaboration between government departments. Open Government is to make the government more service-oriented, competent, and transparent, thus pursuing the happiness of citizens"[2] (Box 1.4). Furthermore, 21% of countries (20% in OECD countries), including Colombia, Denmark, Ireland and Spain have a definition that was adopted from an external source, particularly from the Open Government Partnership.

Figure 1.2. **Countries with and without official definitions of open government**




*Source*: Country responses to OECD (2015a), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

### Box 1.4. **Country examples of single official definitions of open government**

**Canada**

A governing culture that holds that the public has the right to access the documents and proceedings of government to allow for greater openness, accountability and engagement.

**Chile**

A public policy applicable to the whole of the public apparatus, aimed at strengthening and improving the institutional frame and management of public affairs by promoting and consolidating the transparency and access to public information principles, as well as the mechanisms for citizen participation in the design, formulation, implementation and evaluation of public policies. All in the context of the current public institutions' modernisation process, whose goal is to move towards a state at the service of all citizens and to improve the population's quality of life.

**France**

Open government is seen as the transparency of public action and its openness to new forms of participation and collaboration with citizens and civil society. In France, the historical roots of the definition of open government are found in the 1789 French Declaration of Human Rights. Article 15 stated that society has the right to make any public agent of its administration accountable. Open government contributes to promoting:

- The construction of transparency and democratic trust through open data, open decision-making processes and accountability.
- Citizen empowerment based on the possibility of informed decision and an active citizenship through digital tools and shared resources for increased autonomy.
- The adaptation of government practices to the digital revolution through co-creation, agility and simplification, innovation, data-driven strategies, the transformation of the administration into a platform, etc.

**Korea**

Government 3.0 (Open Government Initiative) is a new paradigm for government operation to deliver customised public services and generate new jobs in a creative manner by opening and sharing government-owned data with the public and encouraging communication and collaboration between government departments. Government 3.0 aims to make the government more service-oriented, competent, and transparent, thus pursuing the happiness of citizens.

**Luxembourg**

Government of an accountable and democratic constitutional state based on the rule of law and justice which works to achieve, as far as possible, useful and not in contradiction with human rights or other fundamental values, a maximum level of transparency and citizen participation.

**Mexico**

Open government is a new model of governance that seeks to transform the relationship between government and society to strengthen democracy. It is creating an environment that positions the government as a platform for innovation. Open government is based on a culture of transparency, collaboration, participation and accountability that allows the creation of new ventures and the generation of solutions to public challenges surrounding the development of the country.

Box 1.4. **Country examples of single official definitions of open government** *(continued)*

**Netherlands**

A transparent, facilitative and accessible government.

**Costa Rica**

"Open government is key for this administration. It is postulated as a renewed appeal for the reform of the state and modernisation of the public administration based on an innovative relationship between different actors to co-create public value. It is not an end in itself, but a means to promote transparency, collaboration and participation. […] Transparency, understood in a proactive way – meaning the recognition of rights and powers of citizens so that they can, based on their access to public information, participate and form opinions about public affairs. Collaboration is defined as the commitment of citizens and other actors to participate and work together with the government to improve public services as well as mainstreaming and interoperability that must exist internally and between the various agencies and state bodies are also parts of this concept of open government. Finally, citizen participation emphasises the role of citizens in public affairs and in making decisions that affect them in the definition and implementation of solutions in a scheme of greater shared responsibility to take advantage of the distributed capabilities and collective intelligence of social actors."

**Panama**

Open government is one which promotes transparency through access to public information, accountability, disclosure of data and the use of technologies; enhances the participation and the collaboration with the citizens for the improvement of public management and the public services; and offers space for the development of public policies. […].

*Note*: Some of the definitions were translated from the original languages by the authors of this report.

*Source*: Country responses to OECD (2015a), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

## Improving public governance through a national open government strategy

### *Open government as a key element of good public governance*

Good public governance has been recognised as a key factor for economic development and social well-being. Among widely accepted principles of good governance are openness, transparency and accountability; fairness and equity in the governments' relationship with citizens and other stakeholders, including mechanisms for consultation and participation; efficient and effective public services; clear, transparent and applicable laws and regulations; consistency and coherence in policy formation; respect for the rule of law; and high standards of ethical behaviour. These principles are the basis upon which open government is built (OECD, 2003).

Open government has evolved into a motor for inclusive growth as it promotes inclusive institutions that enable effective citizen participation, pluralism and a system of checks and balances. In countries where these effective accountability mechanisms are in place, citizens can reap the benefits of better access to high-quality public services (OECD, 2015b). The benefits (Box 1.5) of transparent and open governments can be summarised as two-fold:

- As a key driver to restore trust in government, also through the use of modern information management, which allows citizens to obtain relevant information on line.
- As a policy lever to impulse change and sustainable reforms in the public sector to enhance efficiency (OECD, 2015c).

Box 1.5. **Potential benefits of open government**

- **Establishing greater trust in government**. Trust is an outcome of open government that can reinforce government performance in other aspects. In addition, if citizens trust the government or specific government policies, then they may be more willing to pay (fees, contributions, taxes) to support these policies.
- **Ensuring better outcomes at less cost**. Co-design and delivery of policies, programmes and services with citizens, businesses and civil society offer the potential to tap a broader reservoir of ideas and resources.
- **Raising compliance levels**. Having people participate in the process helps them understand the stakes of reform and can help ensure that the decisions reached are perceived as legitimate.
- **Ensuring equity of access to public policy making** by lowering the threshold for access to policy making processes for people facing barriers to participation.
- **Fostering innovation and new economic activity**. Public engagement and open government are increasingly recognised as drivers of innovation and value creation in both the private and public sectors.
- **Enhancing effectiveness by leveraging knowledge and resources of citizens who otherwise face barriers to participation**. Public engagement can ensure that policies are better targeted and address the needs of citizens, eliminating potential waste.

*Source:* OECD (2010a), "Background document for Session 1 of OECD Guiding Principles for Open and Inclusive Policy Making", Expert Meeting on Building an Open and Innovative Government for Better Policies and Service Delivery, OECD, Paris, 8-9 June 2010, www.oecd.org/gov/46560128.pdf.

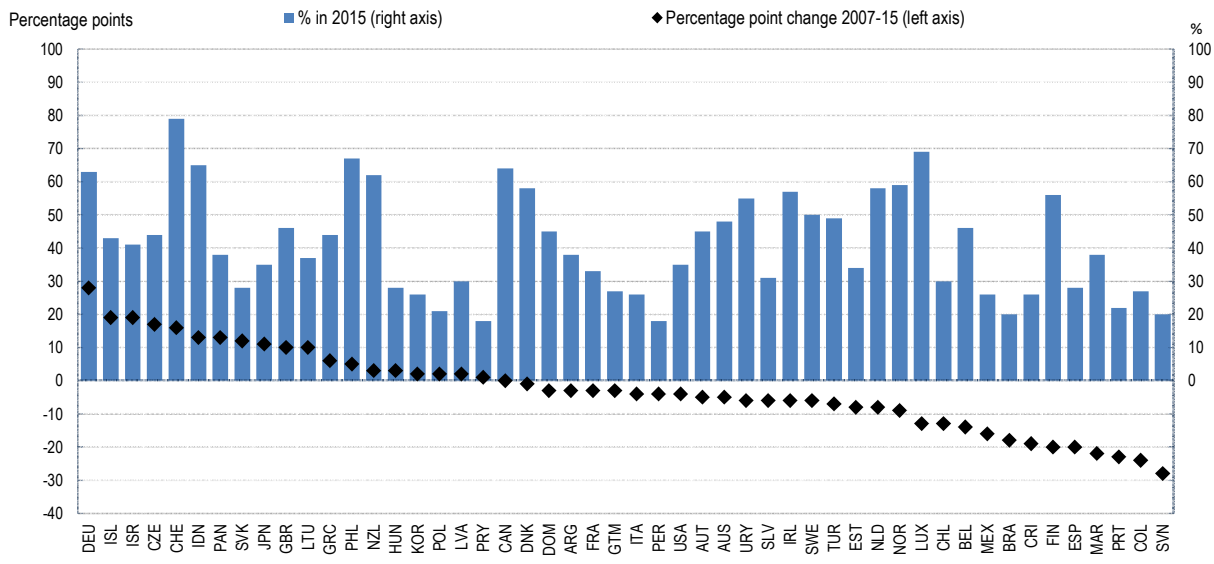
### *Open government reforms can help to restore trust in governments*

Trust in government is important as it represents citizens' and businesses' confidence in the actions of governments to do what is right and what is perceived as fair as well as it legitimising governments' actions and decisions. Trust in government reflects citizens' approval of their country's leadership and is negatively correlated with, among others, perceived levels of corruption in government, misuse of public resources or inadequate behaviour of public officials (OECD, 2015b). The decline in trust can lead to lower rates of compliance with rules and regulations, which could, for example, have an impact on citizens' willingness to pay taxes, thus affecting the quantity and quality of public services delivery. Moreover, low levels of trust can have an impact on investment decisions as citizens and businesses become more risk averse, affecting innovation, employment decisions and long-term growth. The 2008 financial crisis and the subsequent recession have eroded trust in public institutions in most economies (Figure 1.3). Most countries are also facing budget restrictions while citizens demand more and higher quality service delivery from the state.

The relationship between trust in public institutions and open government strategies goes two ways: first, as a foundation for government legitimacy, trust is an essential ingredient for open and inclusive policy making, given that a wide range of government actions depend on public involvement and buy-in (Bellantoni and Baena Olabe, 2016). Conversely, open government practices seek in part to increase levels of public satisfaction with government services, strengthen accountability and enhance understanding of government processes and results; as such, they play a critical role in helping increase citizen trust.

Citizens generally judge democratic governments on the basis of two measures: their "democratic performance" (i.e. the degree to which government decision-making processes live up to democratic principles) and their "policy performance" (i.e. their ability to deliver tangible positive outcomes for society). As shown in Figure 1.4, more transparent and inclusive policy making can contribute to reinforcing both, and open government principles can provide useful insights around which countries can seek to build trust.

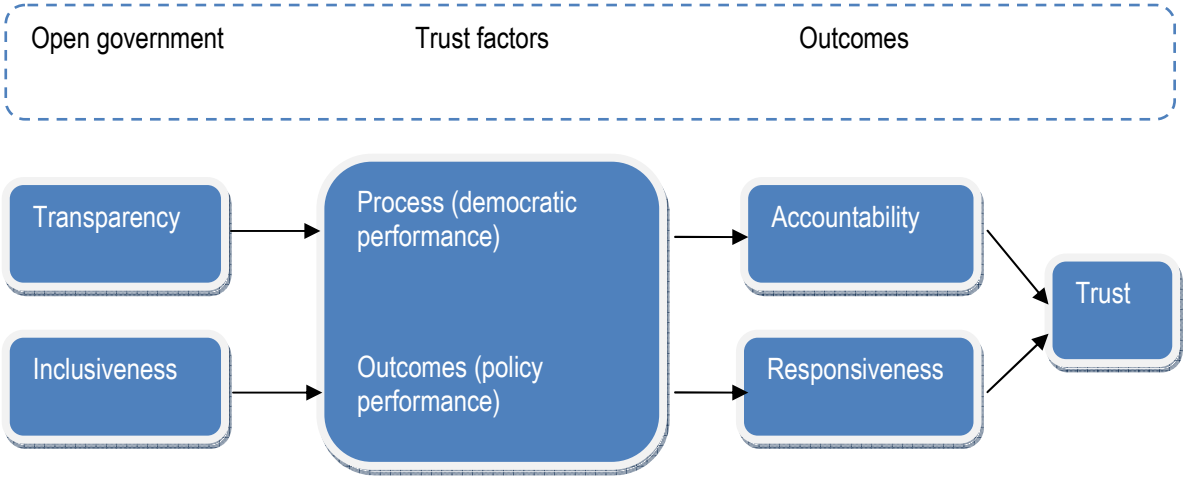
Figure 1.3. **Confidence in national governments**




*Note*: Data refers to the percentage who answered "yes" to the question, "Do you have confidence in national government?" Data for Austria, Finland, Ireland, Norway, Portugal, Slovak Republic, Slovenia and Switzerland are 2006 rather than 2007. Data for Iceland and Luxembourg are 2008 rather than 2007. Data for Morocco is 2011 rather than 2007. Data for Tunisia is not provided.

*Source:* Gallup World Poll (n.d.), "Gallup World Poll", www.gallup.com/services/170945/worldpoll.aspx.

Figure 1.4. **The link between open government and trust**



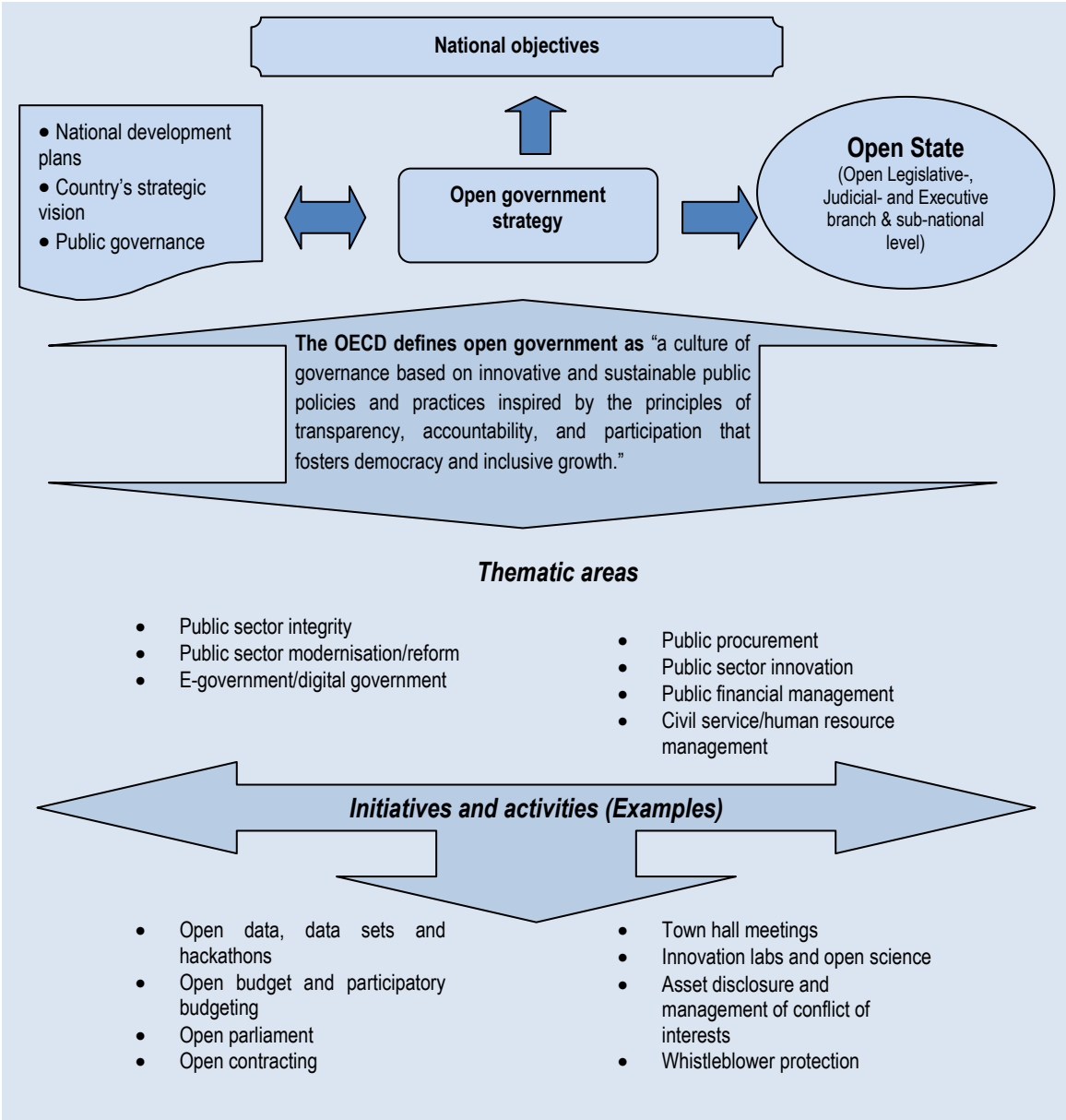

*Source*: Author's own work.

This suggests that restoring trust in public institutions requires focusing both on people's *attitudes* toward government policies and the actual *outcomes* of government policies. While the content and effectiveness of public policies, and the quality of public services, is the primary measure around which opinions of governments are formed, the process through which policies are designed and implemented also play a large role in the public's attitudes toward government's effectiveness.

### *Open government strategy: Streamlining scattered initiatives*

Open government initiatives should not exist in isolation. It is indeed a critical policy area for the achievement of a number of different policy outcomes in diverse domains, such as integrity, the fight against corruption, public sector transparency, public service delivery and public procurement, among others. Open government reforms need to be conceived as a whole-of-government policy to ensure the widest possible impact (Figure 1.5) and its multidimensional and transversal nature needs to be acknowledged. It encompasses a wide range of principles and practices aimed at making the relationship between governments and citizens and other stakeholders more dynamic, mutually beneficial and based on reciprocal trust. In order to streamline all the different initiatives that cover a wide range of areas, it is important to have a single open government strategy that brings together all the scattered initiatives and ensures that all of them are reaching the same national objectives in co-ordination.

Figure 1.5. **Framework for an open government strategy**

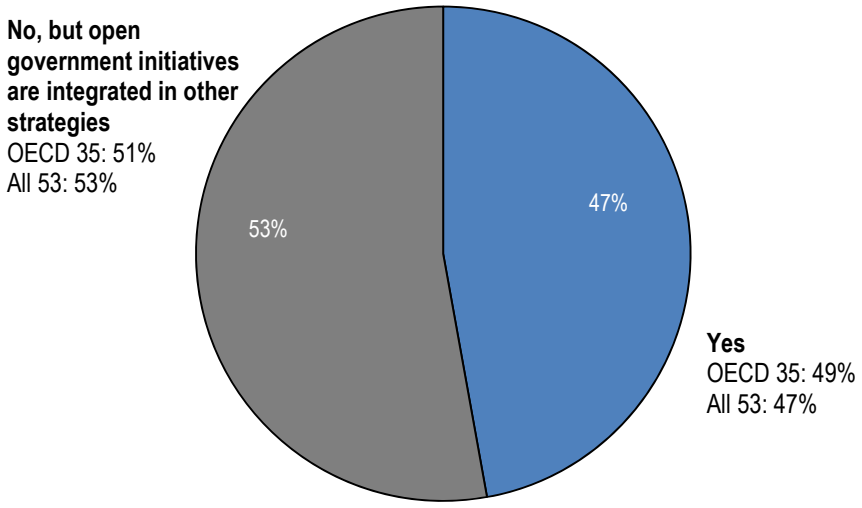



*Source*: Author's own work.

A medium- to long-term, comprehensive and coherent national open government strategy is a powerful tool for providing a clear direction to the entire government at all levels and its public administration in general. It is also fundamental for measuring the performance of government actions and initiatives. Such a strategy is usually based on an analysis of the current and future challenges and opportunities, ensures long-term policy coherence and assesses the availability of the necessary resources and capacities. Accordingly, in 47% of countries that responded to the 2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle (hereafter, the "OECD Survey") (49% of OECD countries), there is a single national open government strategy[3], while in 53% of respondent countries (51% of OECD countries), there is no

single national open government strategy, but open government principles and initiatives are integrated in other sectoral initiatives, policies or strategies (Figure 1.6).

Figure 1.6. **Existence of a single open government strategy**




*Source*: Country responses to OECD (2015a), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

However, 76% of the countries that stated having an open government strategy were actually referring to an Open Government Partnership (OGP) Actions Plan.[4] All members of the global OGP are developing and implementing bi-annual Action Plans, which are not a comprehensive national strategy. While these plans serve as a crucial implementation tool for a variety of unconnected initiatives, only a single national overarching strategy can ensure that the benefits of open government principles and practices are streamlined, co-ordinated and linked to the overall objectives in all relevant areas. The development and implementation of the national open government strategy requires an effort in identifying a common definition of what open government means for the country and a prioritisation of what policy outcomes are being supported (transparency, integrity, accountability, citizen participation, etc.) with the policy. While many countries recognise the importance of such an effort, few have yet moved towards creating it.

The open government strategy needs to highlight the principles, policy objectives and policy instruments or initiatives. Policy objectives correspond to the "ends" of the policy and reflect the overall purpose or medium-term aim(s) that eventually a policy is intended to achieve. Principles of open government have been included in government activities and initiatives with the aim of becoming a more open and accountable government. For instance, Australia, Denmark and Greece, among others, have included open government principles in their public sector reform agendas. For instance, in Lithuania, open government principles are included in its national long-term strategy (Box 1.6). Other countries, including Luxembourg, New Zealand and Slovenia integrate open government principles in their digital government agenda. Furthermore, in countries with recent constitutions, open government principles are provided in them. For instance in most

Latin American countries, such as Mexico, Peru or Costa Rica, access to information is a fundamental right, while in Tunisia freedom of opinion, expression, thought, information and publication is enshrined in Article 31 of the new constitution adopted following the 2011 revolution (Constitute Project, 2016).

Box 1.6. **Defining a national vision based on open government practices in Lithuania**

The government of Lithuania has engaged in an in-depth process to define its national strategy "Lithuania 2030". The State Progress Council, led by the Centre of Government, was responsible for the strategy drafting process: government authorities, business leaders, community groups, and prominent public figures participated in its development. Three working groups were set up on smart economy, smart governance, and smart society. The consultation /involved the national level and Lithuanians living abroad. The Council also went on a road trip to discuss with mayors, municipality representatives, young people, and non-governmental organisations (NGOs). Innovative approaches were developed to involve harder-to-reach groups. Since the elderly were especially seen to doubt the strategy, the Council reached out to school children, who were trained to interact with the elderly. The outcome was a national strategy that guides the policies of the whole country and whose implementation is monitored in an inclusive process (OECD, 2015d).

To this end, open government is an integral part of Lithuania's public administration reform and as such, it spans the different tiers of the strategic planning system from long-term vision and strategy to medium- and short-term plans and programmes.

**Lithuania 2030 strategy**

The long-term strategy, Lithuania 2030 identifies national development policies on the basis of consultation with Lithuanian people, communities, NGOs, business organisations, and government institutions and reflects long-term priorities for development, setting out guidelines for their implementation by 2030. The overarching aim is to empower each and every member of society, focusing on ideas that would help Lithuania to become a modern, energetic country, embracing differences, while developing a strong sense of national identity. Openness is one of the three pillars of the strategy along with creativity and responsibility. The strategy aims to promote "open and empowering governance" and gives significant importance to systematic and effective engagement of citizens in the political process.

**The Informational Society Development Programme (ISDP) 2014–20**

Representing in effect the "Digital Agenda of Lithuania" the ISDP 2014-20 seeks to consolidate the role of information across the economy and society. The strategic objective of the programme is to improve the quality of life for the Lithuanian residents as well as to strengthen the business productivity through the use of the opportunities created by the ICTs and to increase the percentage of Internet users to at least 85% by 2020 and the use of high–speed Internet to 95% of companies by 2020.

**National Development Programme (NDP) 2014-20**

The NDP closely reflects the main provisions and structure of the Lithuania 2030 strategy and the Europe 2020 strategy. The NDP consists of three main progress areas: "Smart economy", "Smart society" and "Smart governance", as well as three horizontal progress areas: "Culture", "Health for all" and "Regional development". Each progress area further includes several priorities along with approved financial resources and responsible actors for each of the priority areas.

Box 1.6. **Defining a national vision based on open government practices in Lithuania** *(continued)*

**National Anti-corruption Programme 2015-25**

The National Anti-corruption Programme 2015-25 seeks to develop a long-term approach to corruption prevention and control and covers the major provisions of the national anti-corruption policy in the public and private sectors. It aims to reduce and eliminate corruption conditions and risks, as well as encourage corruption risk management and assuming of liability for corruption-related offences. The programme sets out priority areas where, according to the government the prevalence of corruption is greatest, namely, political activities and legislation; activities of judicial and law enforcement authorities; public procurement; health care and social protection; spatial planning; public construction supervision and waste management; supervision of the activities of economic entities; public administration, civil service and asset management.

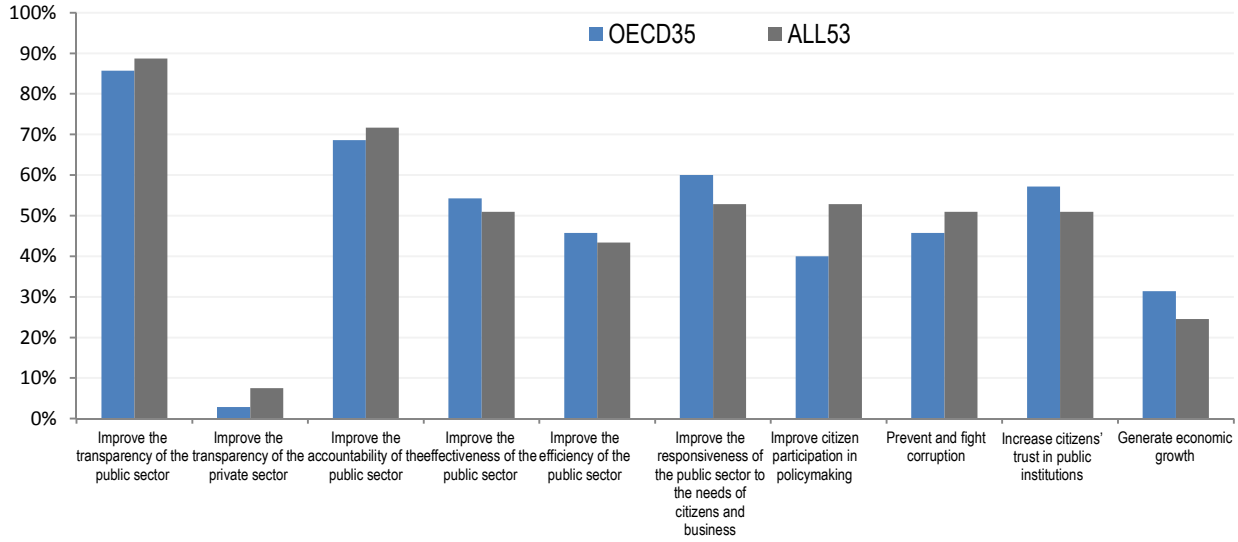
**Public Governance Improvement Programme 2012-20**

The Public Governance Improvement Programme 2012-20 aims to achieve effective design, implementation, monitoring and evaluation of public policies and reforms in line with societal needs. It seeks to improve the process of public management openness and encourage the public to actively participate in policy making and service delivery. Specific aims include improving the quality of administrative processes and public services, to enhancing strategic thinking capacity in public institutions, both at the national and sub-national levels and improving human resource management.

*Sources*: OECD (2015d), *Lithuania: Fostering Open and Inclusive Policy Making*, OECD Public Governance Reviews, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264235762-en; Mathe, Khulekani (2014), "Presentation on the National Development Plan by the National Planning Commission Secretariat, South Africa", in the framework of an OECD seminar held on 24 March 2014.

In addition, the strategy needs to set the objectives to be reached. Figure 1.7 presents the main objectives of countries' open government strategies, as found by the OECD Survey. For 47 countries out of 53, improving the transparency of the public sector is one of the main objectives of their open government strategy and for 26 of them, including Belgium, Colombia, Costa Rica, Denmark, Japan, Jordan, Morocco and the Netherlands, among others, this is their number one objective. Others countries, such as El Salvador and Finland, have improving citizen participation in policy making as their main objective, while improving the accountability of the public sector is the main objective for France, Iceland, Israel, Lithuania and Panama (Table 1.1). The results further reveal the importance that the majority of countries give to the open government principles of transparency (89% of respondent countries and 86% in OECD countries) and accountability (72% of respondent countries and 69% in the OECD) compared to the frequency of objectives that aim to improve the relationship between citizens and governments, it reveals that many countries still focus on information sharing, rather than co-producing policies with citizens. Although improving the responsiveness of the public sector to the needs of citizens and businesses ranks among the top three objectives, with 53% of respondent countries and 60% in OECD countries respectively, the margin to the foremost challenge remains at around 30%. As discussed in this chapter, the need to increase citizens' trust in public institutions is acknowledged by various countries (51% of all respondent countries and 57% of OECD countries) as one of their main objectives of the open government strategy.

Figure 1.7. **Objectives of countries' open government strategies**




*Source*: Country responses to OECD (2015a), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Table 1.1. **Main objectives of countries' open government strategies**

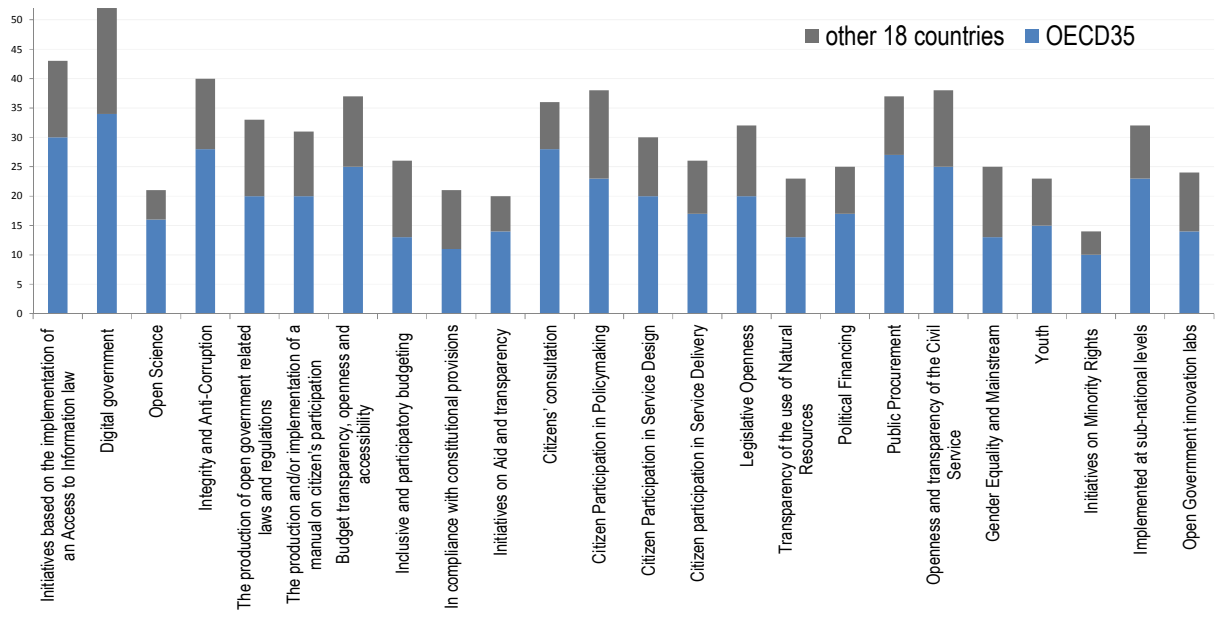
| Main objective | | Country |
|---|---|---|
| Improve the transparency of the public sector | 26 | Belgium, Brazil, Chile, Colombia, Costa Rica, Czech Republic, Denmark, Germany, Guatemala, Hungary, Italy, Japan, Jordan, Latvia, Morocco, Netherlands, Paraguay, Peru, Poland, Romania, Slovak Republic, Spain, Switzerland, Turkey, Tunisia, Uruguay |
| Improve the accountability of the public sector | 5 | France, Iceland, Israel, Lithuania, Panama |
| Improve citizen participation in policy making | 5 | Argentina, Estonia, Finland, El Salvador, Dominican Republic |
| Improve the responsiveness of the public sector to the needs of citizens and business | 4 | Indonesia, Luxembourg, Sweden, United Kingdom |
| Improve the effectiveness of the public sector | 3 | Austria, Norway, Philippines |
| Increase citizens' trust in public institutions | 3 | Ireland, Korea, Slovenia |
| Generate economic growth | 2 | Australia, Canada |
| Improve the efficiency of the public sector | 2 | Portugal, United States |
| Others | 2 | Mexico, New Zealand |
| Prevent and fight corruption | 1 | Greece |

*Source*: Country responses to OECD (2015a), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

The open government strategy should also include policy instruments/initiatives, which are the "means" to meet the policy objectives. According to the results from the OECD Survey, almost all countries are currently implementing, or have implemented, open government initiatives on digital government (Figure 1.8) as most countries approach towards open government has been mostly driven by an open data agenda. As one of the cornerstones of open government reforms, access to information laws have been implemented by the great majority of countries similar to initiatives on budget transparency, openness and accessibility (70% and 71% in OECD countries). While these initiatives are the prerequisite for effective open government reforms, most of these initiatives focus on publishing information rather actively engaging with citizens. Exemplary for this discrepancy is the difference between the aforementioned high results for budget transparency, with low results in implementing initiatives of inclusive and participatory budgeting (49% in all countries surveyed and 37% in OECD countries).

Another striking finding is the low amount of initiatives for OECD countries that include citizens in each step of the policy cycle. Initiatives on the initial step of citizens' consultation are implemented by 80% of the OECD countries, while only half of all countries (49% in both- all and OECD countries) implement or have implemented initiatives on citizen participation in service delivery (Figure 1.8). As discussed in Chapters 4 and 5, open government, like most public policies, benefit from the coherent inclusion of citizens in all stages of the policy cycle, with the understanding that it also has the singularity that citizens' participation is a goal in itself of open government reforms.

Figure 1.8. **Initiatives on open government currently being implemented or have already been implemented**




*Source*: Country responses to OECD (2015a), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Examples of national open government initiatives can be found in Boxes 1.7 and 1.8.

Box 1.7. **Examples of open government initiatives: Participatory budgeting in Tartu, Estonia and the Participatory Anti-Corruption Initiative in the Dominican Republic**

**Estonia**

In 2013, the city of Tartu, the second-largest city after Tallinn, became the first municipality in Estonia to launch participatory budgeting. Participatory budgeting grants citizens a better understanding and say in how the budget is spent, in this case on the local level. The participatory budget process granted citizens of Tartu the opportunity to decide on how a portion of the city budget (amounting to EUR 140 000 of the investment budget, or 1%) should be spent. The initiative was part of the broader programme to raise awareness of local governance and encourage broader engagement.

The aims of the programme included:

- Better explaining the logic of the budget to citizens and reducing criticism.
- Increasing the understanding of how decisions are made in the city, and increasing trust in those decisions.
- Increasing co-operation inside the community and between the communities.
- Building discussion among all stakeholders in relation to the problems the city faces and the possible solutions.
- Increasing citizens' readiness to take part in activities of the city.

In March 2013 a working group of participatory budgeting was created in the Tartu city government. From March to June, a working group of the political and administrative leaders met to decide how to implement participatory budgeting in Tartu. The City Council adopted the scenario for implementing participatory budgeting and assigned 1% of the investment budget to it. In August, the process was presented to the public and an online platform was launched. From the period 21 August to 10 September 2013, the public could submit their suggestions for the portion of the investment budget via the website.

Suggestions had to meet three basic criteria:

1. be an investment in the public sphere of the city that would benefit as many people as possible
2. cost less than EUR 140 000
3. be feasible within a year.

The people of Tartu submitted 158 ideas (one on paper, all others electronically). In September and October, the proposals were analysed by field experts, similar ideas grouped together, and for each idea an assessment was made about its feasibility and its estimated cost. Based on the above criteria, the experts passed 74 ideas to the public vote. In November, the proposed ideas were published on Tartu's municipal website and on 19 November a public presentation event took place.

The event provided the opportunity for proposed ideas to be presented. Public voting took place during 2-8 December on the 74 proposals. All citizens of Tartu, 16 or older, had the opportunity to vote, either electronically (using an ID card or a mobile ID) or on paper ballot. Altogether, 3.3% of Tartu's citizens participated in the public ballot. Of these, 90% of the votes were conducted electronically and 10% on paper ballot. The average age of the voters was 38 years; 42% were men and 58% women. The proposal to invest in presentation equipment in the Cultural Quarter won the ballot and was granted the investment sum via the adoption of the budget by the City Council in December 2013.

Box 1.7. **Examples of open government initiatives: Participatory budgeting in Tartu, Estonia and the Participatory Anti-Corruption Initiative in the Dominican Republic** *(continued)*

Lessons from the first participatory budgeting process revealed that the scenario should be changed to enable public discussions in the initial phase and engage more non-profit organisations in the planning phase, as well as the need to change the voting system to give smaller ideas more chance.

Since 2014, the participatory budgeting process in Tartu is synchronised with the budgetary process of the city, both starting in the spring. In 2014, along with Tartu continuing with participatory budgeting, the Estonian town of Kuressaare will also launch participatory budgeting, assigning EUR 30 000 to be decided by the citizens.

**Dominican Republic**

The Presidency of the Dominican Republic established the Iniciativa Participativa Anti-Corrupción (IPAC) in order to combat the perceived lack of transparency in the public administration. The initiative is composed of two representatives from each of the following stakeholders: key government institutions, the private sector and civil society organisations from the Dominican Republic.

The Committee of the Organisation is nominated by the Presidency and is assisted by international agencies, including the World Bank and the United States Agency for International Development (USAID). Based on an exchange of national and international experiences, the initiative seeks to:

1. collect information on best practices on how to promote transparency
2. detect information gaps on the issue and suggest ways to complete the available information
3. analyse the information
4. elaborate concrete recommendations to the Presidency of the Republic.

In order to elaborate tailor-made approaches for the different sectors, the initiative created ten roundtables that focus on areas of work such as Energy, Infrastructure, Financial Management, Civil Service or Access to Information. Each of the roundtables presented and published their concrete recommendations to the Presidency of the Republic on how to improve transparency in the country and counter corruption.

*Sources*: OECD (2015e), OECD Public Governance Reviews: Estonia and Finland: Fostering Strategic Capacity across Governments and Digital Services across Borders, OECD Public Governance Reviews, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264229334-en; IPAC (n. d.), "Descripción del Proyecto", Iniciativa Participativa Anti-Corrupción, www.ipacrd.org/Descripcion (accessed 26 April 2016); information provided as response to OECD (2015a), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Box 1.8. **An example of an open government initiative: Open science**

Governments, as key funders of public research, play an important role in developing policies to develop greater access to, and use of, scientific research. For example, public policies and guidance from research funding agencies can facilitate the sharing of data resulting from publicly funded research. They can help research institutions better manage research data through the development of infrastructure and training. They can also provide guidance to researchers on compliance with the various policies governing data access and sharing (e.g. intellectual property rights, privacy and confidential issues).

While science has always been open – indeed openness is critical to the modern scientific enterprise – there are concerns, and some anecdotal evidence, that the processes for producing research and diffusing its results have become less open. In response to these concerns, governments and the research community, including publishers, are seeking to preserve and promote more openness in research. "Open science" refers to an approach to research based on greater access to public research data, enabled by ICT tools and platforms, and broader collaboration in science, including the participation of non-scientists, and finally, the use of alternative copyright tools for diffusing research results.

Open science has the potential to enhance the efficiency and quality of research by reducing the costs of data collection, by facilitating the exploitation of dormant or inaccessible data at low cost and by increasing the opportunities for collaboration in research as well as in innovation. Greater access to research data can also help advance science's contribution to solving global challenges by enhancing access to data on a global scale (e.g. in the case of climate change data). Open science can also be used to promote capacity building in developing countries while generating opportunities for scientific collaboration and innovation between OECD and developing countries.

As a vital component and enabler for open government, a broad range of government data can be important not only for citizens but also for research purposes. Most OECD countries, including Australia, Canada, France and the United Kingdom have launched open government data initiatives. In view of government's limited ability to create value and new services from public data, these initiatives increase the opportunities for entrepreneurial researchers to use government databases. Some OECD countries are also creating public databases to unify and standardise information about the country's research community, such as scientific publications, profiles of research expertise, research institutions and research projects (Argentina, France, Norway), which allow researchers to interact.

*Source*: OECD (2010b), *OECD Science, Technology and Industry Outlook 2010*, OECD Publishing, Paris, http://dx.doi.org/10.1787/sti_outlook-2014-en.

Some OECD members are pioneering the streamlining of open government strategies and have even gone beyond the executive and are moving towards a truly holistic and integrated approach that also includes the legislative and the judiciary, as well as sub-national governments and independent institutions. Countries are building what the OECD has termed an "Open State" (see more detail in Chapter 6). It reflects the creation and implementation of a comprehensive and integrated open state strategy to promote the principles of transparency, accountability and citizen participation across the entire country. In contrast to open government reforms, these principles are not only implemented by the executive branch at all levels, but also in the judiciary and the legislative, as in the example of Costa Rica (Box 1.9). Given the growing importance of sub-national governments, municipalities have introduced their own open government strategies, as described in the example of Ontario in Canada (Box 1.9).

Box 1.9. **Whole-of-government frameworks in Costa Rica and Ontario, Canada**

As one of the first countries worldwide to do so, **Costa Rica** issued a national open government strategy in December 2015. Moreover, in November 2015, the President of the Republic and the presidents of the other three branches of power (which in Costa Rica are the legislative, the judiciary and the supreme electoral tribunal) signed a Declaration for the Establishment of an Open State (Declaración por la Construcción de un Estado Abierto) in which they committed to "promote a policy of openness, transparency, accountability, participation and innovation in favour of the citizens" across the entire state apparatus. In addition to the country's second OGP Action Plan and the Declaration on the Open State, the open government strategy is aligned with the country's National Development Plan 2014-18 "Alberto Cañas Escalante". This highlights the government's commitments to open government by making it one of the three pillars of national socio-economic development. The national development plan further includes several constitutive elements of this new culture of inclusive policy making, such as national dialogues and the promotion of gender equality in public life. Linking the open government strategy with the endeavour to move towards an open state and including it as one of the central pillars in the national development plan underscores the benefits that a national open government strategy can yield.

In **Canada**, the Government of Ontario has launched an open government strategy. The purpose is to give citizens new opportunities to participate in and strengthen public policy. Through its Open Dialogue component, the government is developing a Public Engagement Framework to help it engage a broader, more diverse range of Ontarians more meaningfully and will be tested across government in a number of pilot projects.

*Source*: OECD (2016f), *Open Government Review of Costa Rica: Towards an Open State*, OECD Publishing, Paris; Country responses to OECD (2015a), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

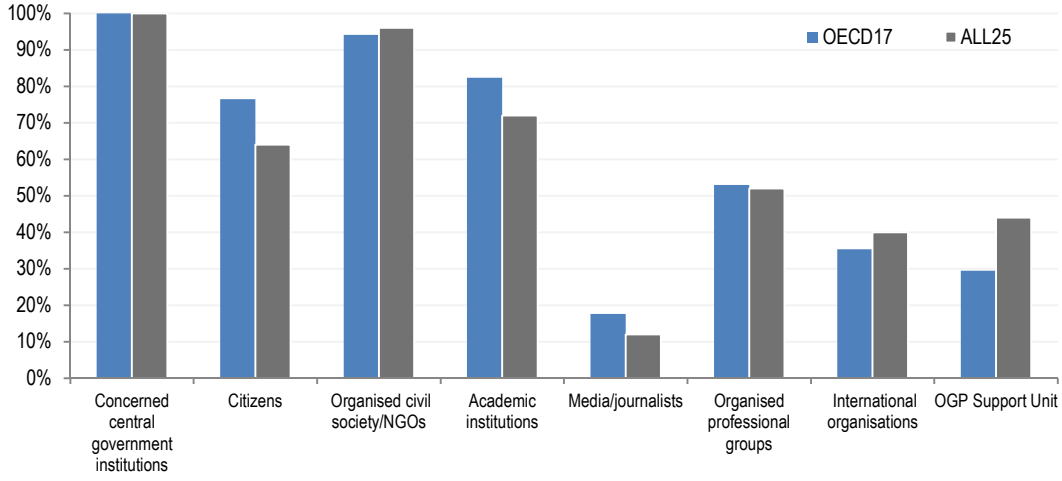
### *Building a national open government strategy requires an inclusive process*

In order to reach its full potential, an open government strategy needs to count with the "buy-in" from key actors, both within and outside government. This is crucial to achieve a good implementation rate. In order to ensure it, it is important that all relevant stakeholders participate in the development of the open-government-wide national strategy. An open government strategy can only be effective when key actors inside and outside the government understand and are willing to assist in reaping the potential benefits of implementing this strategy. One of the key conditions for the support of the open government strategy is the internal communication with, and among, civil servants (see Chapter 2). A second condition is the early integration of civil society, including NGOs, academic institutions, local governments and citizens in the development of the national strategy. Throughout the entire process of drafting an open government strategy and even beyond the implementation phase, the required reforms need to be communicated and made tangible to civil society, citizens and other stakeholders. Only then can governments ensure their support, which would be hard to obtain if citizens do not understand the new approaches to transparency, accountability and citizen participation offered by the strategy.

Nearly all countries surveyed (96%) that have developed an open government strategy have done so using an inclusive and participatory approach. The very high degree of involvement of organised civil society and NGOs helps to ensure that the strategy leads to an improvement of the citizens' situation and targets the expressed

concerns of citizens (Figure 1.9). Unsurprisingly, concerned central government institutions were involved in all of the countries' elaboration of an open government strategy. Media associations and journalists have the potential to improve and create buy-in for such a strategy, yet they were only included by Mexico, the Netherlands and Spain. Only Finland and Japan indicated that they included local governments in the development of an open government strategy. This report discusses the potential that both media associations and local governments have to positively shape an open government strategy in Chapter 6.

Figure 1.9. **Actors involved in the development of an open government strategy**

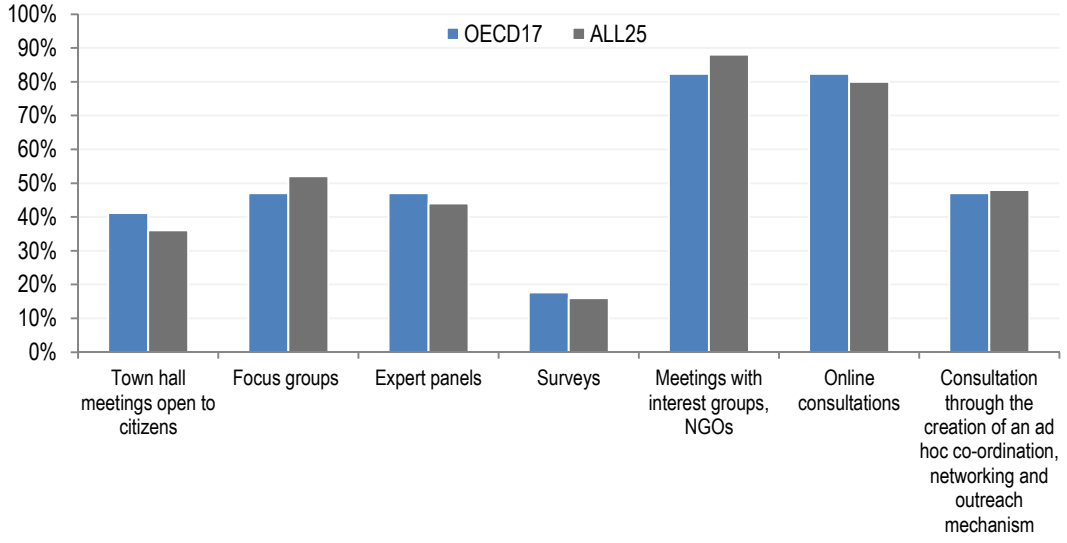



*Note*: Only countries that answered that they have an open government strategy were asked this question.

*Source*: Country responses to OECD (2015a), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Consultation with the different stakeholders in- and outside the government is done through a variety of approaches (Figure 1.10). More than one-third of countries (36% of respondent countries, OECD countries 41%) organise town hall meetings for citizens to hear their opinions on the design of the strategy. These kinds of meetings offer a direct exchange of citizens and allow for a less anonymous approach to providing feedback and make sure that citizens' needs and wishes are reflected. The most common methodologies to consult during the development of the open government strategy are meetings with interest groups and NGOs (88% of respondent countries, OECD countries 82%) as well as online consultations (80% of respondent countries, OECD countries 82%) which were open for citizens' input (Figure 1.10). Experience from the OECD Open Government Reviews however hint at a limited number of citizens using these means of online consultation. One approach to increase the number of participants in surveys (used by 16% of the respondent countries, OECD countries 18%) or online consultations could entail information campaigns through social media in order to raise awareness and receive as many opinions as possible. The right use of social media channels is not only important for the elaboration of a national open government strategy, but can facilitate the diffusion of the principles of transparency, accountability and citizen participation.

Figure 1.10. **Consultation approaches during the development of an open government strategy**




*Note*: Only countries that answered that they had a strategy on open government were asked this question.

*Source*: Country responses to OECD (2015a), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

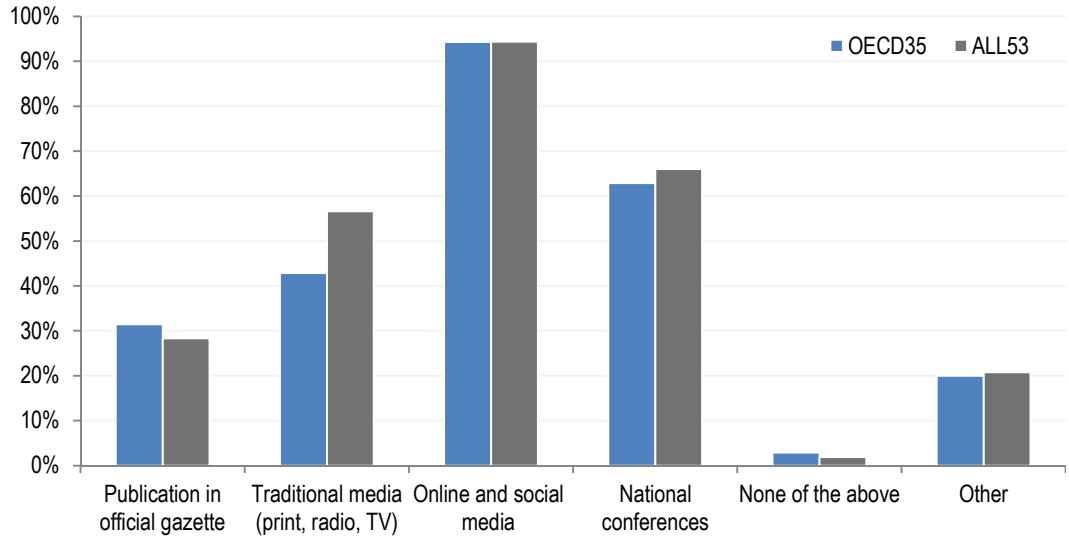
## *Open government and social media*

The success of the open government strategy depends upon, among other factors, the acceptance and active support of citizens. To this end, the elaboration of the strategy in co-operation with citizens should be accompanied by an information campaign by public servants, for example through social media channels. Open government and the advent of social media are closely intertwined and are mutually interdependent. The public sector is confronted with growing demands for more transparency and accountability in public institutions, better access to public services and a growing demand for the engagement of citizens in the design and implementation of public policies (Huijboom et al., 2009). Social-media-based public engagement can offer a platform for governments to counter these growing trends and establish channels for public participation and collaboration for all groups of society. Governments and public institutions are increasingly embracing the different channels of social media in order to move towards a transparent, accountable and citizen-engaging government. Social media comprises a great variety of online tools through which users can produce and diffuse videos, pictures, articles, opinions or information and communicate with other users worldwide (Ackland and Tanaka, 2015). The widespread and frequent use of Facebook, Twitter, Snapchat, Google+, YouTube or Orkut (Brazil) by up to 1 billion daily users from the general public, the private sector and NGOs, have pushed politicians and governments to employ their own strategies to interact with society (Mickoleit, 2014).

OECD Survey findings show that social media and online tools are the preferred approach to inform the general public about the existence of open government initiatives. In respondent OECD countries, 94% of governments use these platforms, whereas all 13 Latin America and Caribbean countries surveyed, indicated that they inform citizens on line and through social media, as in the example of the United Kingdom (Box 1.10).

Traditional media such as newspapers, radio or TV are however only used by 43% of the OECD countries and 57% of all respondent countries (Figure 1.11).

Figure 1.11. **Communication mechanisms governments use to inform citizens about the existence of open government initiatives**




*Note:* Other: e.g. Brazil: Network of civil society organisations and official channels for participatory process.

*Source:* Country responses to OECD (2015a), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Furthermore, in contrast to traditional media such as print newspapers, TV or radio, social media offers governments the possibility to go beyond the initial step of solely informing citizens about policies of relevance to them. As already done by various government institutions and even heads of states, communication should be two-sided and enrich policies through an active exchange of opinions. In contrast to past decades, citizens today can communicate directly with politicians or civil servants in capitals regardless of where they live (Box 1.11).

Box 1.10. **Open government communication in the United Kingdom**

The Cabinet Office of the Government of the United Kingdom has set up a blog on Open Policy Making at https://openpolicy.blog.gov.uk/. Topics covered by the blog demonstrate the wide range of open government policies in the United Kingdom. The easy-to-read entries aim at bridging the work of the policy makers and the citizens and make open government initiatives tangible to a wider audience. The blog publishes brief articles on the different activities of the Open Policy Making team, including articles on "What do civil servants need to learn about user-centered design?" or a report of an event of a panel discussion: "Should policy makers be policy designers?". The government's blog works closely together with the Open Government Partnership and aims to advance the open government agenda in the country.

*Source*: UK Government (n. d.), "Policy Lab", blog, https://openpolicy.blog.gov.uk/ (accessed 5 September 2016).

Box 1.11. **Chatting with the president: Engagement practices in social media**

The 2015 *Twiplomacy Study*, compiled by the public relations and communications firm Burson-Marstellar, listed the most engaging heads of states and presidents on the social media channel, Twitter. Accordingly, Rwanda's president Paul Kagame's tweets were in 86% of the cases directed towards other users. Norway's Prime Minister Erna Solberg is the second most engaging world leader on Twitter with nearly two-thirds of her tweets answering or communicating directly with her social media followers (ibid.). In the framework of the United Nations (UN) General Assembly, Austria's Foreign Minister Sebastian Kurz spared an hour to answer citizen questions using the hashtag #KurzGefragt ("Quick Question"). Other prominent figures, including the Secretary General of the UN or presidential candidates have used social media interviews with citizens to win their support and allow for a direct exchange of ideas.

*Source*: Twiplomacy (2015), *Twiplomacy Study 2015*, Burson- Marsteller, http://twiplomacy.com/blog/twiplomacy-study-2015/ (accessed 5 September 2016).

For the effective implementation of an open government strategy and initiatives, governments that use social media need to ensure adequate human resources in order to maintain and respond to the demands of citizens via this dynamic and interactive channel of communication. Not publishing information on a regular basis on established social media channels or not responding to citizens' enquiries could result in a negative perception of the institutions. To this end, the governments' strategy to harness the various benefits of social media should include sufficient human resources and skills to maintain the variety of channels and engage in a dialogue with citizens. In sum, as pointed out by the *OECD Government at a Glance 2015*, "(m)ost governments still view social media as an additional tool to broadcast traditional communication messages and only a few try to genuinely leverage social media for more advanced purposes, such as opening up public policy processes or transforming public service delivery" (OECD, 2015c).

## Conclusion

To conclude, developing a single definition created with, accepted and communicated to, the whole public sector and all stakeholders (citizens, civil society, private sector, etc.) is crucial to ensure the success of open government reforms. The definition must take into consideration the criteria of a good concept/definition and conceived through a consultative process to ensure better buy-in and ownership by all stakeholders. Having a well-defined understanding of what open government entails contributes to a more efficient and sustainable implementation of open government strategy, initiatives and practices.

Furthermore, open government needs be conceived as a whole-of-government reform to ensure the widest possible and sustainable impact. It should not be seen in isolation as it is a critical policy area for the achievement of a number of different policy outcomes in specific domains such as integrity, the fight against corruption, public sector transparency, public service delivery and public procurement, among others. The full-fledged open government strategy should include principles, long-term outcomes, medium-term outputs, and concrete initiatives to be carried out. Therefore, it is key to develop an extensive and comprehensive open government strategy (a single document) that includes principles, long-term goals, medium-term objectives, policy instruments or

initiatives to be carried out to achieve the goals. The strategy should also include the challenges, risks and threats that the country may face when implementing an open government strategy. This requires an inclusive process, co-operation with different stakeholders to ensure higher buy-in, including more non-governmental actors, citizens and media as well as regional and local governments in the development and communication of the strategy.

### Key Findings

- **Defining open government**: Open government can mean different things to different stakeholders and policy makers, and what it entails is influenced by political, social and cultural factors. Although the definition of open government may vary across countries, evidence suggests that a government is open when it is transparent, accountable, and participatory. To successfully implement open government initiatives, it is important to have a single definition that is fully recognised and acknowledged by the whole public sector as well as communicated to, and accepted by, all stakeholders.
- **Developing a more extensive open government strategy**: Open government reforms should be conceived under a single whole-of-government national strategy to ensure coordination and the widest possible impact. In fact, the open government strategy should not be seen in isolation as it is critical for the achievement of a number of different policy outcomes in domains such as public sector integrity and the fight against corruption, digital governance, public service delivery, public procurement, etc. The full-fledged national open government strategy should be based on policy principles, seek to achieve long-term outcomes, identify medium-term outputs, and include concrete short-term initiatives to achieve them.
- **Building a national open government strategy requires an inclusive process**: In order to reach its full potential, an open government strategy needs to have the "buy-in" from key actors, both within and outside government. In order to ensure such support, it is important that all relevant stakeholders, particularly citizens and NGOs, participate in the development of the national open government strategy.

# Notes

1. For more information, see www.opengovpartnership.org/about/open-government-declaration.
2. The source for this is Korea's response to OECD (2015a), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.
3. For the purpose of the OECD Survey, "open government strategy" is intended to be a single national document highlighting the principles, instruments, and objectives of the country's open government reforms agenda, including key open government policies and initiatives. For OGP members, this could be the OGP Action Plan.
4. For more information, see www.opengovpartnership.org/how-it-works/develop-a-national-action-plan.

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# *Chapter 2.*

# Creating an enabling environment for an open government strategy

*This chapter identifies and examines the most important elements, which together constitute the optimal enabling environment for open government strategies to unfold their full potential. Among the most relevant enabling factors are: a solid legal framework; co-ordination by the Centre of Government; adequate human resources for the institutions that implement the open government strategy and initiatives; adequate funding; strategic use of information and communication technologies (ICTs) and public sector innovation to shape the future of open government reforms. Findings from the 2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle reveal that not all countries have put in place the key elements of legal, policy and implementation frameworks conducive to supporting open government reforms and to meeting their ambitious policy goals.*

The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

## Introduction

A single national open government strategy is only able to exert a positive and lasting impact if enabled by a supportive legal- and institutional environment. A vital element of such ecosystem is a solid legal framework which determines the rules, sets boundaries and provides rights and obligations for stakeholders and governments alike. Furthermore, the success and ability to improve policy outcomes and use the above mentioned robust legal framework is highly dependent on the strategic guidance as well as effective co-ordination and leadership from the Centre of Government (CoG). The CoG and other implementing public institutions can only translate a single open government strategy into tangible reforms if equipped by adequate human and financial resources. To this end, policy makers and civil servants need to be well trained and aware of the benefits that a comprehensive open government strategy and initiatives can yield to enhance transparency, accountability and participation.

Most of the open government initiatives are enabled through the use of Information and Communication Technologies (ICTs) by governments and other stakeholders. Among others, open government data (OGD) portals or online consultations are thus vital for most of the open government initiatives to thrive. Public sector innovations, including in the realm of digital government or other areas related to open government reforms, have the potential to shape the future of countries' endeavours to create better policies. This chapter will therefore assess the various components which together, constitute the foundation for a change in the culture of governance towards effective open government reforms throughout the administration and country. While this selection of factors is not exhaustive, none of the open government initiatives can exploit its full potential if not empowered by each of these underlying components.

## A robust legal framework for open government reforms

A robust legal framework for an open government strategy and the various initiatives provides the necessary foundation in which these reforms are firmly rooted. It offers legal certainty for governments and citizens alike to work together and initiate necessary policies. Such robust legal framework equips citizens with the mechanisms and the protection needed to voice their opinion and bring in suggestions free from fear of oppression from governments. The essential characteristics of a robust legal framework consist of the adoption of clearly determined legal rules which are enforced and protected by the government. These regulations need to be formulated in a comprehensive manner and well- communicated to citizens and other stakeholders to ensure support and adherence. In order for open government to thrive, the legal framework could include laws on, among others, citizen participation, citizen engagement in public procurement procedures, anti-corruption laws, protection of personal data and archives, open data and whistle-blower protection.

In 2001, the OECD established Guiding Principles for Open and Inclusive Policy Making, which remain relevant today. One of the guiding principles underscores the "citizens" rights to information, consultation and public participation in policy making and service delivery, (which) must be firmly grounded in law or policy. Government obligations to respond to citizens must be clearly stated. Independent oversight arrangements are essential to enforcing these rights." Accordingly, a robust legal framework enables the open government strategy and initiatives to be effectively implemented as it sets the rules, frames the boundaries and provides rights and

obligations for both governments and stakeholders. OECD data and reviews have pointed out the prevailing legal traditions (main legal traditions are common law, civil law, religious law and a mixture of systems) and cultural differences, which have an impact on the legal frameworks and the varying forms that open-government-related legislation can take in the countries. For instance, as discussed in Chapter 6, initiatives on open justice have been introduced in some of the common law countries, highlighting the need for mechanisms of public scrutiny in the administration of justice to enhance transparency and accountability. Regardless of the country-specific legal environment, the aim of this section is to point out commonalities and good practices in how a robust legal framework ensures the foundation for most open government initiatives.

This underlying legal basis can take various forms, among them: open government principles in national constitutions; a provision on national archives; legislation that guarantees the freedom of the press; laws on digital government or public procurement. On the basis of the findings from the 2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle (hereafter, the "OECD Survey") and previous OECD Open Government Reviews, this section will argue that while most of the countries have introduced open-government-related provisions in their constitution and passed a law on access to information, countries should go beyond that and introduce additional laws. Moreover, countries should introduce innovative mechanisms on stakeholder engagement to better achieve the goals of the open government reforms and its benefits.

### *An ample constitutional basis for open government*

A significant number of national constitutions contain provisions on open-government-related principles underlining the long tradition that they have in most countries, regardless of the surging global open government movement. Box 2.1 summarises some of the open-government-related articles in national constitutions.

Box 2.1. **Examples of open-government-related principles found in national constitutions**

**Norway's** constitution, first adopted in 1814, has been amended over the years to reflect an ever-deepening commitment to openness and transparency. It emphasises the citizens' right to trustworthy information, "Everyone has a right of access to documents of the State and municipal administration and a right to follow the proceedings of the courts and democratically elected bodies. (…) It is the responsibility of the authorities of the State to create conditions that facilitate open and enlightened public discourse."

**Sweden's** constitution states that citizens possess the right to freely seek information, organise and hold demonstrations and found and join political parties. These rights are part of the constitution, which is based on four fundamental laws: the Instrument of the Government, the Freedom of the Press Act, the Fundamental Law on Freedom of Expression and the Act on Succession. In 1766, Sweden became the first country in the world to write Freedom of the Press into its constitution. Freedom of the Press is based on freedom of expression and speech, which are among the most important pillars of democracy. Those in authority must be held accountable and all information must be freely available. The identities of people who work as sources and provide publishers, editors or news agencies with information are protected. The law on Freedom of Expression was passed in 1991 to expand this protection to non-print media, such as television, film and radio. The law moreover seeks to ensure an unimpeded exchange of views, information and artistic creativity.

Box 2.1. **Examples of open-government-related principles found in national constitutions** *(continued)*

**Morocco's** new Constitution of 2011 introduced important changes and endorsed the principles of good governance, public service integrity, transparency, accountability, participatory democracy, and access to public information. The constitution guarantees freedom of thought, opinion, and expression in all their forms (Art. 25), freedom of public information (Art. 27) and freedom of the press, which cannot be limited by any form of prior censure (Art. 28). According to the constitution, public services are to be organised on the basis of equal access for all citizens, equitable coverage across the national territory, and continuity of the services' provision, while being held to standards of quality, transparency, accountability and responsibility (Art. 154).

Based on the demands for further inclusion and less corruption during the Arab Spring, **Tunisia's** newly approved constitution sets the basis for Tunisian citizens and civil society organisations (CSOs) to actively participate in the cultural, social and political life of their country. Open-government-related Articles include 139, which laid down that local authorities adopt instruments of a participative democracy in order to ensure the broadest citizens' and civil society's participation in preparing and implementing territorial development projects as stipulated by the law; the right to be elected (Article 34) or the freedom of opinion, expression, thought, information, and publication states that they are guaranteed and cannot be submitted to ex ante controls (Article 31).

The 1917 **Mexican** Constitution includes a wide range of articles that build the constitutional basis and set the ground for an open government. The constitution includes a number of open government principles: according to Article 6 of the Constitution, "the state shall guarantee the right to information". According to Article 35 of the Constitution, citizens have the right to vote and "initiate laws in the terms and with the requirements appointed by the Constitution and the Law of the Congress (…)" (Article 35) and "to vote in the referendum on topics of national importance (…)" as included by a decree published on 9 August 2012 (Tribunal Electoral, 2013).

**Colombia's** 1991 Constitution establishes that "Colombia is a Social State of Law organised as a unitary republic, decentralised, with autonomy of its territorial units, democratic, participatory and pluralistic" (Article 1).

**Indonesia's** 1945 Constitution recognises explicitly the right to associate, assemble and express opinions. Subsequent laws and other legal instruments have further ensured and delineated the rights of civil society organisations, as well as the public's right to monitor the delivery of public services and participate in policy planning and evaluation. The country's legal and policy framework also provides support for the protection of whistleblowers and establishes the foundation for public participation in the overview of public service provision, including via the creation of the National Ombudsman Commission (OECD, 2016e).

*Sources*: Thurston, A. (2013), "Openness and information integrity in Norway", *Open Government Partnership Blog*, www.opengovpartnership.org/blog/dr-anne-thurston/2013/10/15/openness-and-information-integrity-norway; Government of Sweden (n. d.), "Openness shapes Swedish society", webpage, https://sweden.se/society/openness-shapes-swedish-society/ (accessed 10 October 2016); OECD (2015a), *Open Government in Morocco*, OECD Public Governance Reviews, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264226685-en; OECD (2016a), *Open Government in Tunisia*, OECD Public Governance Reviews, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264227118-en; Tribunal Electoral (2013), "Political Constitution of the United Mexican States", *Diario Oficial de la Federación*, 5 February 1917, http://portal.te.gob.mx/sites/default/files/consultas/2012/04/cpeum_ingles_ref_26_feb_2013_pdf_81046.pdf (accessed 5 April 2016); OECD (2016e), *Open Government Review of Indonesia*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264265905-en.

Citizen participation is not only enshrined in a number of Constitutions worldwide, but also in national legislation. As will be discussed in more detail in Chapter 5, the various approaches to citizen participation such as participatory budget or the inclusion of citizens in the design, implementation and evaluation of public as well as legislation to strengthen the possibilities of political participation of youth or minority groups could be more effective if mainstreamed in an overarching national strategy on citizen participation in the policy cycle. So far, only 45% of the 53 countries surveyed have (46% in the 35 OECD countries) developed such strategy. For instance, a law explicitly devoted to inclusion and participation would constitute an important element in such a strategy. Colombia has passed a law for the promotion and protection of the right to democratic participation, which is described in more detail in Box 2.2.

Box 2.2. **The Colombian law for the promotion and protection of the right to democratic participation**

The objective of Law 1757 from 2015 is to promote, protect and ensure the different modalities and mechanisms of the citizens' right to participate in the political, administrative, economic, social and cultural spheres in Colombia. Article 2 stipulates that any development plan must include specific measures aimed at promoting participation of all people in decisions that affect them and support the different forms of organisation of society. Similarly the management plans of public institutions should make explicit the way in which they will facilitate and promote the participation of citizens in their areas of responsibility.

The law also created the National Council for Citizen Participation, which will advise the national government in the definition, development, design, monitoring and evaluation of public policy on citizen participation in Colombia. The council is made up of the following representatives: the Minister of the Interior and the National Planning Department from the National Government; an elected governor from the Federation of Departments (states or provinces); an elected mayor from the Municipal Federation; members of victims' associations; a representative of the National Council of Associations or Territorial Councils for Planning; community confederation; the Colombian University Association; the Colombian Confederation of Civil Society Organisations; citizen oversight associations; trade associations; trade unions; peasant associations; ethnic groups; women's organisations; the National Youth Council; college students; disability organisations; local administrative bodies. The heterogeneous composition of the council ensures that several groups of society are represented in the council and guarantees that all voices are heard.

This same law on citizen participation in Colombia defines participatory budget practices as a process to ensure equitable, rational, efficient, effective and transparent allocation of public resources that strengthens the relationship between the state and civil society. It is also a mechanism by which regional and local governments promote the development of programmes and plans for citizen participation in the definition of their budget, as well as in the monitoring and control of public resource management.

*Source*: Presidency of the Republic of Colombia (2015), "Law 1757 from 2015", presidency website, http://wp.presidencia.gov.co/sitios/normativa/leyes/Documents/LEY%201757%20DEL%2006%20DE%20JULIO%20DE%202015.pdf (accessed March 2016).

The examples provided above of open government principles enshrined in national constitutions are important elements that constitute the legal framework for open government initiatives to thrive. Nevertheless, as discussed in Chapter 1, a law on "Access to Information" forms the backbone of open government reforms. Therefore, the

following section will be devoted to the necessity for countries to pass and effectively implement such law.

### *The law on Access to Information is at the heart of open government reforms*

The right to access public sector information is the cornerstone of an open and inclusive government and a crucial element to reduce corruption and deepen trust among citizens and their governments. As Thomas Jefferson said, "I know of no safe depository of the ultimate powers of the society but the people themselves: and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education" (Crittenden, 2002).

Furthermore, access to public information allows citizens to better understand the role of government and the decisions made on their behalf; hold governments accountable for their decisions and policies; and choose their representatives more effectively. For governments, access to information helps to improve the lives of citizens by addressing the most common requests for information in relation to health care, education and other public services. Moreover, it is essential that citizens know about their rights and are willing and able to act on them.

However, access to information is a necessary, but not sufficient, enabling condition for effective citizen participation, as the provision of information does not automatically lead to more engagement or participation (World Bank, 2016). It is the attributes of the information disclosed, including its relevance in relation to the concerns of stakeholders, and its usability that make the difference regarding the actual use of information to influence policy decisions (OECD, 2013). Simply providing information does not by itself give users the opportunity to exercise accountability or participate in public processes.

In a democratic system in which elected officials represent the will of the people, the electorate has a right to scrutiny and accountability (Abramovich and Courtis, 2000). The laws on information produced and published by public entities aim, among others, to:

- guarantee the greatest degree of transparency of government operations possible
- encourage the reuse of information
- generate economic value by private individuals and companies.

Around the world, there have been significant advancements on regulations on the right to access to information and their implementation. For instance, more than 100 countries worldwide, including 65% of countries in the Latin America and Caribbean (LAC) region and 97% of OECD countries have passed Access to Information (ATI) or Freedom of Information (FOI) laws. Although every ATI or FOI law is different and must respond to the specificities of each country, they all generally contain the following elements:

- objectives and principles
- scope
- proactive disclosure
- procedure to request information (how and where to request information, response to the request, denials)
- exemptions
- appeals procedures.

### *Objectives, principles and scope of Access to Information laws*

Even though ATI laws are passed to grant access or facilitate the request for public information from public institutions, some laws exclude state-owned enterprises, the legislative or sub-national levels of governments. The OECD countries, Estonia, Finland, Hungary, Italy, Korea, Poland, Slovak Republic and Sweden, extend their law vertically to all levels of government and horizontally to all branches of the central government (OECD, 2011) (Table 2.1). While nearly all governments ensure access to information generated by the central government and the executive, 25 OECD countries ensure access by sub-national units − such as provinces − and only half provide access to information at the legislative, judicial and other branches. For example, Greece's Administrative Procedural Code grants access to documents "drawn up by public services", which may include all central, regional and local administration but does not apply to archives, the executive branch or the Cabinet of Ministers.

Table 2.1. **Breadth of freedom of information laws (2010)**

| Total OECD member countries | | |
|---|---|---|
| Level of government | | |
| Central | 31 | Australia, Austria, Belgium, Canada, Chile, Czech Republic, Denmark, Estonia, Finland, France, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Russian Federation, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States |
| Sub-national | 25 | Austria, Belgium, Canada (provincial/territorial legislation), Chile, Czech Republic, Denmark, Estonia, Finland, France, Hungary, Iceland, Ireland, Israel, Italy, Korea, Netherlands, New Zealand, Norway, Poland, Portugal, Russian Federation, Slovak Republic, Slovenia, Spain, Sweden, Turkey, United Kingdom |
| Branches of power at the central level | | |
| Executive | 31 | Australia, Austria, Belgium, Canada, Chile, Czech Republic, Denmark, Estonia, Finland, France, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Russian Federation, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States |
| Legislative | 16 | Belgium, Chile, Estonia, Finland, Hungary, Ireland, Israel, Italy, Korea, Mexico, Poland, Russian Federation, Slovak Republic, Slovenia, Sweden, Turkey, Ukraine, United Kingdom |
| Judicial | 16 | Australia, Belgium, Chile, Estonia, Finland, France, Hungary, Israel, Italy, Korea, Mexico, Norway, Poland, Russian Federation, Slovak Republic, Slovenia, Sweden, Ukraine |
| Other bodies | | |
| Private entities managing public funds | 18 | Australia, Belgium, Czech Republic, Estonia, Finland, France, Hungary, Iceland, Italy, Korea, Netherlands, Poland, Portugal, Slovak Republic, Sweden, Switzerland, Turkey, Ukraine, United Kingdom |

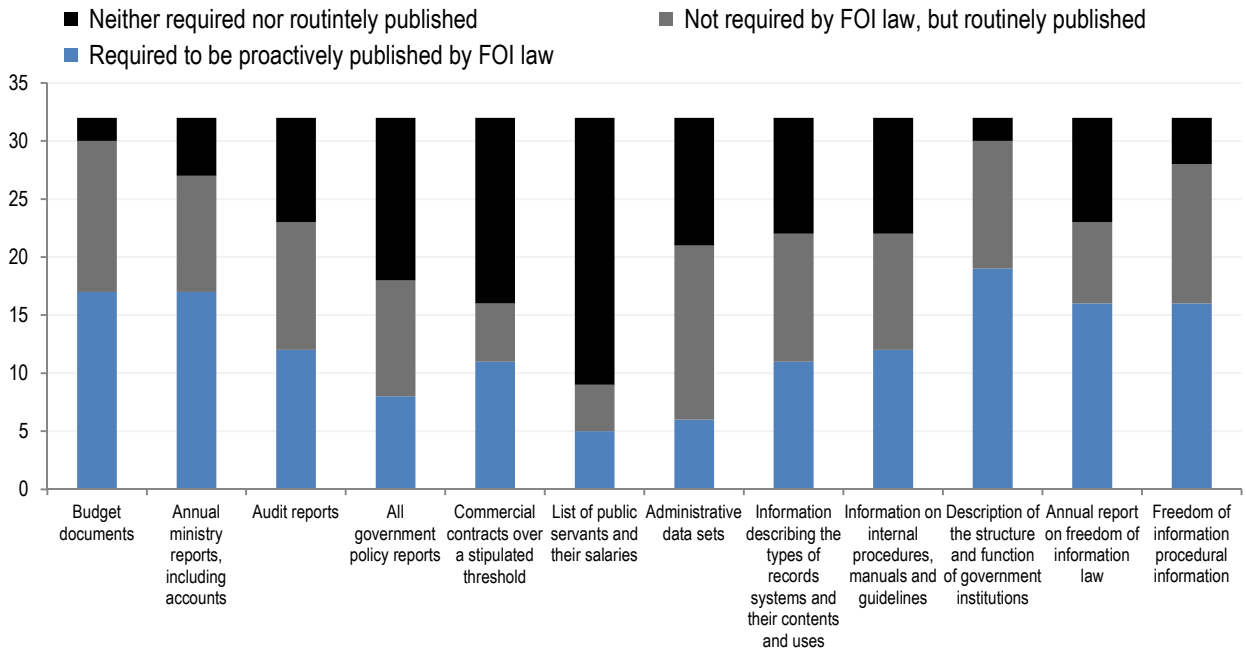
*Source*: OECD (2011), *Government at a Glance 2011*, OECD Publishing, Paris, http://dx.doi.org/10.1787/gov_glance-2011-en.

In some countries with federal structures of the state, legislation on access to information passed at the national level applies neither to the state nor the local level. Most OECD countries' constitutionally autonomous provincials/states have however passed additional ATI legislation, as for example, in the case of Canada, in which ten provincial and three territorial legislatures have all passed such legislation. In Québec, for example, ATI legislation was enacted even before the national one (OECD, 2011).

### *Proactive disclosure*

Proactive disclosure refers to the availability of relevant information without a prior public request. The voluntary disclosure contributes to enhanced transparency and openness as well as avoiding the costs associated with the administrative procedures and fees to file an information request. Normally, every ATI law provides a list of information that will be required to be published by each institution. For instance, all OECD countries are proactively publishing public information, and in 72% of them, proactive disclosure is required by ATI laws for certain categories of information. The type of information proactively disclosed varies across countries. While a majority of countries proactively discloses budget documents (94%), annual ministry reports (84%), and audit reports (72%), only a smaller number (28%) (including Chile, Estonia, Iceland, Israel, Italy, Mexico, the Netherlands, Turkey and the United Kingdom) proactively publish the list of public servants and their salaries (OECD, 2011) (Figure 2.1).

Figure 2.1. **Proactive disclosure of information by the central government in OECD member countries (2010)**




*Notes*: Data are not available for Germany and Greece. Luxembourg and Brazil are currently drafting laws on access to information. Some categories of information are required to be disclosed by laws other than FOI. Austria: Freedom of information procedures are required to be published by the general law for administrative procedures (Allgemeines Verwaltungsverfahrensgesetz, or AVG). Chile, Estonia and Israel publish information on the salaries of all public servants, whereas Hungary, Italy, Mexico, the Netherlands, Turkey and the United Kingdom publish salary information for some public servants, such as managers who earn at the top of salary scales.

*Source*: OECD (2011), *Government at a Glance 2011*, OECD Publishing, Paris, http://dx.doi.org/10.1787/gov_glance-2011-en.

In order for citizens to easily obtain and use the information provided by governments, the platform or website where the information and data are published need to be accessible and easy to understand for all parts of society. In 81% of OECD countries, proactive information is published either in a single location, such as a central portal, or on each ministry's or institution's website, or in both (OECD, 2011).

Governments should ensure that the information is published in a timely, up-to-date, reliable and re-usable manner. Most OECD countries, including Australia, New Zealand, the United Kingdom and the United States are providing access to public data in a reusable format through a central website (e.g. data.gov) (OECD, 2011). Publishing source codes and algorithms as done by France reinforces accountability of the public sector as well as re-usability of data and may enable crowdsourcing improvements of source codes.

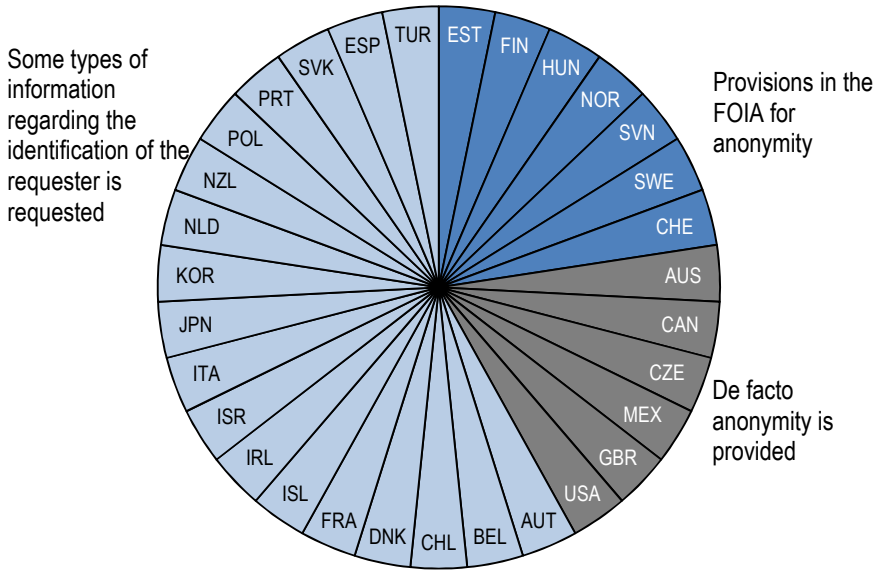
### *Procedure to request information*

#### Ease of filing request

Almost all countries have established standards for timely responses to requests for information in their laws or in related legal documents (usually within 20 working days or less). For instance, it is 5 days in Estonia; 10 days in Portugal; 15 days in the Czech Republic, Finland and Poland; and 20 days in Slovenia and the United Kingdom (OECD, 2010).

Whether or not people may request information in an anonymous manner differs across OECD countries. The Council of Europe's Convention on access to official documents provides in Article 4.2 that "member states may give applicants the right to remain anonymous except when disclosure of identity is essential in order to process the request" (OECD, 2010). In 71% of the OECD countries (OECD, 2011), access to information laws do not provide legal restriction concerning the status of applicants. In many OECD countries, however, laws do not permit requests for information made anonymously; only a few OECD countries have passed legislation to protect the integrity and privacy of individuals and parties that file a request for information (Figure 2.2).

Figure 2.2. **Individual protection granted to those requesting information**




*Source*: Based on OECD (2011), *Government at a Glance 2011*, OECD Publishing, Paris, http://dx.doi.org/10.1787/gov_glance-2011-en.

Most of the fees charged in OECD countries depend for example on the number of pages to be (re-)produced or the amount of time needed to process the request. When a variable fee can be charged, a cap on the size of this fee is applied only in a limited number of countries (Austria, Finland, France, Italy, Norway and Portugal) (OECD, 2011). Most governments distinguish between the charging of fees related to documents that are already available, for example, on a central government portal and those requests that require additional research, elaboration or processing by the issuing administrative entity. Public institutions should contemplate abandoning the fees in order to offer citizens with low incomes the same possibilities to file a request for information, in cases where extensive research and processing are not required.

### *Exceptions to the right of access to information and the right to appeal*

Even though legislation on ATI should cover as much information as possible, all countries that have passed such law added a list of exemptions in which the right to obtain information cannot be granted. As illustrated below, sensitive data and information on matters of national security, personal data or commercial confidentiality are among the exceptions that apply to most OECD countries. Citizens and parties requesting information have the possibility, nevertheless, to appeal decisions by public institutions that conceal information. In general, there are three approaches to appeal withholding information:

1. Individuals are given a right to make an "administrative appeal" to another official within the institution to which the request was made. If the administrative appeal fails, individuals may appeal to a court or tribunal, which may order disclosure of information.
2. Individuals are given a right of appeal to an independent ombudsman or information commissioner, who makes a recommendation about disclosure. If the institution ignores the recommendation, an appeal to a court is permitted.
3. Individuals are given the right of appeal to an information commissioner who has the power to order disclosure of information. No further appeal is provided for in the access law, although the commissioner's actions remain subject to judicial review for reasonableness (World Bank, 2009).

### *Information officer*

In some OECD countries, the overseeing and processing of appeals is managed by an information officer. Having the adequate financial and human resources at one's disposal is critical for a proper implementation of the ATI, especially for the institution of the information officer. Countries have created different bodies that provide oversight to laws related to transparency, as illustrated in Box 2.3.

Box 2.3. **Examples of bodies that provide oversight to transparency laws: Chile and the United States**

**Chile**

The Council for Transparency is an autonomous public body with its own legal personality, created by the Law on Transparency of Public Service and Access to Information of the State's Administration. Its main task is to ensure proper enforcement of the law, which was enacted on 20 August 2008 and became effective on 20 April 2009.

The boards' direction falls under four designated counsellors appointed by the President, with the agreement of the Senate, adopted by two-thirds of its members. The board is entrusted with the management and administration of the Council for Transparency. The counsellors serve six years in office, may be appointed only for one additional period and may be removed by the Supreme Court at the request of the President or the Chamber of Deputies.

The council has the main following functions:

- Monitor compliance with the provisions of the Law on Transparency and apply sanctions in case of infringements of them.
- Solve challenges for denial of access to information.
- Promote transparency in the public service by advertising information from the state administration bodies.
- Issue general instructions for the enforcement of legislation on transparency and access to information by the bodies of the state administration, and require them to adjust their procedures and systems to such legislation.
- Make recommendations to the bodies of the state administration aimed at improving the transparency of its management and to facilitate access to the information they possess.
- Propose to the President and to the Congress, where appropriate, rules, instructions and other regulatory improvements to ensure transparency and access to information.
- Train directly or through third parties, public officials in matters of transparency and access to information.
- Carry out statistics and reports on transparency and access to information of the organs of the state administration and compliance of this law.

**Mexico**

The Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales (INAI) (National Institute on Transparency, Access to Information and Protection of Personal Data) was established under the *Ley Federal de Transparencia y Acceso a la Información Pública gubernamental* in 2002 (Federal Law on Transparency and Access to Public Governmental Information).

The Institute is composed of a Presiding Commissioner and six other commissioners, who are appointed by the Federal Executive for six years, without the possibility of renewal of the term. As established in the law, the institute has complete independence and reports annually to the Congress. Its threefold mandate can be summarised as guaranteeing the access of governmental information to the public, fostering accountability and defending the right to privacy. In addition, the Institute aims to:

- Assist in the organisation of the national archives.
- Promote a culture of transparency in public expenditures.

Box 2.3. **Examples of bodies that provide oversight to transparency laws: Chile and the United States** *(continued)*

- Foster accountability within the government to raise trust among its citizens.
- Contribute to the processes of analysis, deliberation, design and issuance of judicial norms of relevance to the archives and personal data.
- Enhance the legislative processes targeted to improve and strengthen the normative and institutional framework for transparency and access to public information.

**United States**

In the United States, the Office of Government Information Services (OGIS), known as "the Federal FOIA ombudsman" was created within the National Archives and Records Administration (NARA). The OGIS was created when the Open Government Act of 2007 amended the Freedom of Information and is responsible for:

- Mediating disputes. Offer mediation services to resolve disputes between persons making Freedom of Information Act (FOIA) requests and agencies (non-exclusive alternative to litigation). May issue advisory opinions if mediation has not resolved the issue.
- Serving as ombudsman. Solicit and receive comments and questions from federal agencies and the public regarding the administration of FOIA to improve FOIA processes and facilitate communication between agencies and FOIA requesters.
- In addition to these responsibilities, the OGIS also provides dispute resolution training for the FOIA staff of federal agencies, works closely with key FOIA stakeholders like the requester, community and open government advocates, and more.

The NARA is seen as an independent arbitrator distanced from the White House. According to its statute, the NARA shall be an independent establishment in the executive branch of the government. The administration shall be administered under the supervision and direction of the Archivist. The Archivist of the United States shall be appointed by the President by and with the advice and consent of the State. The Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office of Archivist. The Archivist may be removed from office by the President. The President communicates the reasons for any such removal to each House of the Congress.

*Sources:* Consejo para la Transparencia (n. d.), "Qué es el Consejo para la Transparencia?", webpage, www.consejotransparencia.cl/que-es-el-cplt/consejo/2012-12-18/190048.html (accessed 24 March 2016); BCN (Biblioteca del Congreso Nacional de Chile) (2008), "Sobre Acceso a la Información Pública", www.leychile.cl/Navegar?idNorma=276363 (accessed 24 March 2016); OGIS (n. d.), "About OGIS", The Federal FOIA Ombudsman, https://ogis.archives.gov/about-ogis.htm (accessed 14 March 2016).

Summarising the main conditions for open-government-related laws to create an enabling environment for open government, this section underlined a number of key elements. Voluntary and proactive disclosure of data and information by governments positively contributes to more openness and transparency. Moreover, avoiding administrative costs associated with fees and devoting time to process the requests is essential to allow citizens to better access information. While a number of countries still charge fees associated with the filing of a request for information, these costs should be kept as low as possible, or abandoned, to keep the process affordable to all citizens or parties seeking information or data. To ease the process of accessing information or filing

a request, a website or a data portal should be implemented, which should be designed in a user-friendly manner. While the denial of information to citizens is legitimate in some cases concerning national security or personal information, these exceptions should be kept reasonable in order for governments to remain open and accountable to their citizens.

A law on Access to Information is the necessary precondition for open government and particularly for transparency, accountability and citizen participation to become effective. But providing information and making it accessible to all parts of the population is just the initial step. Countries could contemplate elaborating an overarching strategy on citizen participation or additional laws such as laws on national archives, on digital government and open data, on anticorruption and whistle-blower protection, among others.

As discussed in this section, effective open government reforms need to be rooted in, and backed up by, a robust legal framework that ensures not only access to information but also laws on archives and citizen participation. Nevertheless, even the most sophisticated legal foundation needs to be complemented by a Centre of Government (CoG) that provides clear guidance and strategic foresight for the open government strategy and initiatives. The following section will thus examine the CoG's contribution to an enabling environment for open government reforms.

## Open government strategy co-ordination by the Centre of Government

The open government strategy and its initiatives are at the core of the achievement of a number of different policy outcomes, and it constitutes a transversal axe of different but interrelated policy areas. Effective policy co-ordination and implementation requires horizontal and vertical inter-institutional support to develop enough capacities to sustain the implementation of open government strategies into cross-cutting initiatives. In order to ensure proper implementation, the open government strategy needs to remain linked with the activities of what the OECD called the Centre of Government and that proper monitoring and evaluation mechanisms are in place throughout the whole policy cycle (see Chapter 3).

Centres of Government (Box 2.4) across OECD countries are becoming increasingly important strategic players that provide vision, leadership and co-ordination. In their work with governmental partner organisations and non-governmental stakeholders, they aim to support quality decision making by the head of government, to encourage policy co-ordination across government and to monitor the evaluation of government policy. In addition, an effective CoG is also critical for accountability, strategic planning and communication (OECD, 2015b). Although open government reforms are still a fairly new area of work for many CoGs, its potential role should not be underestimated. In fact, the CoG can foster overall open government co-ordination and support the quality of actual open government practices by:

- Facilitating the link between open government objectives with the broader national ones by connecting open government principles, strategy and initiatives across government (including different sectors and different levels of government) and with non-state actors in order to foster a shared vision on open government agenda.
- Promoting visibility across the government and towards citizens of existing good practices in the area of open government, as well as institutional champions.

- Strengthening the strategic use of performance data in across the public sector as this will help to measure and evaluate the impact of the open government strategy and practices (OECD, 2015b).

Box 2.4. **What is a Centre of Government?**

The Centre of Government (CoG) is the body or group of bodies that provides direct support and advice to the head of government and the Council of Ministers. The CoG is known under different labels in different countries, such as Chancellery, Cabinet Office, Office of the President, Office of the Government, etc. From its traditional role of serving the executive from an administrative perspective, the CoG is now playing a more active role in policy development and co-ordination across OECD member countries. The CoG of many countries now provides services that range from strategic planning to real-time policy advice and intelligence, and from leading major cross-departmental policy initiatives to monitoring progress and outcomes.

*Source*: OECD (2014a), "Centre stage: Driving better policies from the Centre of Government", unclassified OECD document, GOV/PGC/MPM(2014)3/FINAL, www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=gov/pgc/mpm(2014)3&doclanguage=en.

One of the main challenges in the area of open government for the CoG is to play its role in a balanced way throughout the policy cycle: evidence from the OECD Open Government Reviews evidence that the CoG invests a lot of time and energy in being an important actor during the planning stage (e.g. the development of the open government strategy or of the Open Government Partnership [OGP] Action Plan), but that it struggles to find its part for other stages of the policy cycle, such as in monitoring and evaluation (OECD, 2015b).

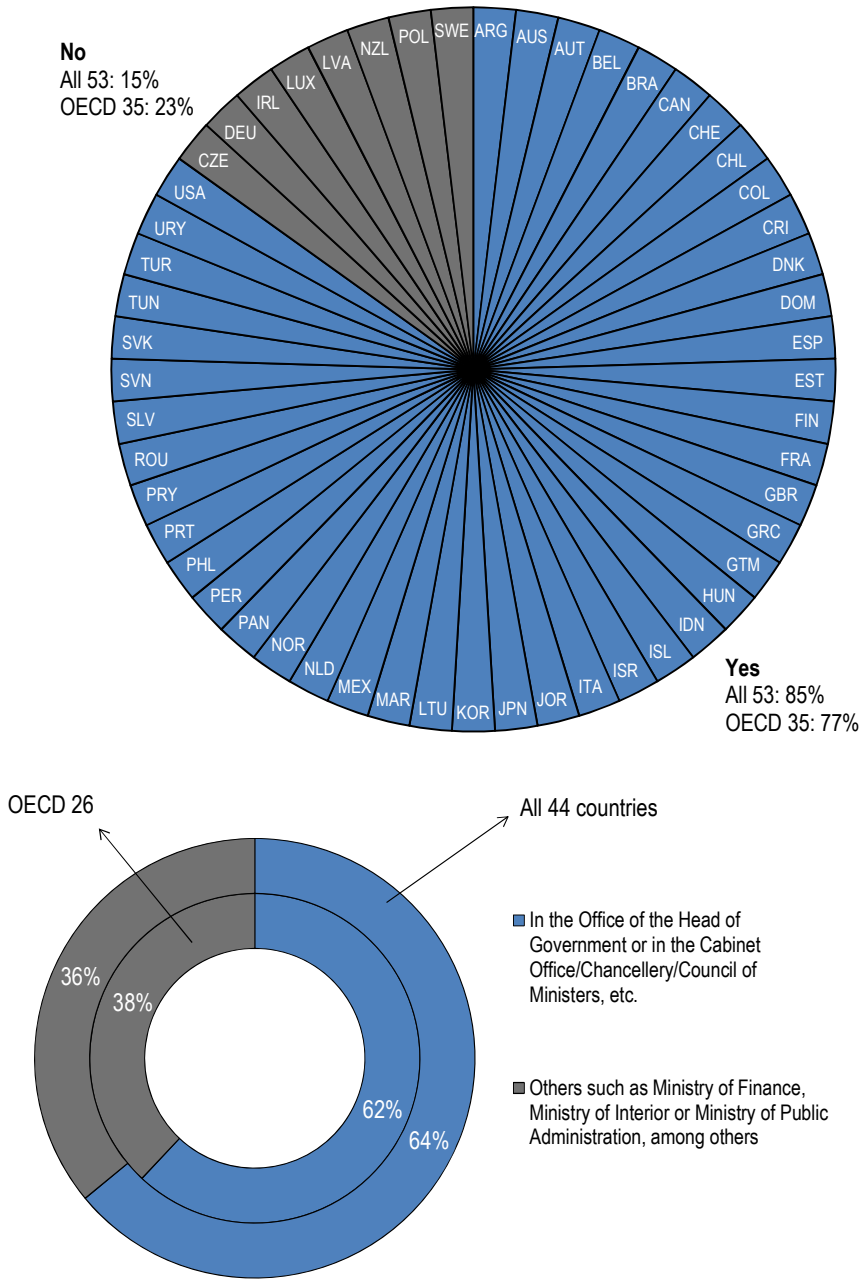
### *The institutional set-up for open government co-ordination*

A large majority of countries (85% of all respondent countries and 77% in OECD countries) confirms that there is an office in the government responsible for the horizontal co-ordination of open government initiatives (Figure 2.3). All 13 LAC countries surveyed indicated that they have such an office at their disposal. For most of the respondent countries (58% and 70% in OECD countries), these offices were an existing institution which in the (recent) past added open government to its portfolio. About 20% of the respondent countries (19% in OECD countries) created a new, separate unit within an existing institution to address open-government-related matters.

Experience from OECD countries shows that institutions within the CoG have been identified as the leading institutions in charge of the co-ordination of the open government strategy. Similarly, various countries in Latin America, including El Salvador, Guatemala and Brazil have located this office in the Office of the Head of Government. Of all 44 countries which indicated to have such office, it is placed in the Office of the Head of Government or in the Cabinet Office/Chancellery/Council of Ministers in 64% (62% in OECD countries). For instance, in Austria the office is the Federal Chancellery and in Iceland it is a division within the Prime Minister's office (Figure 2.3). In fact, various countries confirm that the office dealing with the open government agenda from a horizontal perspective has its institutional anchorage either at the level of the Office of the Head of Government (34% for all respondent countries and 27% in OECD countries) or in the Cabinet Office/Chancellery (30% for all respondent countries and 35% in OECD countries). Alternative choices for institutional anchorage include the Ministry of Finance (7% for all respondent countries and 8% for OECD

countries), the Ministry of Interior/Home Affairs (5% for all respondent countries and 8% in OECD countries) or the Ministry of Public Administration (7% for all respondent countries and 8% OECD countries).

Figure 2.3. **Existence of a dedicated office responsible for horizontal co-ordination of open government initiatives**



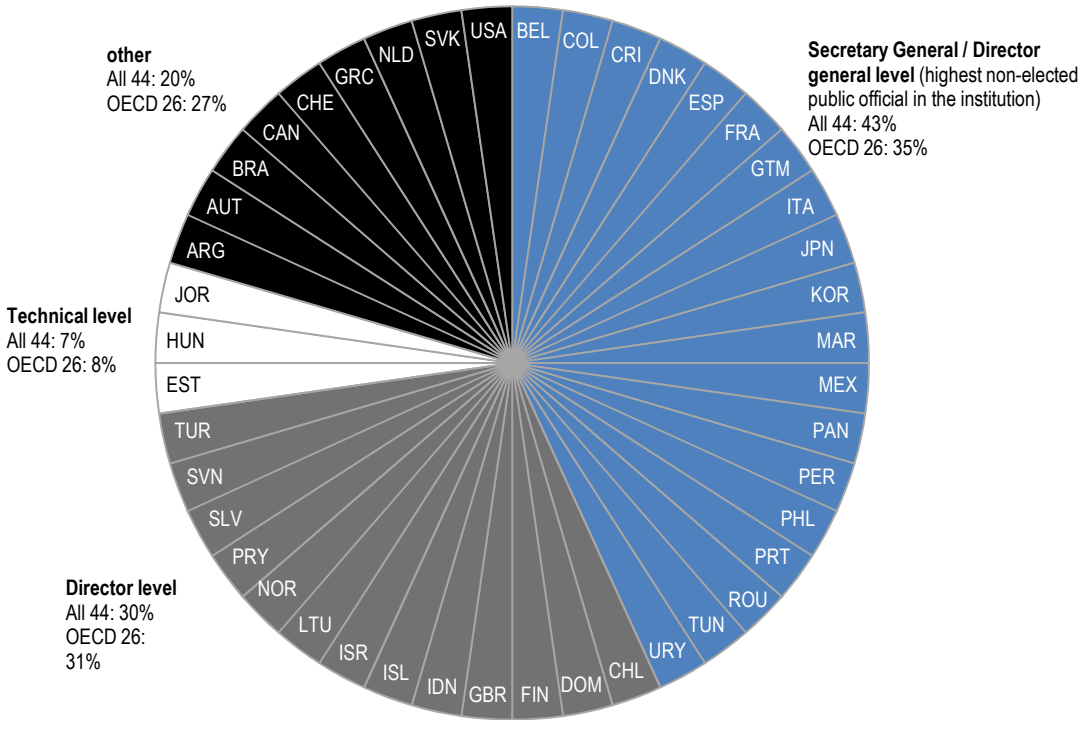

*Note*: Only countries which answered to have a dedicated office in place were asked about the location of this office. Australia on the location of the office: "To be determined pending the finalisation of machinery of government changes."
*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

The hierarchical level of such an office varies widely across countries, as illustrated by Figure 2.4. In Brazil, this office is an inter-ministerial committee, whereas in the Slovak Republic it is at the level of an advisory body.[1]

### *Responsibilities and co-ordination mechanisms*

The offices in charge of co-ordinating the open government strategy and initiatives typically have different functions, from developing the open government strategy to evaluating its impact. Only in Estonia, Hungary and Japan the office carries out all six functions, as illustrated in Figure 2.5. The great majority of these offices (80% of all respondent countries, 70% of all OECD countries) are responsible for developing an open government strategy. For instance, in the 13 LAC countries that have such a co-ordination office in place, all are entitled to develop such a strategy. As expected, the mandate for nearly all countries (93% of respondent countries and 89% in OECD countries that have such an office in place) includes the co-ordination of the implementation of open government initiatives. In contrast, only one-fifth of all respondent countries' offices (22% in OECD countries), among them Italy, Japan, Costa Rica and Uruguay, assign financial resources for the implementation of the open government strategy.

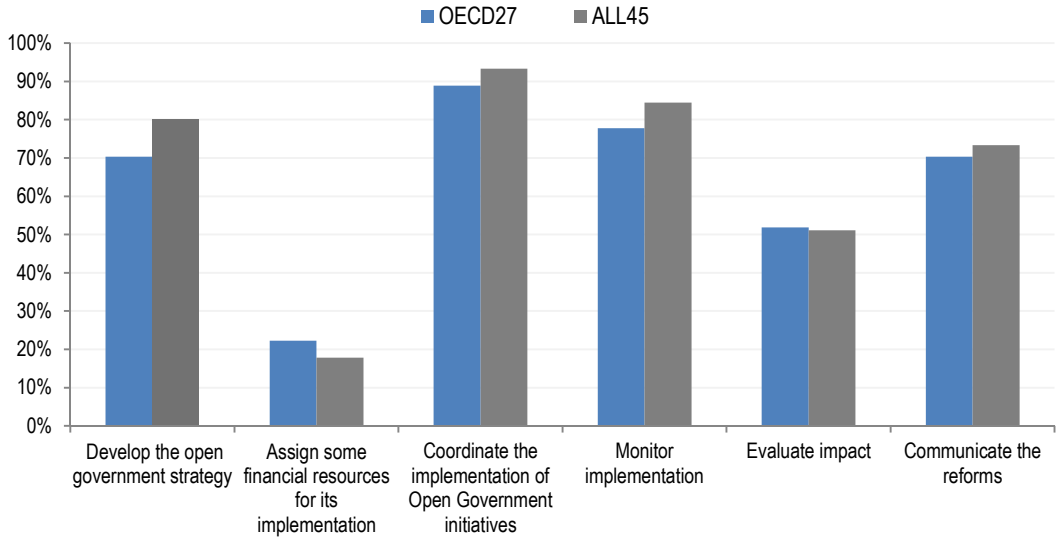
Figure 2.4. **Hierarchical level of the horizontal co-ordination office**




*Note:* Question was only asked to countries which responded that they have an office responsible for horizontal co-ordination of open government initiatives. Australia "To be determined pending the finalisation of machinery of government changes".

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Figure 2.5. **Responsibilities of the co-ordinating office**



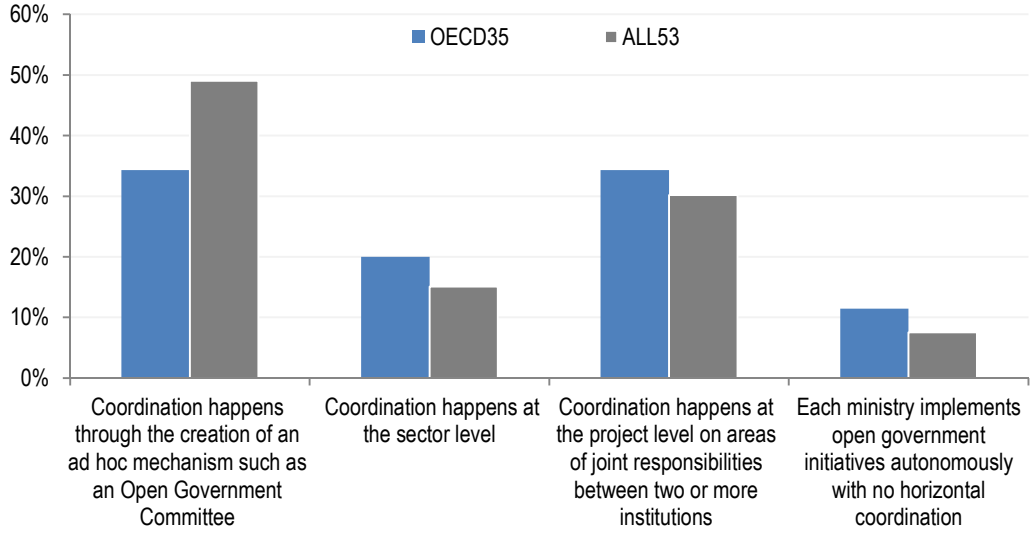

Note: Question was only asked to countries which responded that they have an office responsible for horizontal co-ordination of open government initiatives.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

When juxtaposing the results between monitoring the implementation of the strategy (84% in all respondent countries that have such an office and 78% in OECD countries) and the mandate for evaluating its impact, a great difference prevails. Only 52% of respondent countries that have such an office at their disposal (same result in OECD countries) have provided it with the mandate to evaluate the impact. Given the importance of evaluating national open government strategies and initiatives, Chapter 3 is devoted to this issue. As previously argued, ambitious open government reforms require sound communication with all stakeholders, which is currently done by 73% of all respondent countries' offices (70% in OECD countries). All of the LAC countries moreover answered that this office co-ordinates and monitors the implementation of open government initiatives as part of their mandates.

The actual co-ordination of open government initiatives can take place at different levels: ad hoc mechanisms, sector level, project level, ministerial level, etc. In 49% of countries surveyed (34% in OECD countries), co-ordination happens through the creation of an ad hoc mechanism, such as an Open Government Committee, which is composed of different stakeholders (Figure 2.6). In most cases (77% of respondent countries and 58% in OECD countries), this mechanism includes non-governmental organisations (NGOs), which have traditionally occupied a central role in shaping the open government agenda, as discussed in Chapters 4 and 5.

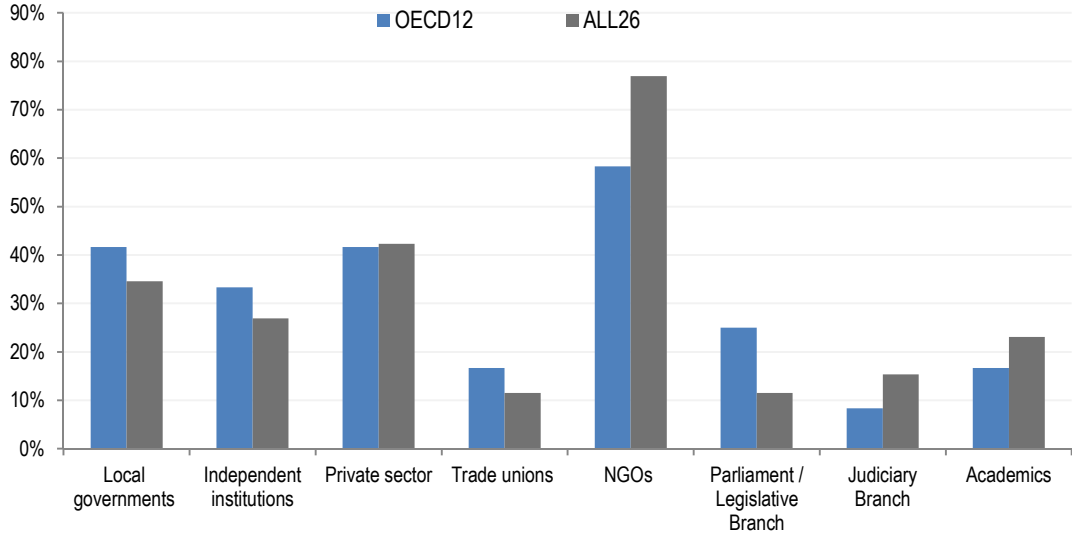
Figure 2.6. **Mechanisms used to co-ordinate open government initiatives**




*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

In addition, local governments (35% of all respondent countries and 42% in OECD countries), private sector (42% in both all respondent countries and all OECD countries), independent institutions (27% in all respondent countries and 33% in OECD countries), academics (23% in respondent countries and 17% in OECD countries), trade unions (12 % in respondent countries and 17% in OECD countries), and the judiciary branch (15% of all respondent countries and 8% in OECD countries) are members of this mechanism (see Figure 2.7). Around half of the countries (58% of respondent countries and 42% in OECD countries) include other members in the horizontal co-ordination mechanism that are different from the suggested categories. Jordan, for example, includes women associations and youth (see Box 2.5) in the mechanism and Indonesia's National Secretariat is composed of, among others, local governments, NGOs and line ministries. Box 2.6 provides some examples of co-ordinating mechanisms for open government in Canada, Mexico and the United Kingdom. Furthermore, Box 2.7 provides the example of Italy's Open Government Forum that shows how the Government of Italy has created an innovative approach to facilitate the co-ordination of relevant stakeholders.

Figure 2.7. **Members of the horizontal co-ordination mechanism on open government**




*Note*: Only countries that responded that coordination happens through the creation of an ad hoc mechanism such as an Open Government Committee were asked this question.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Box 2.5. **Strengthening youth engagement in public life in Jordan, Morocco and Tunisia**

A popular narrative says youth are the future. In light of the demographics in the MENA region, this storyline must change. With a staggering share of 70% of the Jordanian population under the age of 30, for instance, policies in favour of youth are not only an investment in the future but in the well-being of today's population. Since young people (15-29) exceed 30% of the working-age population in most Middle East and North Africa (MENA) region countries, governments need to urgently develop and implement strategies focused on fully engaging youth in the economy, society and in public life.

The OECD regional report Youth in the MENA region: How to Bring Them In (OECD, 2016b) finds, however, that young men and women in the MENA region are facing the highest youth unemployment levels in the world and express lower levels of trust in government than their parents. This report is the first of its kind to apply a "youth lens" to public governance arrangements. It provides recommendations for adjusting legal frameworks, institutions and policies to give young people a greater voice in shaping policy outcomes. The report encourages governments to use open government tools, such as Access to Information legislation, dedicated institutions to represent youth needs and exploit the potential of digital technologies, to partner with youth across the policy cycle.

Based on the findings of this report, the OECD supports Jordan, Morocco and Tunisia in encouraging a more active and inclusive engagement of young men and women in public life.

Box 2.5. **Strengthening youth engagement in public life in Jordan, Morocco and Tunisia** *(continued)*

It is active in three areas:

- Supporting the process of formulating and implementing national youth policies across the different levels of government and with the active involvement of youth.
- Scaling up the institutional and legal framework for youth engagement in public life, such as through dedicated youth representative bodies (e.g. youth councils) to give youth a voice and seat in influencing political decision making at central and sub-national levels.
- Promoting innovative forms of engaging youth to mainstream their demands in public policies and foster a more regular dialogue with public officials.

The project is financed by the MENA Transition Fund of the G7 Deauville Partnership and will support the beneficiary countries over three years (2016-19).

More information can be found at:
www.oecd.org/mena/governance/aboutthemena-oecdgovernanceprogramme.htm.

Box 2.6. **Co-ordinating mechanisms for open government in Canada, Mexico and the United Kingdom**

In **Canada**, open government initiatives are co-ordinated through the interdepartmental Open Government Steering Committee (OGSC). The OGSC is an Assistant Deputy Minister (ADM)-level body, chaired by a Treasury Board of Canada Secretariat (TBS), the Chief Information Office of Canada. The OGSC meets on an as-needed basis, but as frequently as quarterly. TBS is in the process of developing a Director-General (one level below Assistant Deputy Minister) body to support the OGSC as Directors-General who would be the key executive leads for issues within the Government of Canada. In addition to these two bodies, the President of the Treasury Board (the Minister for TBS) is advised by the Advisory Panel on Open Government.

This panel consists of experts from civil society, business, academia, including independent commentators from Canada and abroad. The Panel advises the President on how to best harness open government opportunities for innovation and knowledge sharing and explore how federal organisations can do an even better job of consulting Canadians by making effective use of new tools like social media. The Panel meets roughly once per year. Federal, provincial/territorial, and municipal governments also collaborate on open data issues through the Open Data Canada Subcommittee. This working group focuses on principles, standards, licensing, and outreach and engagement issues relevant to open data in Canada and thus contributes to an enabling environment for open government in Canada.

**Mexico** created a co-ordinating committee that is integrated in the Presidency of the Republic Committee, the Ministry of Foreign Affairs, the Ministry of Public Administration and the departments and agencies of the federal government that are responsible for the OGP Action Plan commitments. This committee is chaired by the Office of the President of the Republic and supported by the Ministry of Foreign Affairs to support the international agenda of the OGP and the Secretariat of Public Service to promote the national agenda. On the one hand, it has an inward looking component in which it facilitates regular meetings and constant communication among the officials involved.

### Box 2.6. **Co-ordinating mechanisms for open government in Canada, Mexico and the United Kingdom** *(continued)*

It also organises meetings in which officials responsible for the open government commitments as well as working meetings are held to ensure the proper implementation of the commitments. On the other hand, the committee has a cross-cutting component to participate in the Technical Tripartite Secretariat (*Secretariado Técnico Tripartita*), which is composed of the Co-ordinator of Civil Society, the Federal Institute for Access to Public Information and Data Protection (*Instituto Nacional de Transparencia, Accesso a la Información y Datos Personales, or INAI*) and the Government of the Republic and it is the highest decision-making organ of the Alliance in Mexico.

In the **United Kingdom**, the UK Open Government Network (the Network) is a self-formed group of civil society organisations that are interested in working with the UK Government on the OGP's commitments. The Network is co-ordinated by the British think-tank Involve and meets regularly with the Cabinet Office to co-ordinate the development and implementation of the United Kingdom's OGP National Action Plan (NAP). At a more senior level, the Network has selected a group of individuals to act as a steering committee for the Network, meeting the Minister for the Cabinet Office and senior Cabinet Office officials to raise issues and agree and drive forward priorities. In addition, the Government has a number of mechanisms in place to co-ordinate input to the development of the next NAP. They have established a group of theme leads (from both civil society and government) who are working together to agree on a strategy for their theme and the desired commitments. The United Kingdom also has a network of departmental leads that are responsible for co-ordinating their respective department's input into the NAP and on the ongoing implementation process. At the level of specific commitments, there are various mechanisms in place to bring together relevant stakeholders to agree and implement commitments around a common theme as departments determine their own arrangements in consultation with interested civil society organisations.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

### Box 2.7 **Italy's Open Government Forum**

Italy has established a Forum on Open Government in which 20 public administrations and 54 civil society organizations meet regularly. The Forum, coordinated by Department of Public Administration of the Presidency of Council of Ministers, is open to any new organization or administration, both central and local, which wants to participate in development of the open government policies or intends to join the OGP. The aim of the Forum on Open Government is to commit CSOs and public administrations in a long-lasting collaboration and to co-designing the development and co-ordination of the implementation of the actions provided in Italy's OGP National Action Plan.

The Minster of Public administration meets the Forum on a regular basis every six months. The Forum has clustered the thematic areas of Open Government in six groups: "Transparency", "Open Data", "Participation", "Accountability", "Digital Citizenship" and "Innovation and Digital skills" and the Department of Public administration has established six Working Groups, inviting each OGP Forum's participant to join them.

Box 2.7 **Italy's Open Government Forum** *(continued)*

In this way, the Department has created a direct channel through which public administrations and civil society organizations can have regular meetings (every two to three months) and can communicate constantly on-line. The aim is to give the officials responsible for the open government commitments (i.e. the NAP's actions) the possibility to consult the CSOs about specific questions and to receive their feedback. Additionally, the CSOs have the possibility to monitor the proper implementation of the commitments and to give inputs and ideas on how to develop new open government initiatives.

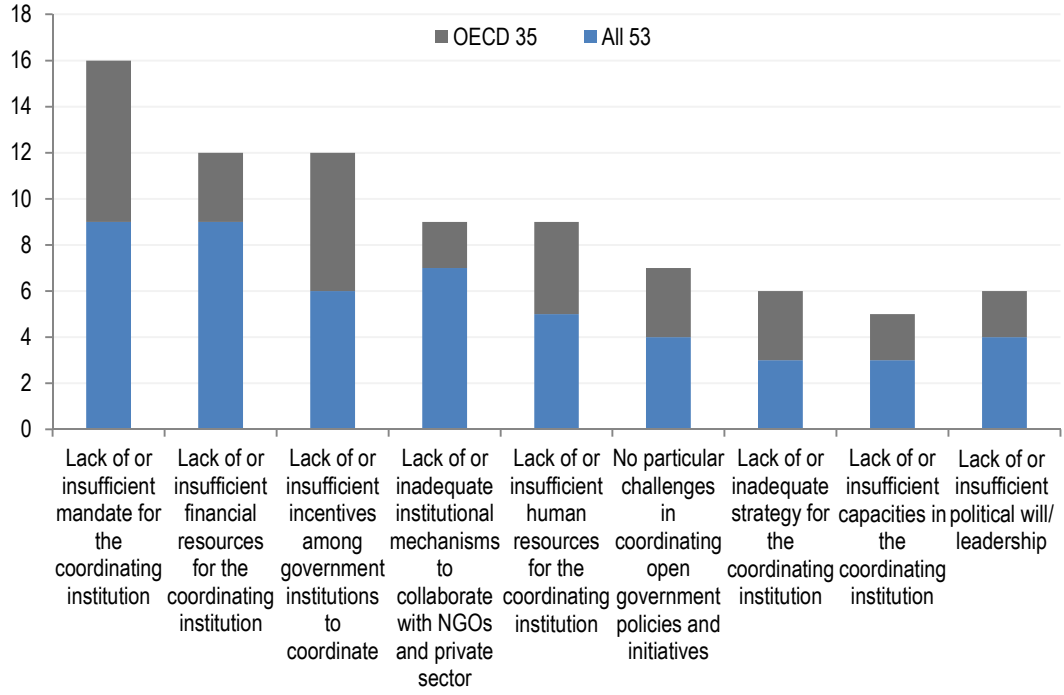
*Source*: Italy Open Government (n.d.), Open Government Forum, http://open.gov.it/open-government-partnership/open-government-forum/, (accessed 25 November 2016).

### *Challenges for co-ordinating the open government strategy and initiatives*

Co-ordinating the open government strategy and initiatives, and implementing them, can pose some challenges to the CoG as it has a direct impact on the effective implementation of them. If not adequately implemented the strategy and the initiatives, the countries cannot fully reap the benefits of open government and achieve better public governance outcomes. One way to ensure a proper implementation is acknowledgement of countries to show political will to overcome the challenges they face. Figure 2.8 provides an overview of the key co-ordination challenges as perceived by the countries. Lack of incentives among government institutions to co-ordinate (49% of respondent countries and 57% in OECD countries) and financial and human resources are among the most frequently cited challenges for the institution responsible for horizontal co-ordination of open government strategy and initiatives (Figure 2.8.). Whereas these two challenges are among the three most frequent answers in OECD countries with 40% and 43% respectively, they seem to be more pressing for some LAC countries.

According to the countries' replies to the OECD Survey, all 13 LAC countries that responded to the OECD Survey mentioned the lack of, or insufficient, human and financial resources in 69% and 62% respectively. Additionally, when comparing the obstacles to efficient co-ordination among different regions, it reveals that LAC countries noted a lack of, or inadequate, institutional mechanism to collaborate with NGOs and the private sector in 54% of the replies, as one of the three main challenges. In the 35 OECD countries, this challenge was only mentioned in 23% of the replies.

Figure 2.8. **Main challenge indicated by countries in co-ordinating open government initiatives**




*Note*: Countries were asked to name their main three challenges in co-ordinating open government initiatives. This figure shows only the number one challenge that countries listed.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Based on the findings of the OECD Survey and this analysis, the section argued for a more effective institutional co-ordination of an open government strategy and initiatives. An office responsible for the horizontal co-ordination of open government initiatives with the necessary mandate to provide strategic guidance is a vital step to effectively mainstream the initiatives. However, the potential success of this office largely depends on the political will and ability to influence other policy makers as well as human and financial resource allocation to this office. Ultimately, the offices' role entails strengthening the strategic use of data on performance across the public sector in order to support transparency, accountability and participation mechanisms.

## The importance of human resource management

Civil service and government organisations in most countries were not established with open government principles in mind. Civil services were generally designed to benefit from efficiencies of hierarchical structures where information and accountability flow vertically. They were created as closed systems, capable of protecting sensitive information, implementing policies and delivering public services based on the same command and control structures that proved successful in the military. Government's separation from citizen and business was also seen as necessary to protect the integrity of civil servants and the public ethos.

Today's call for more open and innovative government challenges many of these traditional structures and is, fundamentally, a call for a new set of operational values and a cultural change throughout governments. Organisational culture in the world's largest organisations does not change easily and cannot be simply written into existence through policy or regulation, but is the result of sustained reinforcement by management and management systems throughout government organisations. Organisational culture lives in the hearts and minds of civil servants and public officials. This means that creating the conditions inside organisations for open government reforms and for a new culture of governance to flourish should be seen as a fundamental challenge for human resources (HR) departments and all public managers.

### *Human resources capacity: A challenge to implement open government initiatives*

Evidence shows that human resource and civil servants' capacity related topics are among the three most cited challenges in implementing open government initiatives. Some 37 respondent countries (22 OECD countries) pointed out the lack of, or insufficient, communication/awareness of the benefits of open government reforms among public officials as the main HR challenge, followed by the general resistance to change/reforms in the public sector (32 respondent countries, 19 OECD countries). Finally, the lack of, or insufficient, human resources (23 respondent countries, 16 OECD countries) was also mentioned by several countries (Table 2.2). These challenges are mirrored in the responses from the health and finance ministries, where lack of awareness and lack of adequate human resources consistently rank among the most common challenges to successfully implementing citizen participation in the policy cycle (CPPC) initiatives. Furthermore, the general resistance to change/reforms in the public sector is a common challenge across Latin America as 10 out of 13 countries mentioned this as a challenge to implement open government initiatives.

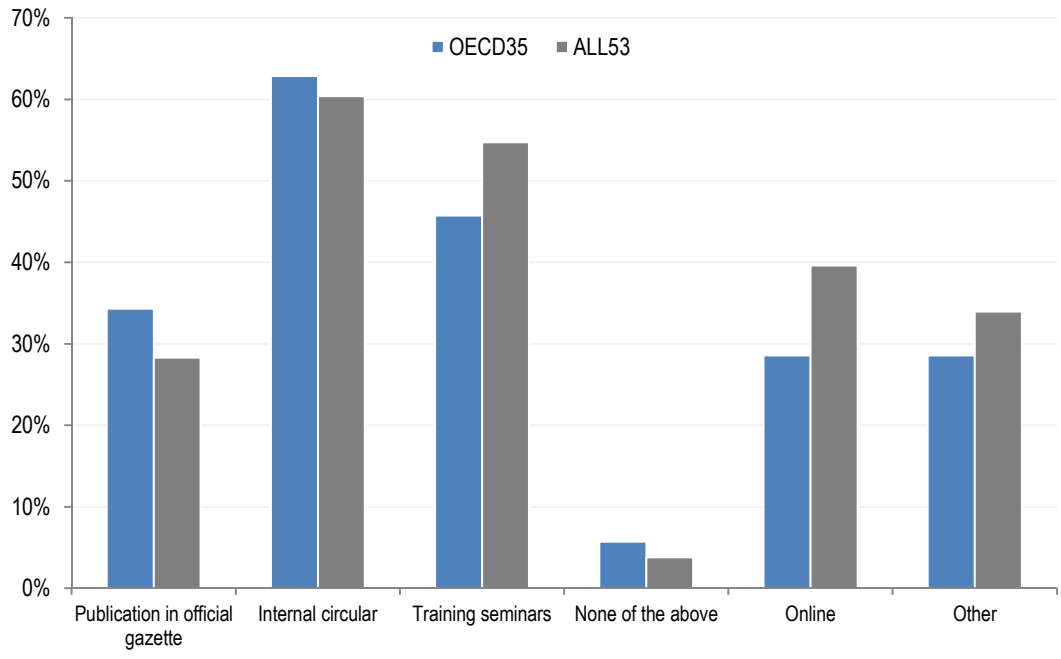
Table 2.2. **Human resources challenges to implement open government initiatives**

| Challenge | Total | Total OECD 35 | Countries |
|---|---|---|---|
| Lack of, or insufficient, communication/ awareness of the benefits of open government reforms among public officials | 37 | 22 | Argentina, Australia, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Finland, France, Greece, Guatemala, Hungary, Indonesia, Israel, Japan, Jordan, Latvia, Lithuania, Luxembourg, Mexico, Morocco, Netherlands, Norway, Paraguay, Peru, Poland, Romania, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Tunisia, United Kingdom and Uruguay |
| General resistance to change/reforms in the public sector | 32 | 19 | Argentina, Australia, Brazil, Canada, Chile, Costa Rica, El Salvador, France, Germany, Greece, Guatemala, Italy, Japan, Korea, Latvia, Lithuania, Luxembourg, Mexico, Morocco, Netherlands, Panama, Paraguay, Peru, Philippines, Romania, Slovak Republic, Slovenia, Switzerland, Tunisia, Turkey, United Kingdom and the United States |
| Lack of, or insufficient, human resources | 23 | 16 | Belgium, Colombia, Costa Rica, Czech Republic, Dominican Republic, Finland, Germany, Guatemala, Japan, Jordan, Korea, Latvia, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Romania, Slovenia, Spain, Switzerland and the United States |

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

It is thus essential to design interventions to increase the awareness, understanding and capacity of public officials so that they are perceived as essential investments in the success of open government initiatives. In fact, many countries indicate some use of official information channels to inform public servants about the existence of open government initiatives through, for example, internal circulars (60% in all respondent countries and 63% in OECD countries), training seminars (55% in all respondent countries and 46% in OECD countries), publication in official gazettes (28% in all respondent countries and 34% in OECD countries) or on line (40% in all respondent countries and 29% in OECD countries) (Figure 2.9). Yet, these efforts do not appear to go far enough. At the sector level, a similar situation prevails. Only 39% of finance ministries indicate that initiatives exist to increase the awareness of their employees regarding CPPC. Interestingly, this figure is very different from the results of the health ministries, of which nearly two-thirds have such awareness-raising initiatives in place (Figure 2.10).

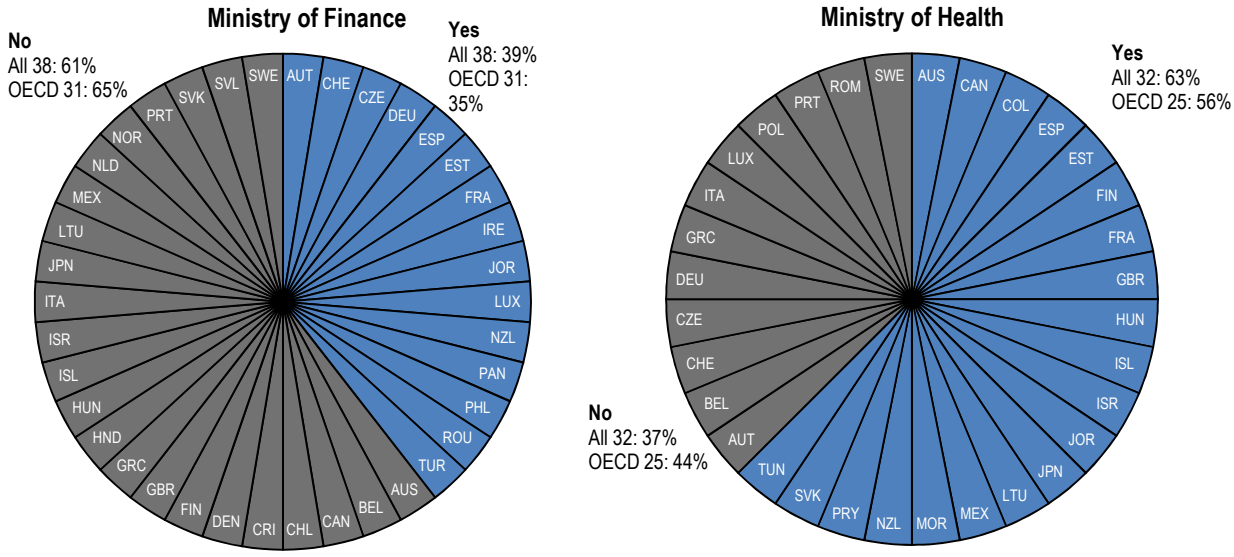
Figure 2.9. **Communication mechanisms used to inform public servants of the existence of open government initiatives**




*Note*: "Other" includes, e.g. regional and global events (Mexico), public announcements and collective bilateral meetings (France) or letters and meetings (Norway).

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Figure 2.10. **Availability of awareness-raising initiatives for ministries' civil servants in charge of citizen participation in the policy cycle**

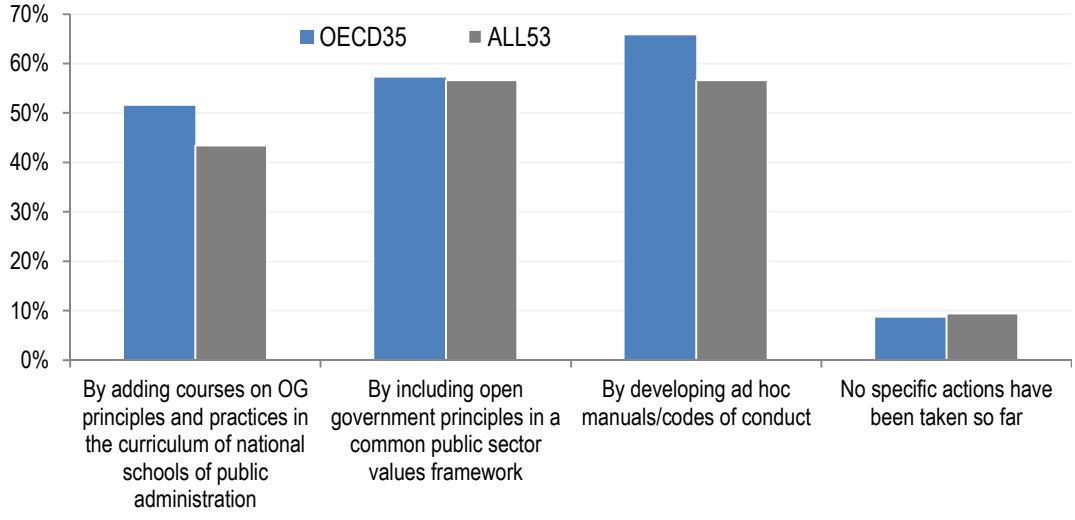



*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

### *Raising awareness and changing organisational culture*

Training, to effectively increase awareness, will need to be widespread and should be integrated into the core curricula for new civil servants. Additionally, existing civil servants should be required to undertake some level of training to ensure awareness of the principles and provide time to reflect on how these can be implemented in their day-to-day jobs. Examples for approaches to increase the capacities of civil servants include training material (Canada), sectional committees with intellectuals (Japan) or webinars (Dominican Republic). However, this alone will not result in a culture change.

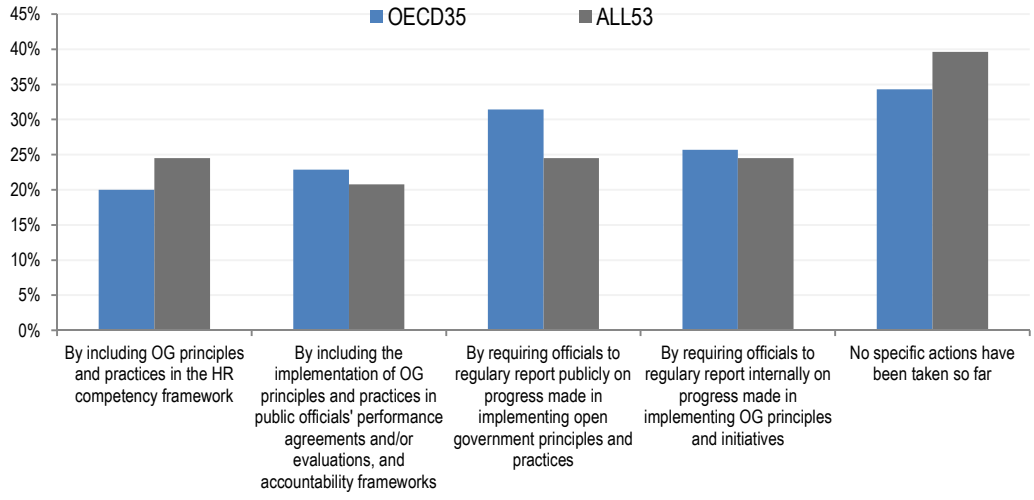
Figure 2.11. **Developing capacities of civil servants**




*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

To move from passive awareness to affect a culture change, principles and values of openness need to be identified, discussed and reinforced at every possible opportunity. This means including them not only in vision documents and high-level strategic government priorities, but also public sector values statements and civil servant competency frameworks. A majority of countries report including open government principles in values frameworks (Figure 2.11), however only one-quarter includes such principles in competency frameworks, performance agreements and/or accountability frameworks (Figure 2.12).

Figure 2.12. **Promoting the implementation of open government initiatives through human resources management**




*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

These kinds of findings illustrate an implementation gap: while many governments have declared open government principles as aspirational statements, few appear to be seriously integrating them into direct people management systems. However, some countries such as Finland are including commitments in its OGP Action Plan to emphasise dialogue skills in the job descriptions of civil servants (Box 2.8). Competences needed to enhance open government reforms will be specified and the importance of dialogue skills will be highlighted in job descriptions, in recruitment criteria and in assessing personal performance in positions demanding such competences. In addition, training in customer-oriented service design will be arranged for civil servants and citizens.

Box 2.8. **Enhancing dialogue skills for civil servants in Finland**

Effective communication is important to strengthening the relationship between governments and citizens further. Finland acknowledged the significance of sound dialogue skills for civil servants and included commitments to further improving these skills in its first OGP Action Plan (2013-14). The following six concrete aims were formulated:

1. Standard language titles and resumes will be drafted for government proposals.
2. Visualisation of decisions with a special focus on expenditures of the state budget will be created.
3. Training will be organised for civil servants on use of clear language and plain language including committing to use of terms already known.
4. The comprehensibility of the texts produced by public administration will be tested together with citizens and service users.
5. The terms and concepts used in public administration and service production will be standardised and clarified.
6. The comprehensibility of customer letters and decisions will be enhanced, especially when using standard texts.

These commitments were taken up again in the second OGP Action Plan, which contains a commitment on "clear administration", among three others. The main objectives that contribute to a more tangible and easy-to- understand bureaucracy are:

- Clear structures and processes in addition to customer orientation are targeted in major reforms.
- Structures and processes are described so that citizens know which authority should be contacted in different issues.
- The official parlance is correct, clear and easy to understand.
- Information on issues under preparation is available and can easily be found.
- Administration takes feedback and takes account of it when developing its ways of working.

The example of Finland provides good practice on facilitating the communication, engagement and collaboration between the citizens and civil servants, which has the potential to positively influence the perception of the entire government. Open government, if understood as a culture of governance, requires an emphasis on today's and the coming generations of civil servants to acknowledge the more active role of citizens throughout the entire policy cycle through approaches like the ones in Finland.

*Source*: Government of Finland (2013), "First Open Government Action Plan, 2013-14"; Government of Finland (2015), "Second Open Government Action Plan, 2015-17", www.opengovpartnership.org/country/finland/action-plan (accessed 1 September 2016).

### *Building specific skill sets is required for implementing successful open government initiatives*

Ensuring awareness, understanding and reflection of the implications of open government principles among the general civil service population will be essential to mainstream the concept into the organisational culture of public institutions. However,

this alone will not ensure that civil servants are able to manage open government initiatives effectively. Technological advances, changes in public expectations and aggressive media create an atmosphere of intense pressure and expectation for government organisations, particularly in how they interface with the public. Engaging with citizens has long been something that government has done in one form or another at various stages in policy and service development. The quality of interaction with citizens varies and is often represented as a spectrum from informing, on one end, all the way to collaborating – making decisions together – on the other. Moving from one end of the spectrum to the other, the skills required to engage and work with citizens become increasingly specialised. Specific skill sets in this regard involve facilitation and design skills, ethnographic research skills, and online consultation and engagement skills. These are not the skill sets of most civil servants in most countries.

The skills needed to implement successful and effective open government strategies and initiatives, then, are varied and will require a diversity of approaches, both to ensure broad awareness across the civil service and the availability of specific skills sets required to integrate OG principles actively into government projects and initiatives. The OECD's work on public sector skills maps these changing requirements and looks at the models and solutions that are being implemented in OECD countries to attract, develop and manage specialist skills in a variety of areas, including citizen participation and co-production. Attracting and recruiting people with these scarce skill sets to government positions, and managing them in flexible ways that benefit governments as a whole, is an emerging challenge the OECD is helping governments to tackle. One solution is to ensure an open civil service – one that ensures people with skill sets and backgrounds that don't fit the traditional profile - have opportunities to enter the civil service and contribute to better government.

### *An open civil service as a core aspect of open government reforms*

The civil service is the core of government. The capacity and skills of civil servants and public employees will determine the success of open government initiatives' design and implementation. A related question is how open is the civil service itself as an institution.

Open government cannot only be about improving the interaction of citizens with government, but must also ensure that government jobs are accessible to the entire population of a country in a way that ensures inclusion. Governments have the responsibility to not only ensure that voices of a range of citizens are heard in policy making and service design, but that this same range of citizens may constitute these organisations from the inside.

An open civil service, then, is one which appears accessible to all citizens in a country. The test should be whether all citizens, regardless of their gender, socio-economic position, ethnicity, sexual orientation, political affiliation, age, disability or other factors, see the civil service and/or public sector as a potential and attractive employer.

A starting point for assessing the openness of the civil service is the entry point. Ensuring that all citizens have access to civil service jobs is a protected fundamental right in most OECD countries. But a line can be drawn between active and passive activity. Removing structural barriers and ensuring recruitment processes are not discriminatory is a minimum. Some countries go further in actively recruiting members of under-represented groups, and helping them to get the skills and qualifications needed to enter

the civil service. Other indicators related to entry could include opportunities for professionals to enter the civil service mid-career, and/or the range of educational paths that may lead to a civil service career. The greater the variety of entry possibilities into the civil service, the greater will be the possibilities for ensuring a diverse workforce.

Looking at the entry opportunities is only a first step. The ultimate benefits of ensuring that the civil service is an open institution are the same as those of open government more broadly. An open, diverse and inclusive civil service must be an environment where all individuals feel supported to express their views, share their opinions and contribute to the improvement of their workplace and the accomplishment of their mission. This improves the quality of public services as diverse workforces, effectively managed in diverse teams, lead to more creative problem solving by drawing on wider sets of skills, information, experience and contacts.

Building and managing an open civil service, then, does not end with recruiting a diverse workforce, but requires building a workplace culture that ensures that minority views are encouraged and valued; in other words, an inclusive workplace. Inclusive workplaces mean that people feel connected and engaged to, and with, the organisation. In that way, inclusion can be seen as a culture that:

- connects each employee to the organisation
- encourages collaboration between employees, non-hierarchical behaviours, flexibility and fairness
- leverages diversity throughout the organisation so that people are able to participate and contribute actively to their full potential.

Ensuring that an open civil service leads to a diverse workforce and an inclusive workplace requires significant effort from those who lead organisations, establish human resources management (HRM) policies and practices, manage teams, recruit employees and contribute to organisational culture. This implies the need for a different kind of management. Somewhat counter-intuitively, an open and inclusive civil service should not treat every civil servant the same. Instead it should take into account civil servants' individuality and present them with opportunities that match their own career evolutions depending on their interests, goals, family situation, life phase, etc. All those aspects need to be considered at each step of the career (recruitment, trainings, child or family care, appraisal/development interviews, etc.).

From the above discussion, one can conclude that an open civil service will contribute to the goals and objectives of open government reforms when:

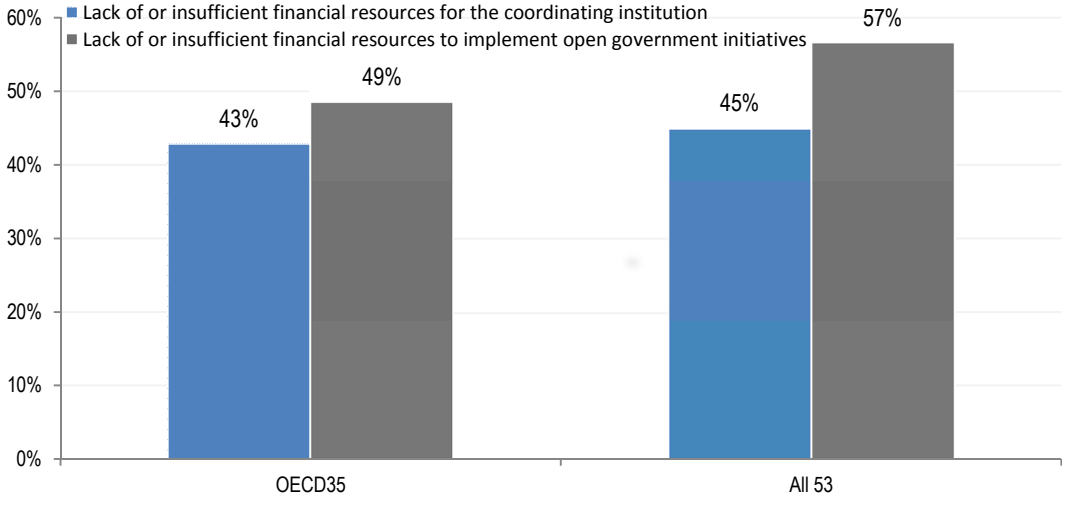
- Active efforts are taken to ensure that all citizens have equal opportunities to become civil servants regardless of their personal background, at various phases of their career, from a range of educational and professional paths.
- That career paths are multiple and varied, depending on civil servants abilities, interests, ambitions and desires. This includes access to development, lateral and vertical career moves, and flexible working opportunities.
- Managers are trained to lead diverse teams and establish inclusive working environments that encourage collaboration, the open sharing of ideas, healthy discussion and debate.

## Funding of open government initiatives

Adequate funding is vital for efficient and sustainable implementation of open government reforms and for supporting open government priorities. While the legal, policy and institutional framework must be in place to establish and secure transparency and citizen participation, the passing of these frameworks alone will fail to increase openness if governments do not provide sufficient funding for their implementation. Beyond the absolute amounts spent to support open government initiatives, countries must ensure that funding sources are as clear and consistent as possible, appropriate recipients are identified to support the government's open government reforms' goals, and that funds are spent on both implementation and coordination. To achieve this, countries must ensure that funding amounts, sources and management responsibilities for open government initiatives are designed jointly with a country's open government reforms' priorities and not added without strategic considerations.

Despite its importance, evidence suggests that providing funding for both coordination and implementation of open government reforms remains a challenge for many countries. The lack of financial resources was mentioned as one of the main challenges to both coordinate and implement open government initiatives (Figure 2.13.). In fact, this was the second most common problem to coordination expressed by countries, after the lack of sufficient incentives among government employees. In regards to implementing, funding was the third most commonly cited challenge, closely following insufficient awareness of the benefits of open government and the general resistance to change and reform within the public sector.

Figure 2.13. **Lack of financial resources as a challenge to co-ordinate the implementation of open government initiatives**




*Note:* Countries were asked to choose their 3 main challenges from the different categories provided.

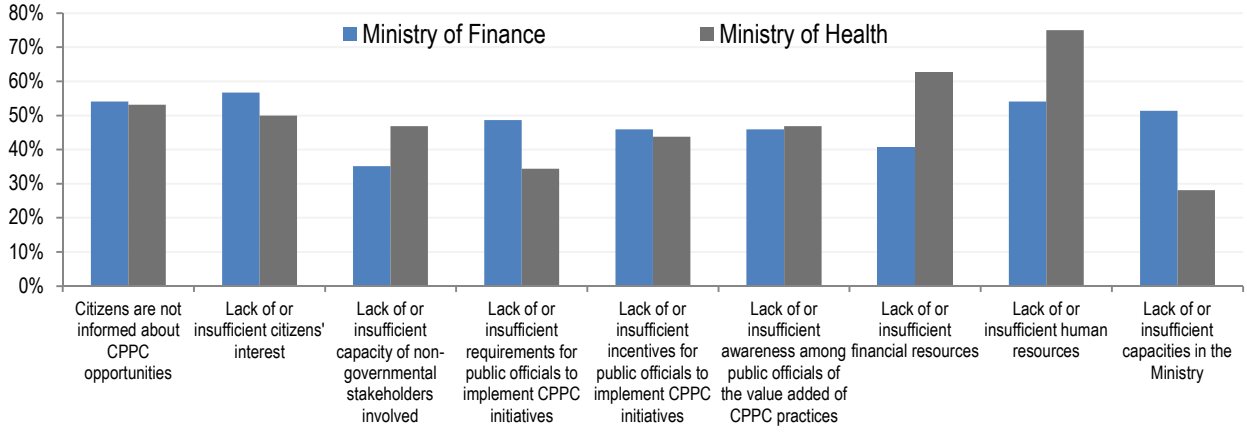
*Source*: OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

The lack of financial resources was especially raised by LAC countries as an area of concern, as 62% of the countries find it as a challenge for the coordinating institution compared to 45% of all 53 countries and 43% in OECD Member countries. This same situation is found regarding the implementation of open government activities, where

69% of Latin American countries find the lack of funding as challenge for the implementation, whereas 49% of OECD countries do.

At the sector level, similar concerns were raised by the ministries. It should be noted that, in OECD Member countries, 63% of the Ministries of Health and 41% of the Ministries of Finance claimed that lack of or insufficient financial resources were one of the five main challenges in successfully implementing initiatives on citizen participation in the policy cycle (see Figure 2.14.). The lack of financial resources negatively impacts the proper implementation of these initiatives at the sector level and might jeopardise the success of the overall open government national strategy as these initiatives are mainstreamed in the strategy. This is turns affects the overall governments' capacity to achieve the open government objectives set in the national strategy.

Figure 2.14. **Challenges to implement open government at the sector level**




*Note:* Ministry of Finance n=37 countries (30 OECD Member countries), Ministry of Health n=32 countries (25 OECD Member countries). Japan's Ministry of Finance did not provide an answer to this question.

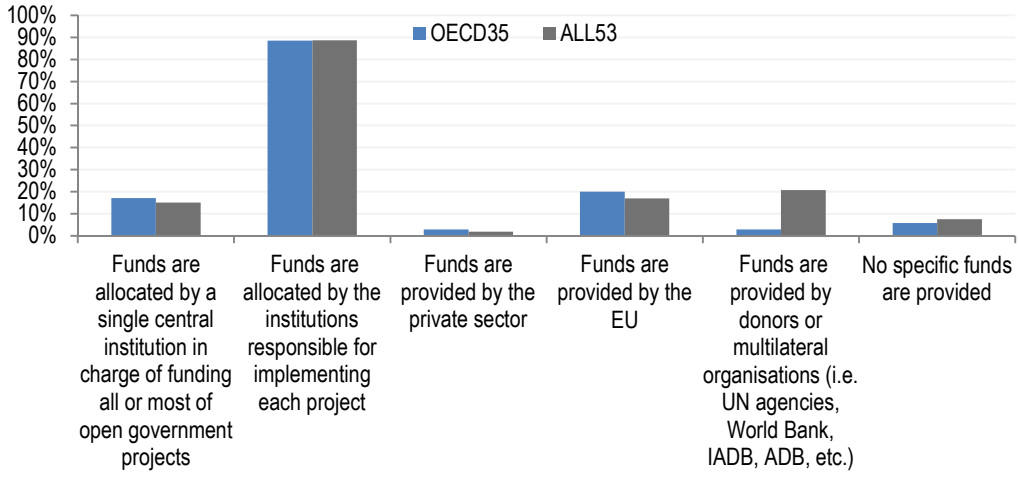
*Source*: OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

### *Funds are often allocated by the institutions responsible for implementing each open government initiative*

The funds used to implement open government initiatives can be allocated by different sources. For example, they can come from a single central institution in charge of funding all or most open government initiatives, from the institutions responsible for implementing the initiatives, from external stakeholders, such as the private sector, the EU or multilateral organisations (i.e. UN agencies, World Bank, IADB, ADB, etc.), or a combination of sources. Allocating funds from a combination of sources is most common, though in 48% of countries, funds are allocated by a single source. The vast majority of countries (89% of all- and OECD countries) allocated funds at least in part by the institutions responsible for implementing each open government initiative. For Korea, Slovakia and Jordan, funds are allocated solely by the central institution in charge of funding all or most of open government initiatives (in Norway, the private sector allocates funds for the implementation of open government initiatives) (Figure 2.15). Determining the benefits of central funding versus project funding or vice versa is still a topic of research as the budget structure of each country as well as budget spending priorities, levels of decentralisation and the levels financial autonomy need to be taken

into account. Single source funding may facilitate coherence and consistency and can provide the indication that the initiatives are well mainstreamed into the national open government strategy and commitment to the open government agenda. In contrast, scattered funding can contribute to the lack of government's cohesiveness and inhibit coordination across public entities to carry out the initiatives. Given the horizontal nature of open government reforms efforts, public investment by more than one source may help to unite more widely shared interest and engagement in open government initiatives. These areas should be considered for future in-depth- and country specific analysis.

Figure 2.15. **Funding for the implementation for open government initiatives**




*Source*: OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

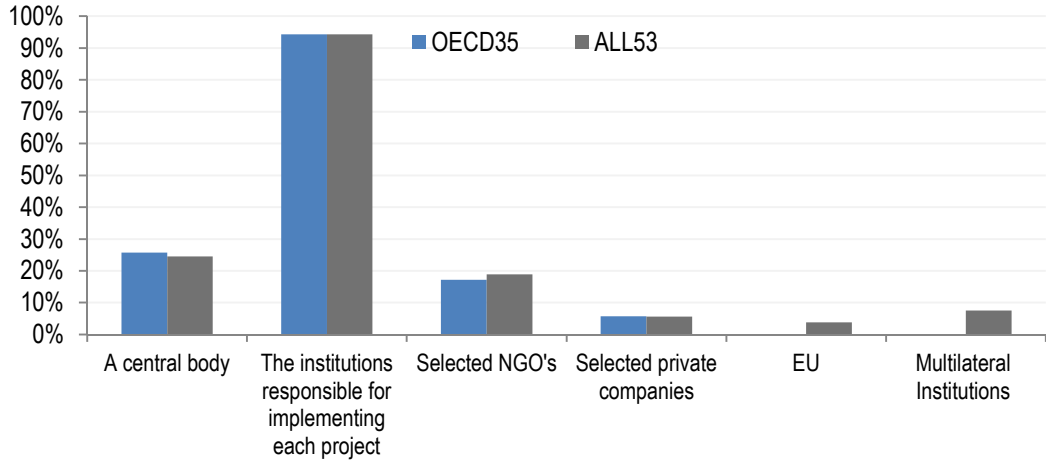
In addition, evidence also shows important regional differences regarding how funds are allocated. For example, all 13 LAC countries report that the institutions responsible for implementing open government projects provide their own funding, though the numbers for this avenue of funding are also high for OECD Member countries at 89%. Furthermore, 69% of LAC respondents (representing nine countries) receive funds from multilateral organisations. Receiving funding from such sources is much less common in OECD Member countries and countries from other regions, specifically, Indonesia, Jordan, Lithuania, Morocco, the Philippines and Tunisia. Notably, from this latter group of countries, only Indonesia and Tunisia have received funds for open government from multilateral organisations. While these forms of external funding have the potential to advance the open government agenda in the short-run, countries should move towards dedicated national budget expenditures reserved for open government initiatives. Relying on funding by multilateral institutions cannot be sustainable in the long term as this type of funding is most of the time subject to specific requirements and for a limited period of time. A real transformation towards a new culture of governance requires adequate funds to be provided to budget to be sustainable.

### *Management and spending of funds are done by the institution(s) responsible for implementation*

Similar to the allocation of funds, the institutions responsible for implementation are the primary entities that manage and spend the funds, as well. Countries can choose to split the management of funds among multiple institutions within the government or

without, such as NGOs, private companies, or multilateral institutions, or a combination thereof. 94% of survey respondents (same figure for OECD countries) noted that the institution(s) responsible for implementation managed the funding, as shown in Figure 2.16. In fact, 47% of all respondents claimed that this was the only way in which open government funds were managed.

Figure 2.16. **Who manages and spends open government funds?**




*Source*: OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

While LAC countries rely on a higher percentage of NGOs to manage open government funds than other countries (23% in LAC countries, 19% in all countries), in none of the responding countries are NGOs, private companies, the EU, multilateral institutions or "other" arrangements the only method by which countries manage the funds as always the institutions responsible for implementing each project is somehow involved. This points to the central role that government institutions play in managing resources related to open government, as well as the fact that the open government activities are quite specific and there is little room for manoeuvre or innovation. In addition, the importance of focusing energy on increasing the efficiency of governments' efforts to fund and manage open government activities, while at the same time continuing efforts to expand the sources and amounts of funds is required.

Beyond simply increasing the absolute amount of funds directed towards the coordination and implementation of open government initiatives, which a majority of countries deem to be important, the data suggests that there remain a number of potential models for both allocating and managing funds. For the countries that only have a single source of funds, or manage open government funds out of a single office, the key will be to take advantage of the opportunity for unity and coherence while avoiding overdependence on a single actor. For those countries that have multiple sources and managers of funds, they face the inverse challenge of ensuring their open government strategies and priorities are applied consistently. No matter the funding sources or management structures, however, the design of the funding component cannot be separated from a country's broader open government reforms efforts.

## Technology as a strategic enabler of innovative open government

Digital technologies are quickly and inevitably transforming society. They have drastically changed the way governments, citizens and businesses produce, exchange and reuse information and data providing opportunities to rethink the possibilities of communication and, moreover, collaboration. The digitalisation of society is facilitating remote real-time interactions and two-way communication between governments and citizens as well as greater organisational efficiency within public and private sector institutions. Technological development has moreover contributed to a number of open government goals, including greater access to valuable government data and acceleration of the development of more convenient, user-friendly and citizen-driven public services.

Better data management can improve policy making and smarter organisational and operational arrangements, which positively contributes to the enhancement of public sector productivity and more competitive institutions and enterprises. As such, open government and digital government strategies have become a source of propelling inclusive growth, reducing productivity gaps while building more participatory models of governance. In sum, digital technologies can help increase public sector transparency and accountability, improve access to and quality of public information and services and facilitate decision-making processes that are more inclusive. Digital technologies are enablers of open government principles which lead to greater trust in governments.

If used strategically well, information and communications technologies (ICTs) can support well-informed decision making and provide the means to encourage a more dynamic collaboration between social and economic agents, and particularly between public institutions and their constituencies. Online platforms specifically dedicated to policy domains such as public procurement and public sector transparency make it easier for governments to provide information on their activities while empowering citizens to better monitor the results that such activities produce. One-stop shops, as provided in Chile (Box 2.9) on government services, are widely available, providing a single point where governments offer informational, interactive and transactional services to businesses and citizens. As a result, citizens can access public sector information (PSI) on government formalities or public finance, download and fill electronic formats, upload documentation, and interact in a more efficient fashion with public sector institutions.

### Box 2.9. ***ChileAtiende*: Providing citizen access to public sector information**

*ChileAtiende* offers a national multi-channel one-stop shop for citizens to carry out their business with government. It has a national network of more than 200 offices, a national call centre and a digital platform (web and social networks), as well as *ChileAtiende* vans that can cover remote rural areas, through which citizens can access multiple services and benefits without having to contact multiple government offices. Previously, citizens needing to complete a procedure with the state had to identify which institution delivered the service, where its offices were located and contact it directly to find out the requirements to access the service. This was costly in terms of time and money.

The project was evaluated in 2014 by an external consultancy. The conclusions indicated that the service had saved Chilean citizens up to 2 165 193 hours of their time and CLP 10 600 million (Chilean pesos) or USD 14.9 million between 2012 and 2014.

*Source*: OECD (n. d. a), "Digital Government Strategies: Good Practices Chile: ChileAtiende", Digital government toolkit, www.oecd.org/gov/chile-chileatiende.pdf (accessed 21 October 2016).

The rise and quick spread of social media platforms, the evolution from electronic government (e-government) to digital government, and the spur of mobile access to government services (mobile government) have also played an active role on such a fast-paced developing scenario (for a more detailed discussion on the link between social media and open government, see Chapters 1 and 6). Government services are now "at hand", and so are the possibilities of citizens to publicly expose deficient public services or call corruption to attention. Smartphones and the availability of mobile applications developed either by governments' institutions or by private actors with access to open government data (OGD), enable citizens to access government services whenever and wherever needed, but also to interact with their authorities more easily. Nevertheless, more connected, skilled and informed constituencies increasingly require tailored and more agile interactions with the public administration, more effective policies and improved public sector performance. The inability of governments to hear and efficiently react to the needs of their citizens may contribute to the erosion of trust in government.

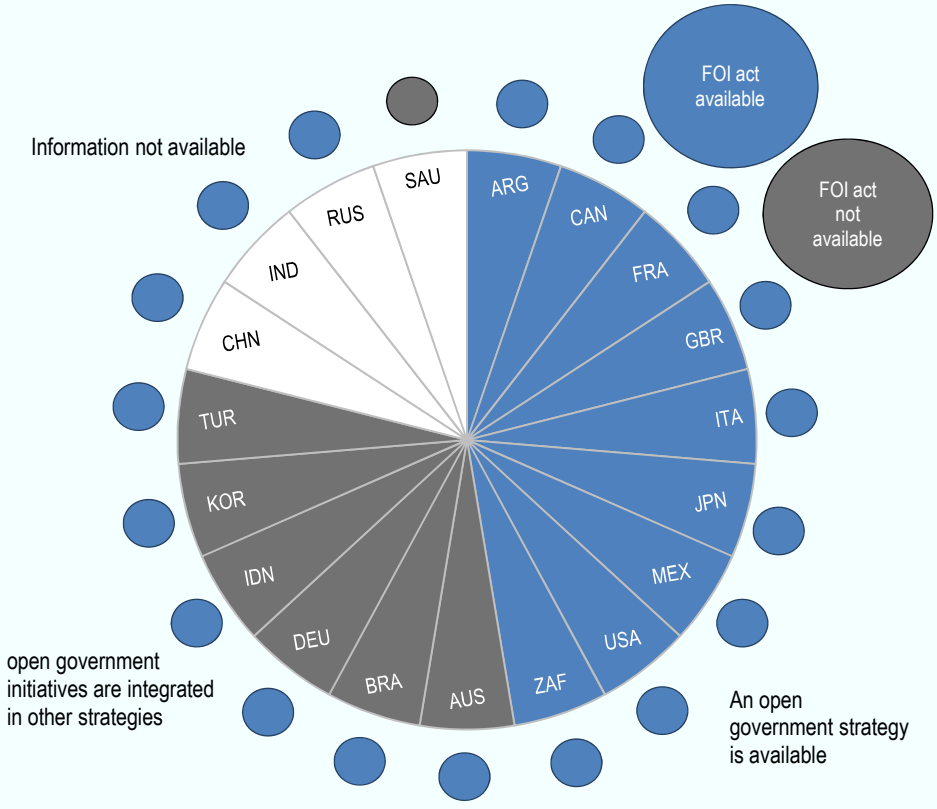
The OECD defined e-government as "the use by governments of information and communication technologies (ICTs), and particularly the Internet, as a tool to achieve better government" (OECD, 2014b), whereas digital government "refers to the use of digital technologies, as an integrated part of governments modernisation strategies, to create public value. It relies on a digital government ecosystem comprised of government actors, non-governmental organisations, businesses, citizens' associations and individuals which supports the production of and access to data, services and content through interactions with the government" (OECD, 2014b).

The digital era and ICT technologies are transforming not only the way governments work but how they present to and interact with their constituencies. For instance, OGD illustrate how the public sector has evolved in congruence to the digital world and to the needs of digital expansion in society. Open government data refers to the publishing of relevant data produced by the public sector that has evolved to adapt to the digital world and to the needs of national open data ecosystems. When published in open and machine-readable formats, proactively and, if possible, free of cost, public sector information evolves to open government data, facilitating its reuse by anyone – anywhere - without legal or technical limitations (e.g. copyrights, proprietary formats) (OECD, 2017). The reuse of OGD can lead, as a consequence, to the creation of social, economic and good governance value for society, businesses and governments. Specifically, it enables the general population, civil society as well as journalists to better understand and monitor governments' activities, building on the use and reuse of open government data (see Box 2.10).

## Box 2.10. **Open government data: Digital technologies for evolved open government strategies across G20 countries**

By July 2016, 15 out of 19 G20 countries had either a national open government strategy in place or integrated open government initiatives in other strategies. In addition, with the exception of Saudi Arabia, **most G20 countries had Freedom of Information (FOI) laws** in place, thereby providing a legal backbone for the right of citizens to request and access (when not restricted) public sector information (PSI).

**Figure 2.17 Availability of national open government strategies and FOI acts across G20 countries (July, 2016)**




*Notes*: People's Republic of China: FOI Act: People's Republic of China Open Government Information Regulations (OGI Regulations).

Acronyms:
ZAF= Republic of South Africa
CHN= People's Republic of China
IND= Republic of India
RUS= Russian Federation
SAU= Kingdom of Saudi Arabia

*Sources:* Author, based on information from country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris; OECD (2014c), "2014 OECD Survey on Open Government in Latin America", OECD, Paris; and the Open Government Partnership.

Box 2.10. **Open government data: Digital technologies for evolved open government strategies across G20 countries** *(continued)*

While in some G20 countries transparency has been at the core of governments' ethos for many years, the creation of multi-national co-operation fora such as the Open Government Partnership (OGP) has played a key role in the development of a new wave of open government strategies that place digital technologies, user-driven services and citizen participation at the core of public sector transparency.

Since 2011, 12 out of 19 G20 countries have joined the OGP (while others have joined and left). Open data initiatives have been a regular component across G20 countries' OGP National Action Plans, which has been useful to draw upon ICTs and open data as drivers of open government policies. The growing recognition of the value of open government data to promote good governance, but also enhanced social and economic outcomes, is solid evidence of the willingness of governments to fully reap the potential of ICTs in building open, transparent and more efficient public administrations.

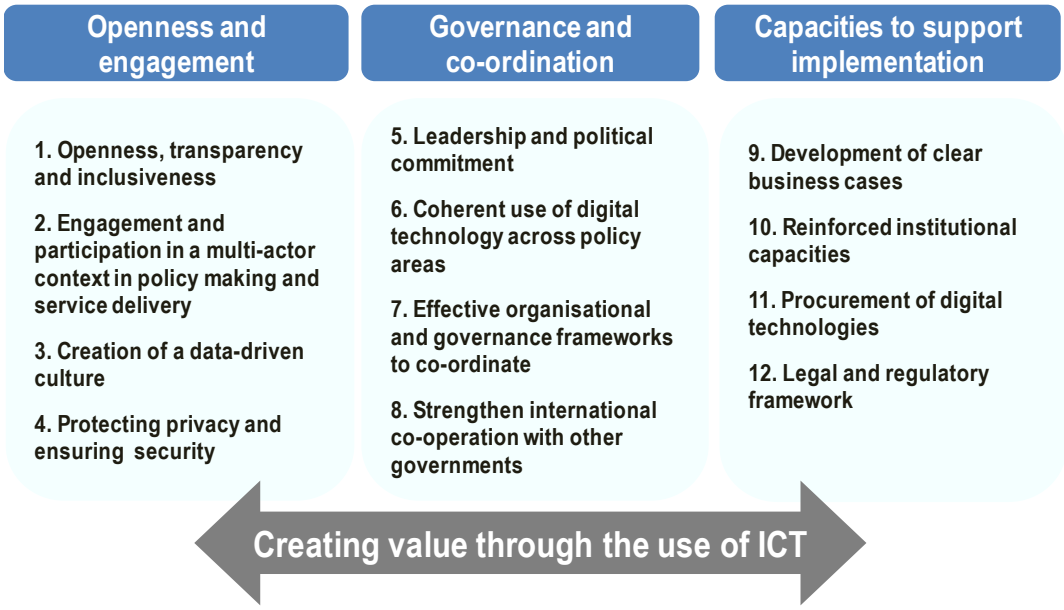
*Source*: OECD (2017), Compendium of good practices on the use of open data for Anti-corruption: Towards data-driven public sector integrity and civic auditing, OECD Publishing, Paris, www.oecd.org/gov/digital-government/g20-oecd-compendium.pdf.

### *Sharing policy principles: The synergies between ICTs and open government reforms*

The OECD's approach to the use of digital government seeks to promote open, innovative and participatory governments to encourage more inclusive and effective governance. On 15 July 2014, the OECD Council adopted the OECD Recommendation on Digital Government Strategies, which seeks to provide policy guidance to OECD member countries and non-member economies to support governments' efforts in moving from e-government to the more advanced stage of digital government.

As illustrated in Figure 2.18, the OECD Recommendation is organised in 3 pillars and 12 principles, which all aim at approximating governments and citizens. The principal pillar underlines the importance of digital technologies in fostering government openness and stakeholder engagement, while protecting privacy and digital security. Pillars 2 and 3 stress the link between effective governance and the capacities required to harness the potential that ICTs can yield in adding value to the modes of governance.

Figure 2.18. **The three pillars of the OECD Recommendation on Digital Government Strategies**




*Source*: OECD (2014b), "Recommendation of the Council on Digital Government Strategies", OECD, www.oecd.org/gov/digital-government/Recommendation-digital-government-strategies.pdf.

The principles of open government including transparency, participation and accountability have been increasingly embedded, for instance, into overarching national digital government and public sector modernisation strategies, and across different policy domains, such as public procurement and anti-corruption. At the same time, digital technologies have been increasingly used as lever towards the fulfilment of policy goals in these domains. International actors have decided to formalise the use of ICTs in the pursuit of sound public policies. For instance, the Open Government Partnership Declaration recognised the value of ICTs to improve accountability, information sharing, public participation and collaboration (OGP, 2011). The International Open Data Charter (Open Data Charter, n. d.) and the G20 Anti-Corruption Open Data Principles (G20, 2015) also underline these principles as key components of their frameworks, highlighting the importance of open data for public sector accountability and citizen participation.

The synergies between digital technologies as facilitator of public procurement opened a window of opportunity for the growing adoption of international standards that merge digital evolution and open government principles and goals (e.g. the Open Contracting Data Standard; see Box 2.11), spurring data-driven and innovative public sector accountability.

Box 2.11. **The Open Contracting Data Standard: ICTs, open government and open data**

The Open Contracting Data Standard (OCDS) enables the disclosure of open data and documents of the contracting process by defining a common data model. It was created to support organisations to increase contracting transparency, and allow deeper analysis of contracting data by a wide range of users. The OCDS has been developed by the Open Contracting Partnership and it aims to support organisations to publish open contracting data (OCD) through online platforms in a timely fashion, in simple machine-readable formats (JSON) and for each step of the contracting process. It also aims to support organisations during the data management process (improve data collection and data quality), and help basic, intermediate and advanced level users to understand open data and follow common open data publication patterns.

*Source*: Open Contracting Data Standard (n. d.), "Open Contracting Data Standard: Documentation", webpage, http://standard.open-contracting.org/latest/en/ (accessed 19 September 2016).

Still, the effective implementation of these principles requires public sector institutions and civil servants with a strong mandate. The creation of effective institutional governance frameworks and the availability of key government positions such as chief information officers and chief data officers contributes to the alignment and closer interaction between digital government and open government strategies. In some cases the location of these positions as internal bodies within either the Centre of Government or key line ministries facilitate the alignment of policy goals by enabling closer collaboration between those public officials in charge of co-ordinating digital government and open data policies with those in charge of open government.

For instance, in Mexico the location of the Coordination of the National Digital Strategy (CEDN) within the Office of the President has provided the open government agenda and the open government data strategy with high-level policy support. Both the Chief Data Officer and the Office of the General-Director for Innovation and Citizen Participation (in charge of the implementation of the open government agenda) are internal bodies within the CEDN, thus paving the way to further linking the open government and the open data agendas (OECD, 2016c) within the umbrella of Mexico's overarching National Digital Strategy.

The creation of these key government positions can only be successful when they are embedded in a whole-of-government approach in governments' use of ICTs to support open government reforms. Past OECD Digital Government and Open Government Data Reviews have shown that several noteworthy and potentially transformative digital government initiatives could be co-ordinated in a more coherent manner to help mainstream the efforts. A comprehensive strategy with clear goals and effective governance frameworks for the oversight of ICT initiatives would help achieve new levels of maturity. The inclusion of such a clear ICT strategy in an overall national open government strategy would enable governments move towards more mainstreamed approaches to enhance transparency, accountability, participation.

Concrete approaches that such a strategy employs with regard to the use of ICTs in the public sector could entail peer-learning and knowledge-transfer mechanisms. To this end, governments could strengthen the networks of digital government practitioners within and across the levels of government. Box 2.12 presents another example in which ICT projects can contribute to improving efficiency, this time in the private sector.

Box 2.12. **Ensuring the efficiency of ICT projects: The Danish business-case methodology**

The Danish Digitisation Agency is responsible for developing the business-case methodology for ICT projects in the public sector. The methodology helps project managers analyse the costs, expected benefits and risks associated with ICT investments in the public sector. It helps the Government of Denmark decide on the implementation of ICT projects based on different possible scenarios of implementation and non-implementation of the project, including the impact on operating costs. The methodology helps calculate the expected value from the project and monitor its implementation and success.

A standardised project management model complements the Danish business-case methodology. The Danish ICT Project Model provides a standardised way of managing ICT projects across the government administration. With clear reference to the UK ICT project model Prince2, it provides guidelines for how to organise and manage ICT projects and delivers concrete templates for all generic products in the process. The overall phases covering all projects are illustrated below:

The Ministry of Finance has created a unit establishing good practices on e-government projects, including both mandatory and recommended elements. The model has enabled the establishment of a specific governance structure, for example requiring approvals of well-developed business cases, as well as ongoing approvals – so called "stop-go" decisions – each time a project passes from one phase to the next.

*Source*: Danish Agency for Digitisation (2016a), "Statens business case-model", webpage, www.digst.dk/Styring/Business-case-model; Danish Agency for Digitisation (2016b), "Den fællesstatslige it-projektmodel", webpage, www.digst.dk/Styring/Projektmodel.

In sum, ICTs can provide a transparent and cost-effective channel to support the participation of citizens in actively defining the process and content of decisions, service design and policy making. They have the potential to acknowledge equal standing for citizens in setting political agendas, in proposing policy options, in shaping the policy dialogue and in co-producing public services. Generally, one of the main challenges for online service delivery in the public sector is to complete the transition from government-centred use of technologies to citizen-centred use and finally, to a predominantly citizen-driven approach to service design and delivery. This paradigm change supports usability and overall convenience of digital public services for its target users. A citizen-driven approach contributes to their empowerment and can contribute to easing inequitable resources and power distribution that lead to inequality, poverty and social stress.

### *Innovative open government reforms*

Governments around the globe face the challenge of adapting to the fast-paced digital evolution in order to balance their capacities and skills with those of the digital ecosystem. Public sector institutions are bureaucratic structures that, in most cases, react slowly to change and adopt technological advancements slower than other non-governmental actors. For this reason, the digital era calls for a renovated approach to open government that goes beyond the use of ICTs and digital technologies to deliver

results in a one-way fashion, e.g. the provision of public sector information and open government data, the outsourced development of platforms for an improved public service delivery, or the availability of public procurement and public transparency platforms.

In order to evolve and "keep the pace" in the digital era, open governments (digital and innovative), need to further open up, not only to their constituencies, but to digital evolution. This would require investing further resources to adopt new ICTs; developing and retaining in-house skills in order to fully reap the benefits of technological development; and more importantly, fighting in-house resistance to change. Yet, governments should ensure that information and data on how new technologies are used (e.g. machine-learning and behavioural policy making) is proactively published and readily available for public access, scrutiny and, moreover, citizens' awareness.

## Public sector innovation and open government reforms: A framework for analysis

Open government principles can promote innovation by enhancing public involvement to collect information, share best practices and generate ideas, which can be summarised as innovation in the public sector. Innovation in the public sector is about getting the most out of the resources and capacities invested in the public sector to deliver on the promise of better policies for all. It goes beyond just improving the direct performance or output of the organisation itself, and includes actions to strengthen the capacity of citizens, businesses and other public sector institutions to become agents of change. Innovating entails finding approaches to enhance trust in government and confidence in public services in an effort to attain wider legitimacy of policy results by involving citizens and the third sector in the innovation process (Box 2.13).

Box 2.13. **OECD Observatory of Public Sector Innovation**

Launched in 2014, the OECD Observatory of Public Sector Innovation (OPSI) platform (www.oecd.org/governance/observatory-public-sector-innovation/home/) includes a database of 282 innovations from 37 countries. The database of innovations includes a description of the innovation, the results, the development process, and lessons learned. By providing a consistent and clear structure for presenting innovations, the database provides a useful platform for comparisons and knowledge sharing. Cases can also be sorted by, among other variables, level of government; sector; year of launch; type of innovation (including digital, organisational design, etc.); and implementation and development partners.

While there is not an established definition of public sector innovation, the work of the Observatory has identified common elements that help clarify some of its key characteristics:

- Novelty: An innovation must be either new to the organisation or a significant improvement on an existing practice.
- Implementation: An innovation must be implemented and not just an idea.
- Impact: An innovation must specifically aim to improve public results, such as efficiency, effectiveness, or user or employee satisfaction.

*Source*: OECD (n. d. b), "Public sector innovation", webpage, www.oecd.org/governance/observatory-public-sector-innovation/home (accessed 11 October 2016).

Open government initiatives and public sector innovation are closely related as they both seek to encourage and promote transparent and participative governments, and an inclusive and sustainable social and economic development, among others. Effective stakeholders' participation in policy making, accountability and transparency are the core principles for an open government and innovation, and have proven to favour more effective policy making to respond to the needs of citizens and businesses (OECD, 2016d).

Although, as discussed below, this nexus is increasingly acknowledged by countries, little existing studies examine its impact on public sector organisations around the globe. This section explores the intersection of the open government strategy and initiatives and public sector innovation to help public sector officials, citizens, and businesses better understand how the two concepts are linked. Moreover, it will explore how they can reinforce each other, and will put forth an initial analytical framework for assessing initiatives and country approaches.

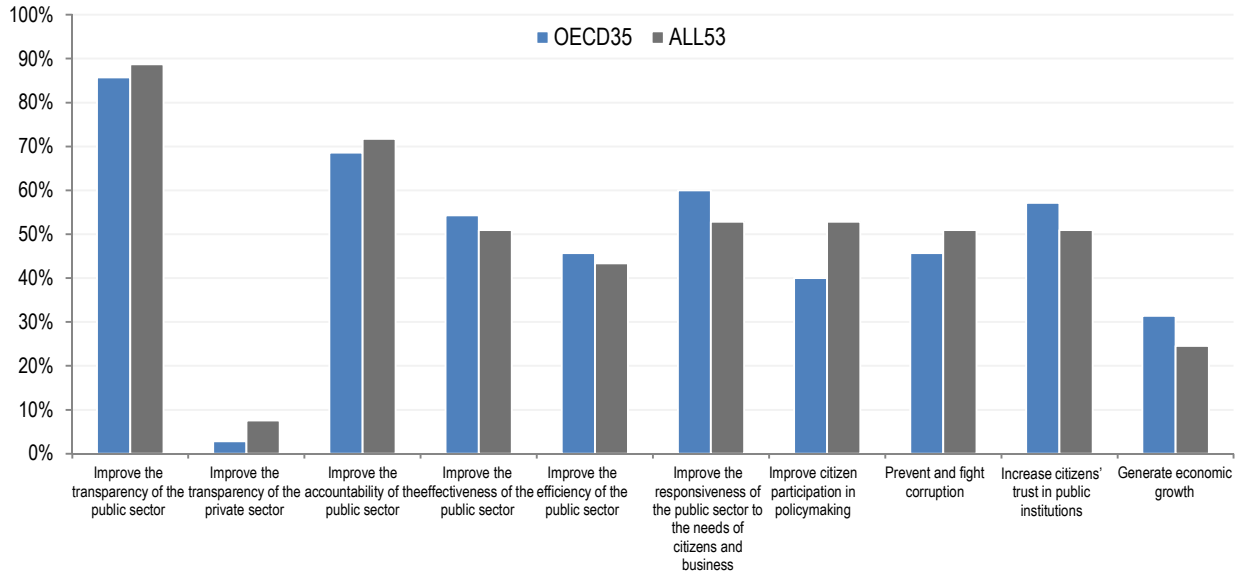
### *The nexus of open government and innovation*

Countries are increasingly recognising that innovation is both: 1) an enabler of open government initiatives; and 2) an output of open government initiatives. In other words, innovative approaches (e.g. crowdsourcing, citizen-centred design and prototyping) facilitate the achievement and success of open government initiatives. Open government initiatives have resulted in new products, services, and ways of working, including open deliberation processes that can drive improvement, not only in resources allocation, but can also generate new systems of governance at community level.

The Open Government Declaration stated that countries must promote innovation by "engaging civil society and the business community to identify effective practices and innovative approaches" (…) "supporting and developing the use of technological innovations by government employees and citizens alike" and "fostering innovation and spurring progress" (OGP, 2011). By enhancing the involvement of citizens, businesses, public officials, and civil society, innovation can directly support open government principles and improve the impact of policy reforms and initiatives.

The results from the OECD Survey reveal that the most frequent objectives that countries aim to achieve through open government initiatives are to improve the transparency, accountability and responsiveness of the public sector, or to generate economic growth (Figure 2.19). These goals are aligned with the goal of public sector innovation, which is to use new approaches, from policy design to service delivery, for a high-performing, more responsive public sector. Innovation can reduce costs, improve public sector productivity and help to sustain trust in government (OECD, 2015e).

Figure 2.19. **Objectives that countries aim to achieve through open government initiatives**




*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

As an enabler of open government, public sector innovation often results in new tools, methodologies, and practices that can help government become more transparent and facilitate public engagement. Once citizens are engaged in the policy cycle, they can contribute their insights and perspectives that can lead to new innovations and creative approaches. For example, innovations in service delivery have targeted efforts to increase the access, quality and transparency of services, and to strengthen new forms of collaboration with actors from across society in the co-design and co-creation of innovative solutions.

### *A framework for analysis*

Despite the recognition of the critical role of innovation, few countries have a stand-alone whole-of-government policy on encouraging innovation in the public sector or have provided details on co-ordinated actions to generate and sustain innovation. OECD research has shown that innovation initiatives frequently are characterised by a low degree of institutionalisation within budget plans and procedures as well as general risk aversion and cultural resistance to change. OPSI has identified three thematic barriers to public sector innovation, which can be broken down according to the environment in which they operate (OECD, 2015e). These barriers also operate with respect to innovative projects with a strong open government component:

- **Within the bureaucracy/organisation**: Barriers related to human or financial resources, management support, risk-averse culture, staff resistance, and alignment of incentives, or challenges in co-ordinating across multiple organisations (e.g. turf wars and silos).
- **In the political environment**: Barriers related to rules, legislative or regulatory constraints, political opposition, or a lack of political commitment.

- **In the external environment**: Uncertainty of which innovations will be accepted externally and the fear of public scepticism, public opposition, or media scrutiny, which may hinder willingness to take chances and the ability to reach a programme's target group.

To overcome these barriers, OECD research points to four main dimensions that constitute an operating framework to support public sector innovation (OECD, 2015e). It is in these dimensions that efforts can be directed to strengthen innovative capacity in organisations, including the capacity to harness innovative methods to drive open government, and vice versa:

- people
- data, information and knowledge
- organisational design
- rules and processes.

When relating these four areas back to open government, two of them relate directly to the foundations of open government reforms. Citizens are at the heart of not only an operating framework to enhance public sector innovation, but also an open government strategy or initiatives. Data, information and knowledge production provide both, an enabling environment for countries' open government agenda and public sector innovation. Yet, also organisational design and rules and processes can mutually reinforce open government reforms and public sector innovation, as discussed below.

In each of these four areas, governments can use a mix of methods and tools to lower barriers to innovation, including those specifically related to open government, from the top of the government hierarchy down to service delivery and outside-in from external individuals and groups. OECD countries have implemented a number of initiatives that address one or more of these dimensions in ways that enhanced the capacity to innovate government programmes while simultaneously promoting open government principles. Some examples are discussed in the boxes below. While these examples are in no way exhaustive, they help to provide insights as to how public sector organisations are tackling challenges, and demonstrate the power of innovation and open government.

### *People*

Governments often face challenges to create incentives for innovation among citizens. Some are rooted in the bureaucratic nature of government organisations (e.g. being removed from decision making or not seeing citizens as recipients of decisions/work), while others result from the political nature of the work (e.g. aversion to risk, scepticism from the press and public, and shifting priorities that affect the time civil servants can dedicate). Extrinsic (e.g. pay, promotions, recognition) and intrinsic (e.g. awareness of impact and closeness to beneficiaries and results of their work, learning new skills) all influence motivation. Incentive and training structures that take these into account as well as clarity on acceptable practices can help to overcome these challenges. Clear guidance from senior officials can provide "top cover" to reduce fear and empower employees; innovation funds can help pool resources to incentivise new ideas; and recognition programmes such as awards can recognise efforts and connect thinkers interested in innovation and open government (OECD, 2015e).

These same elements can inhibit or encourage the capacity and motivation of civil servants to be open, as the concepts are complementary. In fact, adequate human

resources, as well as financial and technical resources, are necessary for information transparency and active participation to be effective, as set out in the OECD's Guiding Principles for Open and Inclusive Policy Making (OECD, 2001) and mentioned above. With respect to the people dimension, innovative approaches to HR management can bolster the principles of open government and help position civil servants to collaborate with citizens, as seen in the examples below. In turn, open government principles can result in innovative means to improve human capacity in organisations, as captured in Boxes 2.14 and 2.15.

Box 2.14. **Sao Paulo's Agents of Open Government programme**

Relevant dimensions: People, Organisational design

Sao Paulo, Brazil's largest city is undergoing an innovative process to leverage crowdsourcing to train the city's 150 000 public employees about open government. The Agents of Open Government programme involves citizens as instructors in the areas of open and collaborative technology, transparency and open data, networked communication, and mapping and collaborative management. Any citizen can sign up to be an instructor, for which they receive a small stipend. The classes are held in-person in facilities provided by the municipal government. Civil servants who complete the courses earn credits that can allow them to get pay raises. Dozens of citizen-led training courses have been completed by thousands of civil servants.

*Source*: Hermosilla, M. and B. Simone Noveck (2015), "What citizens can teach civil servants about open government", *Governing*, 17 December, www.governing.com/columns/smart-mgmt/col-sao-paulo-brazil-citizens-training-public-employees-open-government.html.

Box 2.15. **Digital service procurement training through Challenge.gov**

Relevant dimension: People

The Government of the United States used the transparent and inclusive Challenge.gov platform to secure an innovative programme that trains contracting officers to be successful in the era of digital government. Challenge.gov is a US government hub for federal incentive prized and challenge competitions. The platform is available at no cost for agencies to host crowdsourcing competitions, and the public can participate and enter challenges at no cost. This was the country's first challenge explicitly targeted at coaching and training procurement professionals on how to apply best practices from industry to the regulations and processes that government employees face.

*Source*: Challenge.gov (n. d.), "Digital Service Contracting Professional Training and Development Program Challenge", www.challenge.gov/challenge/digital-service-contracting-professional-training-and-development-program-challenge-2/.

### *Data, information, and knowledge*

A critical driver of innovative capacity is the pooling of available knowledge to improve public decisions through innovation and the sharing of this to encourage innovation. The public sector is one of the economy's most data-intensive sectors. As discussed in the section on ICTs as enablers of open government in this chapter, the innovative potential of information gathered and used by one organisation can multiply

when made available to many. Given the volume of information held and generated by the public sector, making it transparent and accessible through open government initiatives can enhance the efficiency and effectiveness of government, encourage economic competitiveness, and enable an unlimited range of commercial and social services across society (OECD, 2015b). To achieve these benefits, public sector organisations need systems to source, exploit, and share information and knowledge from internal and external sources to use it to improve decision making (OECD, 2015e). This includes both codified knowledge (formal and systematic) and tacit knowledge (technical skills and intuitive "know-how") (OECD, 2004). Open government data and "big data" initiatives are examples of this dimension, as mentioned above.

Of the four dimensions of innovation discussed in this section, the innovative and open use of data, information, and knowledge may be the most visible and usable for civil servants, citizens, civil society organisations and businesses. To unlock innovative potential, governments should facilitate free access to public information and use it to respond to new challenges and opportunities. OECD research indicates that this free flow is essential for generating new ideas, which has the potential to spur innovation (OECD, 2015e). To highlight the need for the open and innovative use of public sector information, the OECD has issued formal recommendations related to this over the last several years, including the 2008 Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information (OECD, 2008). This OECD instrument is intended to increase returns on investments in public sector information through enhanced openness and innovation.[2]

Innovatively leveraging and making public sector information and knowledge available - both codified and tacit - can strengthen and significantly contribute to the open government strategy and initiatives. In turn, open government initiatives can result in downstream innovation, both within and outside the public sector, as exemplified by the Brazilian state of Minas Gerais (Box 2.16).

### Box 2.16. **Data Viva: An open data platform in Brazil**

Relevant dimension: Data, information, and knowledge

Public sector open data portals can be difficult to access and use, resulting in reduced levels of utilisation by those who could benefit from analysis of government data. To overcome this, the Brazilian State of Minas Gerais, working in collaboration with the Massachusetts Institute of Technology (MIT) Media Lab and Datawheel, developed an open data platform called Data Viva, which was designed from the ground up to be easy to use. The platform provides massive amounts of Brazilian data on things like exports, imports, employment, and education for the entire formal sector of the Brazilian economy. Data can be examined and downloaded using a highly intuitive visualisation tool that can create over 700 million interactive visualisations, making the tool easy to use for government officials, businesses, and citizens. This platform takes an innovative approach through easy data visualisations to improve government transparency, fight corruption, and stimulate economic development. The transparent and open access furthers open government goals and can result in downstream innovation by civil servants and the public.

*Source*: Data Viva (n. d.), "Brazil's largest platform for social and economic data search. Totally open and free", http://dataviva.info, (accessed 30 September 2016).

### *Organisational design*

The way work is structured within and across organisations, such as creating innovative spaces (e.g. labs) and methods to structure teams, break down silos, and collaborate through partnerships within and across organisations and sectors can affect innovative capacity (OECD, 2015e). It can also affect open government initiatives and, as related to the previous dimension, contribute to the success of leveraging and sharing information to drive innovation. To tackle modern challenges, governments are learning to draw on the expertise of a broad range of people and organisations. To do so, governments are increasingly using new methods to interact within the public sector and with the public more directly and actively seek citizens' input on how to improve public services and gain ideas and enhanced understanding from those who may be able to offer unique insights which otherwise would not be available within government (OECD, 2015e). This approach increases transparency and engagement with citizens and supports not only the goals of public sector innovation, but can contribute to more effective open government initiatives.

There are a number of methods being used by governments to enhance their innovative capacity that also furthers the objectives of open government. In turn, the openness and inclusive nature of these methods also helps to generate additional innovation based on feedback that can be folded back into organisational processes, policies, and service as the public sector continually learns from this open engagement. One method is the creation of collaborative knowledge networks of innovators both within and outside government. By connecting people that previously had little ability to interact, these networks can enhance capacity by helping to identify ideas and practices to drive innovation, obtaining valuable feedback for continuous learning, and bringing down bureaucratic silos (OECD, 2015e and 2016d).

Governments are also increasingly turning to crowdsourcing, which involves capitalising on the power of public knowledge and experience, particularly via online communities, to harvest "collective intelligence" and provide opportunities for co-creation and co-design of policies and services. Accordingly, crowdsourcing is used by the public sector to address complex and challenging problems, though not all governments regularly use such innovative approaches (OECD, 2015b).

An example that brings learning networks and crowdsourcing together in the policy process is detailed in Box 2.17. In addition to networks and crowdsourcing, a growing number of countries around the world are creating innovation labs in order to create testing grounds to prototype innovative practices where promising innovations may later be diffused more broadly. The OECD Survey shows that 45% of all respondent countries and 40% of OECD countries had or are currently implementing open government innovation labs, as seen in Chile and the Netherlands, among others. Open science initiatives are currently being implemented or have been implemented by 40% of responding countries (46% in OECD countries). Though promising, there is still room for improvement.

### Box 2.17. **Technology policy in the United States: Development, implementation and oversight**

Relevant dimensions: People; Organisational design; Data, information, and knowledge

The United States, through the White House Office of the Federal Chief Information Officer (OFCIO), has adopted an innovative, transparent process for developing, implementing, and overseeing technology policies that touches on three innovation dimensions.

**Design**: In designing new policies, the United States sources analyses from internal and external data sources to identify performance gaps and leading best practices that could be adopted to improve programmes. When a policy opportunity is identified, the country conducts extensive stakeholder outreach with multidisciplinary actors within its government, as well as relevant civil society, industry, international organisations, and other national governments. Initial efforts are targeted to individuals or organisations that are knowledgeable about the subject matter at hand, as well as those who may be affected by the policy. An internal government interdisciplinary working group is brought together to co-design an initial draft policy. Subsequently, OFCIO crowdsources the draft policy during a public consultation period to solicit input from other interested parties. OFCIO publishes a blog post and leverages social media to raise awareness about the consultation. This crowdsourced feedback, including threaded conversations and suggested line edits, is used to finalise the policy. The US Source Code Policy serves as an example of this process. Dozens of experts within and outside government, as well as industry and civil society groups, provided input to shape the initial draft. The public consultation period resulted in over 2 000 comments, leading to significant enhancements to the final policy.

**Implementation**: Upon issuance of a policy, implementation is conducted in a way that helps to reduce silos and continues to benefit from public transparency and input, while allowing for continuous learning and the empowerment of civil servants. Topic-based two-way communications channels are established within government through opt-in interconnecting e-mail mailing lists ("listservs") that allow civil servants across the public sector to communicate and share ideas, as well as across sectors. In addition, living implementation guidance is issued to provide evolving implementation instructions to agencies as well as tools, resources and lessons learned. Anyone within or outside government can engage in discussion or suggest edits to the guidance. An example of a policy implementation that follows this process is the US Open Data Policy. For this, agencies are required to catalogue all of their datasets using a common metadata schema to enable access and innovative use of open data, which feeds into data.gov. Project Open Data (https://project-open-data.cio.gov/) supports implementation of the US Open Source Policy. At the time this report was written, it contained 56 active public discussions and 17 suggested guidance revisions. An internal government listserv connects over 600 civil servants working to carry out the policy in their own organisations.

**Oversight**: To help ensure that policy implementation is on track and to provide transparency, public dashboards are made available to track progress. For example, OFCIO launched the Open Data Dashboard (https://labs.data.gov/dashboard) and updates it quarterly to evaluate the progress of individual agencies based on many factors, including asset inventorying to support knowledge management, two-way public engagement and human capital practices. Similar to Project Open Data, anyone can initiate public discussions and suggest improvements to the dashboard.

*Source*: US Chief Information Officer (n. d. a), "M-16-21 Memorandum for the Heads of Departments and Agencies", Federal Source Code Policy, https://sourcecode.cio.gov/ (accessed 30 September 2016); US Chief Information Officer (n. d. b), "Project Open Data", https://project-open-data.cio.gov/ (accessed 30 September 2016).

### *Rules and processes*

Rules, regulations and internal requirements accumulate over time, leading to complex interactions that require legal expertise to clarify. These formal and informal rules - or the perception of them - guide organisational operations, and may help or hinder innovative capacity. Governments must ensure that internal rules and processes are balanced in their capacity to mitigate risks while protecting resources and enabling innovation. Reducing government red tape has been a common focus in many countries in recent years, primarily to reduce the burden for businesses. However, regulatory simplification could also be considered to reduce the burden of requirements on public agencies with a focus on maintaining the public objectives behind existing regulations while considering alternative solutions. The elimination of overlapping or contradictory rules can assist, as well as taking steps to change interpretations of rules that may be incorrect or overly conservative (OECD, 2015e). This has the potential to enable the willingness of civil servants to be innovative and contribute to the process of opening up government. Box 2.18 illustrates how some countries are working towards simplifying internal processes. The limited number of countries that actively addresses this issue remains limited, which indicates that there are still significant opportunities to clear the path for civil servants by either making rules and processes more conducive to innovation and open government, or clarifying policies that may be interpreted in an overly cautious manner.

Box 2.18. **Simplifying complex internal processes to enable innovation**

Relevant dimension: Rules and processes

Rules, regulations, and internal requirements tend to accumulate over time, leading to complex interactions that can make the business of government difficult. Reducing government red tape has been a common focus to reduce the burden for businesses. However, simplification could also reduce the burden on public agencies. Two examples highlight approaches countries have taken to eliminate or simplify rules:

- The Australian government is one of just a few that have conducted a thorough review of internal regulations, which found that the process to developing regulations was not consistent, and that requirements are often poorly understood by agency staff. For the latter, risk aversion led to unduly onerous processes that were not actually required. For example, procurement staff incorrectly believed innovative procurement practices were against regulations. OECD has found that clarifying the limits of acceptable practice was key to enabling innovative practices.
- Related to the spirit of clarifying acceptable practices, the US government's US Digital Service (USDS) issued the TechFAR Handbook, which highlights the flexibilities in the Federal Acquisition Regulation (FAR) that can help agencies in acquiring agile software development services. The FAR is a highly complex set of regulations totalling nearly 2 000 pages. Conservative interpretations can result in procurement officials believing the certain procurement methods, such as agile development methods, are not permitted, even if they are permissible and may result in a better likelihood of mission success and can better enable innovation. The TechFAR provides simplified descriptions of, and a how-to guide to use key flexibilities contained in the FAR. The public is invited to discuss and provide feedback and suggest revisions, which the US government incorporates into the evolving guide.

*Sources*: OECD (2015e), *The Innovation Imperative in the Public Sector: Setting an Agenda for Action*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264236561-en; US Chief Information Officer (n. d. c), "The TechFAR Handbook", https://playbook.cio.gov/techfar/ (accessed 30 September2016).

The challenges, innovative dimensions, and examples above provide a general overview of the current state of affairs at the intersection of the highly complementary areas of public sector innovation and open government reforms. However, each organisation and country is unique, and the increasing interconnectedness across organisations and counties will continue to reveal new challenges and opportunities, as well as new insights into how governments are addressing them.

Finally, OECD member countries and non-member economies have recognised the critical role of both public sector innovation and open government reforms in achieving engaging governments that contribute to inclusive growth. Not only are they both critical in their own right, they are mutually reinforcing principles that, when combined, have the power to multiply each other's benefits and better result in a creative, accountable, collaborative, sustainable, and responsive public sector that develops trust and empowerment among citizens, businesses, and civil society organisations. The important nexus between public sector innovation as enabling factor for open government reforms is increasingly recognised by governments. Nevertheless, the evidence base for the enablers and blockers of the intersection of innovation and open government remains scarce. The initial framework for analysis laid out in this section serves as a starting point for future research in this area. Much like innovation and open government initiatives, this framework can evolve over time, based on the every-changing conditions within the public sector as well as on feedback from the innovation and open government communities.

## Conclusion

This chapter assessed the main elements of a supportive ecosystem for an open government strategy and initiatives to thrive. The underlying basis for the success of these reforms is the firm rooting in a well-defined legal framework. This underlying enabling basis can take various forms, among them principles on open government in national constitutions; a provision on national archives; legislation that guarantees the freedom of the press; and laws on digital government or public procurement. Nevertheless, a law on Access to Information is at the heart of open government reforms and thus key to ensuring unimpeded availability of public information.

Nevertheless, the most sophisticated legal foundation will be ineffective if not complemented by a strong Centre of Government that provides clear guidance and strategic foresight for the open government strategy and initiatives. As argued, a Centre of Government can facilitate the discussion on open government principles, the strategy and initiatives across government, including different sectors and levels of government. However, this process should be executed in close co-operation with representatives of civil society to create a common vision. Moreover, the Centre of Government should promote the visibility across government and towards citizens of existing good practices in the area of open government reforms, as well as highlight institutional pioneers. In addition, their mandate should entail strengthening the strategic use of data on performance across the public sector in order to support transparency, accountability and participation.

The translation of an open government strategy into measurable outcomes highly depends on the awareness, skills and capacities of civil servants. As discussed, in order to raise awareness of open government reforms across the civil service, training should be widespread and encourage reflection of how open government principles can be applied to civil servants' daily tasks. To move from awareness to cultural change, open

government principles could be included in competency frameworks, performance agreements and accountability frameworks. Specialist skill sets also need to be developed or recruited. Engaging citizens in meaningful dialogue and collaboration requires skill sets that may not be abundant in many public sector institutions. The openness of the civil service as an institution may also have a large impact on open government strategy and initiatives success.

The potential to exert positive influence by civil servants to implement innovative initiatives for change highly depends on the availability and management of funds. This report argues that funding amounts, sources and management responsibilities for open government initiatives are most effective when designed jointly with the countries' open government reforms. Whether allocated by more than one office or agency, or managed by more than one office or agency, funding sources for open government reforms should be clear, responsive to the needs of the reforms, and help support policy coherence.

The implementation of many open government initiatives would not be possible without the strategic use of ICTs and digital government. Both can provide a transparent and cost-effective channel to support the engagement of citizens in actively defining the process and content of decisions, service design and policy making. They have the potential to acknowledge equal standing for citizens in setting political agendas, in proposing policy options, in shaping the policy dialogue and in co-producing public services. Countries should tackle one of the main challenges for online service delivery in the public sector, namely the completion of the transition from government-centred use of technologies to citizen-centred use, and finally to a predominantly citizen-driven approach to service design and delivery.

**Key Findings**

- A first enabling factor for an effective open government strategy is a solid legal framework: Access to Information laws constitute the backbones of open government reforms and should be complemented by additional laws (e.g. laws on citizen participation, anti-corruption, open data among others).
- Another essential enabler is ensuring adequate leadership and co-ordination from the Centre of Government for effective implementation of open government reforms. CoGs are also crucial for promoting accountability, strategic planning and communication of open government initiatives.
- Lack of financial resources is an important inhibitor of the proper implementation of open government strategies and initiatives. Ensuring adequate funding and clear and sustainable sources of funding is key.
- Furthermore, one of the most cited barriers to implementing open government initiatives relates to the capacity of the civil service workforce:
  - To raise awareness of open government across the civil service, training should be widespread and encourage reflection on how open government principles can be applied to civil servants' daily activities.
  - To move from awareness to a change of the culture of governance, open government principles could be included in personnel management systems, including competency frameworks, performance agreements and accountability frameworks.

**Key Findings** *(continued)*

- Given that engaging citizens in meaningful dialogue and collaboration requires skill sets that may not be abundant in many public sector institutions, such skill sets may also need to be developed or recruited. The openness of the civil service as an institution may also affect the success of the open government strategy and initiatives. This would imply looking at the opportunities that all citizens have to work and develop careers as civil servants.

- Finally, ensuring that the strategic use of information and communication technologies, including open data, and that innovative processes and practices are embedded in the public sector to support open government is another key enabler. The important nexus between digital governance, public sector innovation and open government reforms is increasingly recognised by governments. Not only are they both critical in their own right, but they are mutually reinforcing principles that, when combined, have the power to multiply each other's benefits and result in a more creative, accountable, collaborative, sustainable, and responsive public sector that encourages trust and empowerment among citizens, businesses, and civil society organisations.

# Notes

1. The source for this is country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

2. OECD Recommendations set out collective and precise standards or objectives, which member countries are expected to implement. A "Recommendation" is a legal instrument of the OECD that is not legally binding, but through a long-standing practice of OECD member countries, is considered to have a great moral force.

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# *Chapter 3.*

# The monitoring and evaluation of open government strategies and practices

*This chapter assesses the national monitoring and evaluation (M&E) systems that constitute the basis for evidence-based policy making in the area of open government. The chapter provides an overview of the M&E practices by the Centre of Government as well as at the sector level, and develops some of the conceptual and methodological aspects underpinning robust M&E practices. Based on the 2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle, this section formulates recommendations to address the prevailing gap between the initial step of monitoring open government initiatives and a sound evaluation of the results to enhance transparency, accountability and citizen participation. The final section of the chapter offers a forward-looking perspective on concrete approaches to promote a gradual strengthening of existing M&E systems, including the development of internationally recognised principles of open government.*

The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

## Introduction

Monitoring and evaluation (M&E) systems are indispensable to elaborate sound and robust public policies. Solid M&E mechanisms ensure that public policies are achieving the intended goals and objectives, help to identify challenges affecting the implementation of public policies and provide responses to overcome them based on lessons learned from previous successes and failures on similar policy areas. Both are equally relevant to provide legitimacy for the use of public funds and resources (OECD, 2005). It can moreover provide stakeholders with an evidence base in the accomplishment of governments' objectives. Therefore, the relevance of monitoring and evaluation for public policies can hardly be overestimated, as it is part and parcel of evidence-based policy making and can serve both learning and accountability purposes. Box 3.1 provides a brief conceptual clarification on the terms, "monitoring and evaluation".

Box 3.1. **Conceptual clarification of "monitoring and evaluation"**

**Monitoring**: A continuing function that uses systematic collection of data on specified indicators to provide management and the main stakeholders of an ongoing […] intervention with indications of the extent of progress and achievement of objectives and progress in the use of allocated funds.

**Evaluation**: The systematic and objective assessment of an ongoing or completed project, programme or policy, its design, implementation and results. The aim is to determine the relevance and fulfilment of objectives, […] efficiency, effectiveness, impact and sustainability. An evaluation should provide information that is credible and useful, enabling the incorporation of lessons learned into the decision-making process of both recipients and donors. Evaluation also refers to the process of determining the worth or significance of an activity, policy or programme. An assessment, as systematic and objective as possible, of a planned, ongoing, or completed […] intervention.

*Source*: OECD (2009a), "OECD DAC Glossary" in *Guidelines for Project and Programme Evaluations*, OECD, Paris, www.oecd.org/development/evaluation/dcdndep/47069197.pdf.

In the specific context of open government, sound monitoring and evaluation is all the more important, as data availability and communication of policy results, the so-called feedback loop, are at the heart of the open government principles introduced in Chapter 1. As will be argued in this chapter, neither monitoring nor evaluation endeavours are an end in and of themselves, yet they should not divert the strategic focus on meeting measurable policy results. Disposing of a sound system of performance information does not imply thorough performance management, which in addition requires political leadership. Moreover, M&E systems will be ineffective if the information of performance is not fed back into the policy cycle and used to improve future open government strategies and initiatives. In sum, building a horizontal policy M&E framework has the potential to improve governance principles, strengthen responsiveness of policies and generate public trust.

## Monitoring and evaluation mechanisms: Key elements of the policy cycle

Proper monitoring and evaluation mechanisms are essential elements of the policy cycle, as they constitute the pre-conditions for well-designed and effective public policies. M&E offers policy makers the ability to detect policy challenges, define

adjustments to enable decision-making processes and communicate the results in a timely and accessible manner. In addition, applying thorough M&E practices is needed to improve the effectiveness ("ensure we do more good than harm"), efficiency ("use scarce public resources to maximum effect"), service orientation ("meeting citizens' needs/expectations"), accountability ("transparency of what is done and why"), democracy ("enhance the democratic process"), and trust ("help ensure/restore trust in government and public services") of governments (ReSPA, 2015).

Evidence-based decision making – for instance on the basis of monitoring and evaluation information – requires different elements to make sure that the "right evidence" is obtained, and used appropriately. Disposing of a good system of performance information does not yet imply thorough performance management. Performance management requires technical and political leadership, the capacity to feed performance information into the policy cycle and the versatility to adapt policies where needed (OECD, 2015a) (Boxes 3.2 and 3.3).

Box 3.2. **OECD experience regarding evidence-based decision making**

Evidence-based policy analysis allows for the development of policy decisions designed to implement and steer strategy to be taken in the country's medium- and long-term interests, based on evidence derived from strategic foresight and environmental scanning that correctly identifies domestic and international short- and long-term challenges and opportunities, on performance assessment that allows for judicious prioritisation of expenditures to achieve the best results with the least resources, and on individual issues being analysed within a broader strategic framework.

Throughout the OECD, good governance practice suggests that policy should be based on sound evidence derived from rigorous analysis of the available facts on the issue the policy is supposed to address. Governance practices determine how evidence contributes to identifying policy options and how rules are made. This evidence needs to be available at the right time and be seen by the right people. OECD practice suggests that the following major ingredients are needed to obtain and use the "right evidence":

- a sound methodology that allows for proper consideration of the immediate and long-term nature of the issue and of the rationale supporting different options for policy intervention (including doing nothing)
- good data for analysis
- public access to the data, assumptions and methodologies used to frame the issue
- options identified to address it, so that scrutiny can be brought to bear and the analysis replicated independently
- time to carry out this analysis properly and to consult the general public on its results
- a capable and skilled public service, including people skilled in quantitative methods
- a "receptive policy-making" environment – that is, political leaders who are willing and able to decide on the basis of the evidence presented.

*Source*: OECD (2015a), *Costa Rica: Good Governance, from Process to Results*, OECD Public Governance Reviews, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264246997-en.

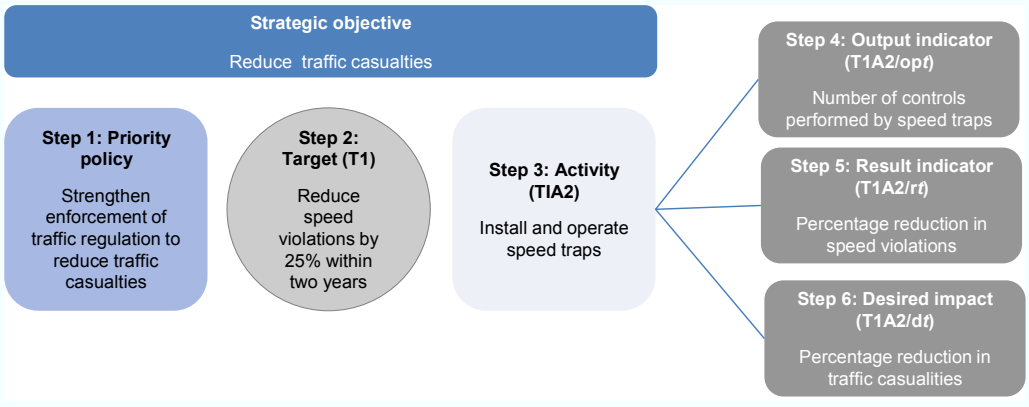
### Box 3.3. **OECD Principles of Performance Management: From setting objectives to measuring results – A seven-step process**

Performance measurement and evaluation need to be integrated into all major policy initiatives both *ex ante* and *ex post* – these tools are critical to evaluate policies to identify success and failures, and to improve policies accordingly. The process of performance measurement includes the definition of concrete and measurable objectives and the evaluation of whether they have been achieved. It helps to ensure that strategies inform daily decision making, to enhance accountability and credibility, and to communicate progress. Performance measurements work best if they build on clear objectives, good-quality data and are embedded in a culture of constant learning and improvement.

There are risks, however. If measurements are not complemented with more in-depth qualitative analysis, these indicators lead to a situation in which reward is given to programming that is not achieving its intended result, or is achieving perverse outcomes. Moreover, an exclusive focus on "what is measurable" leads to the discounting or non-measurement of other important performance objectives.

The OECD has developed a seven-step methodology to help policy makers set objectives for their policies and assess whether they have been achieved. The figure below provides a concrete illustration of the application of the seven-step method to a policy on strengthening the enforcement of traffic regulation to reduce traffic causalities.

**Illustration of the seven-step methodology**




#### Step 1: Establish priority policies

For indicators to provide valuable information, they must be properly rooted in policy itself. At the same time, it is unrealistic, and perhaps undesirable, to link indicators to all policy initiatives. Thus, policies need to be prioritised according to their ability to help government meet its strategic objectives. A priority policy should be articulated as a consistent course of action expressed as a causal and concrete statement (see the figure above).

#### Step 2: Define the targets

A target is a concrete goal that states the degree or level of achievement expected with respect to its associated priority policy. Targets are most directly linked to results indicators, and the degree or level of achievement that a target measure can be based on a variety of comparative parameters, depending on the base comparator and the results being sought.

Box 3.3. **OECD Principles of Performance Management: From setting objectives to measuring results – A seven-step process** *(continued)*

**Step 3: Identify key activities**

An activity is a specific programme, initiative or project that clearly supports reaching a target. Activities must be systematically and clearly linked to targets and should be expressed as action verbs. Thus, "train", "implement" and "build" all work well to lead an "activity statement" but "improve", "strengthen" or "enhance" for example, do not.

**Step 4: Build output indicators**

An output indicator measures progress with an activity, and thus these two components should be clearly linked. A well-constructed output indicator is measurable. Thus, it must be quantitative (i.e. expressed in physical or monetary units) and time bound (i.e. limited to the lifetime of the corresponding activity). One key question to ask when establishing an output indicator is "what will be produced by the activity being measured?"

**Step 5: Build results indicators**

A results indicator measures the results of activities in terms of their contribution to corresponding targets. Thus, it is closely associated with targets.

**Step 6: Identify the desired impact**

An impact indicator sets a longer term perspective and provides insights on the effect that one or more key activities have on the priority policy and, ultimately, on the strategic objective. Impact indicators are particularly difficult to develop because attribution or causality is hard to establish – i.e. making a direct and complete link between the activity's impact and policy objective can be difficult. This is because other factors, often not within the control of government, may be involved with meeting a strategic or policy objective. Thus, it may be more rewarding and appropriate to identify the desired impact – the desired impact of an activity on a priority policy and, more fundamentally, the desired impact of a priority policy on a strategic objective. Such a conversation can: 1) help focus policy thinking by providing a framework or an orientation within which other decisions can be taken; 2) inspire extended institutional and individual effort (OECD, 2009b).

**Step 7: Identify appropriate qualitative research methods**

There are many approaches to determining the effectiveness of activities and/or priority policies. Output, result and impact indicators may signal problems and trigger governments to "dig deeper" to find the causes of the problem and identify the appropriate actions. Qualitative research methods can add value to the indicators and an understanding of policy effectiveness. Such research methods can include case studies, focus groups, interviews and reviews (e.g. OECD peer reviews).

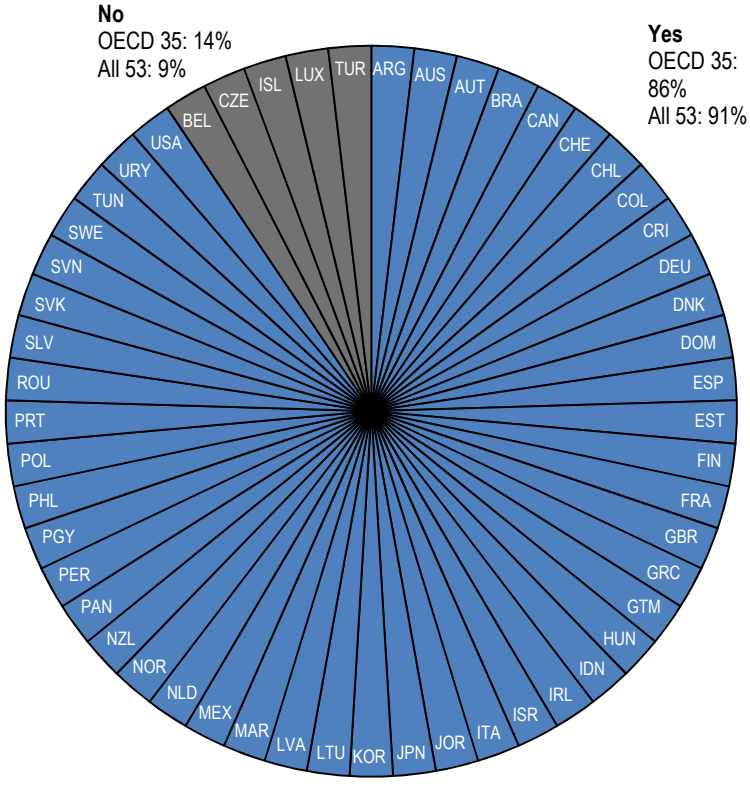
*Source*: OECD (2013), *Poland: Developing Good Governance Indicators for Programmes Funded by the European Union*, OECD Public Governance Reviews, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264193543-en; OECD (2009b), *Measuring Government Activity*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264060784-en.

### *A large number of countries monitor their open government initiatives*

The OECD defines monitoring as "a continuing function that uses systematic collection of data on specified indicators to provide management and the main stakeholders of an ongoing […] intervention with indications of the extent of progress and achievement of objectives and progress in the use of allocated funds" (OECD, 2009b). A large majority of OECD member countries (86%) confirms that open government initiatives are monitored by their government, which is similar to the figures for the 53 countries that responded to the 2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle (hereafter, the "OECD Survey"), where 91% of all respondents responded affirmatively (Figure 3.1).

The monitoring mechanisms for open government initiatives differ among countries. The Open Government Partnership (OGP) Independent Reporting Mechanism (IRM), the countries' self-assessments, is one of their monitoring mechanisms of predilection as in 90% of all respondents that are members of the OGP). It has to be noted however, that the OGP assessments are a requirement for all members of the OGP and not applicable to non-members. Yet, not all OGP members consider the OGP assessments as a mechanism to monitor open government initiatives, pointing to diverging understandings of the concept of monitoring.

Figure 3.1. **Countries that monitor open government initiatives**




*Source*: Country responses to OECD (2015b), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

However, most countries identified that their main mechanism to monitor open government initiatives are the normal monitoring activities of each public institution (63% of all respondents and 77% in OECD countries) indicating that, to a large extent, open government initiatives are treated as "any other" activity of the government. While this points to a certain degree of mainstreaming of open government initiatives, it also brings certain difficulties for a whole-of-government approach to open government, as the Centre of Government might not be aware of the implementation status of ongoing initiatives. That is why in many countries there is a single institution or office in charge of monitoring all open government initiatives. This office is also responsible for co-ordination of the open government strategy and its initiatives. Countries with offices include primarily those with a tradition of a strong Centre of Government (e.g. Canada and the United Kingdom), a tradition of central agencies having responsibilities for cross-cutting policies (e.g. France, Japan, Spain), or a presidential system (e.g. Chile). Some countries (e.g. Estonia, Ireland, Mexico and United Kingdom) explicitly mention the participation of civil society organisation (CSO) representatives in implementation monitoring bodies (Table 3.1).

Table 3.1. **Monitoring mechanisms for open government initiatives**

| | Single institution/office in charge of monitoring all open government initiatives | Ad hoc monitoring mechanism | The normal monitoring activities of each public institution involved in open government initiatives | OGP assessments (self-assessment and IRM, if your country is part of OGP) | Other |
|---|---|---|---|---|---|
| Argentina | | | | X | |
| Australia | | | X | | |
| Austria | | | X | Not OGP member | |
| Brazil | X | X | X | X | |
| Canada | X | X | | X | |
| Chile | X | | X | X | |
| Colombia | X | | X | X | X |
| Costa Rica | X | | | X | |
| Denmark | | | X | X | |
| Dominican Republic | X | | | X | |
| El Salvador | X | | | X | |
| Estonia | X | X | X | X | |
| Finland | | | X | X | |
| France | X | | | X | |
| Germany | | | X | Not OGP member | X |
| Greece | X | | X | X | |
| Guatemala | X | | X | X | X |
| Hungary | X | | X | X | |
| Indonesia | X | | | X | |
| Ireland | | X | X | X | X |
| Israel | X | | | X | |
| Italy | | | X | X | |
| Japan | X | X | X | Not OGP member | X |
| Jordan | | X | | | |
| Korea | | | X | | |

Table 3.1. **Monitoring mechanisms for open government initiatives** *(continued)*

| | Single institution/office in charge of monitoring all open government initiatives | Ad hoc monitoring mechanism | The normal monitoring activities of each public institution involved in open government initiatives | OGP assessments (self-assessment and IRM, if your country is part of OGP) | Other |
|---|---|---|---|---|---|
| Latvia | | | X | X | |
| Lithuania | X | | X | X | |
| Mexico | X | X | X | X | |
| Netherlands | | | | X | |
| New Zealand | | | X | X | |
| Norway | | | X | X | |
| Panama | | | | X | |
| Paraguay | | | | X | |
| Peru | X | | | X | |
| Philippines | | X | | X | |
| Poland | | | X | Not OGP member | |
| Portugal | X | | X | Not OGP member | |
| Romania | | | X | X | |
| Slovak Republic | | | | X | |
| Slovenia | X | X | X | Not OGP member | |
| Spain | X | X | X | X | |
| Sweden | | X | X | | |
| Switzerland | X | | | Not OGP member | |
| Tunisia | | X | X | X | |
| United Kingdom | X | X | | X | |
| United States | | | X | X | |
| Uruguay | X | | | X | |
| OECD30 | 47% | 30% | 77% | 87% (20 of 23) | 10% |
| All 48 countries | 50% | 29% | 63% | 90% (37 of 41) | 10% |

*Note*: Only those countries that indicated that they monitor open government initiatives were subsequently asked in the OECD Survey for the specific monitoring mechanism they use, and are thus incorporated in the table. Therefore, only 30 out of 35 OECD member countries are displayed and 48 from all 53 countries surveyed respectively. "Other" includes: Colombia: Through a Strategy on Monitoring the Implementation of the Second OGP Action Plan; Germany: The Extractive Industries Transparency Initiative (EITI) requires a detailed internal monitoring process at national level. The monitoring process covers the activities implemented to meet the requirements of the EITI standard as well as the activities implemented to reach the commonly agreed national objectives. Guatemala: Through the presentation of the results of each commitment in the technical group. Ireland: In relation to the monitoring of implementation, the Department of Public Expenditure and Reform is responsible for collecting information and reporting on progress in respect of the implementation of the Action Plan. Japan: Listening to a wide range of public opinions (i.e. IT dashboard, each ministry home page).

*Source*: Country responses to OECD (2015b), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

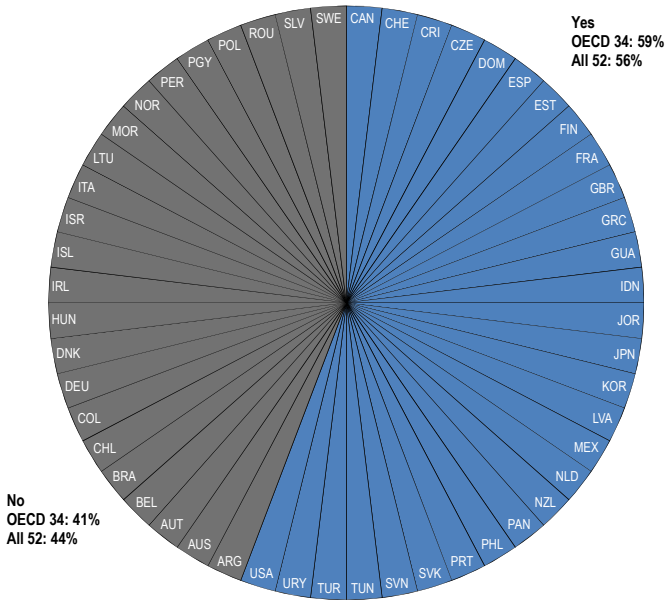
The OECD Survey finds that most countries monitor their open government initiatives. While this initial step is to be welcomed to take stock of previous and ongoing initiatives, their real impact can only be judged when subsequently evaluated.

### *Few countries actually evaluate the impact of open government initiatives*

The OECD defines evaluation, as "the systematic and objective assessment of an ongoing or completed project, programme or policy, its design, implementation and results. The aim is to determine the relevance and fulfilment of objectives, […] efficiency, effectiveness, impact and sustainability. An evaluation should provide information that is credible and useful, enabling the incorporation of lessons learned into the decision-making process of both recipients and donors. Evaluation also refers to the process of determining the worth or significance of an activity, policy or programme. An assessment, as systematic and objective as possible, of a planned, ongoing, or completed […] intervention" (OECD, 2009b). As compared to the percentage of countries monitoring their open government initiatives, the share of countries also evaluating the latter is more modest, with only just over half of them doing so (Figure 3.2).

Of the countries that evaluate open government initiatives, a large majority (71% of all respondents and 84% in OECD countries) confirms that evaluation takes place through the normal evaluation activities of individual institutions. As for the monitoring, all OGP members indicated that their evaluations refer to the OGP assessments (self-assessments and Independent Reporting Mechanism). Similarly, as in the case for monitoring, not all OGP member countries consider the OGP assessments as an evaluation mechanism, as several of them indicated that they do not evaluate. As an alternative mechanism, about one-third of the countries carry out citizen and stakeholder surveys to evaluate and a similar number of countries rely upon independent assessments conducted by non-governmental organisations (NGOs). In addition, some countries count on a broader range of evaluation mechanisms (e.g. Greece, Mexico, Spain) than most countries.

Figure 3.2. **Countries that evaluate the impact of open government initiatives**




*Note*: Luxembourg did not provide an answer to the question.
*Source*: Country responses to OECD (2015b), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Table 3.2. **Evaluation mechanisms for open government initiatives**

| | Ad hoc evaluation mechanism focusing on impacts | Normal evaluation activities of each public institution | Surveys among citizens and stakeholders | Surveys among public officials | Government conducted studies on the impact of OG initiatives in specific areas | Independent assessments by NGOs | Independent assessments by private companies | The OGP assessments (self-assessment and IRM) | Other |
|---|---|---|---|---|---|---|---|---|---|
| Canada | | | | | | X | | X | |
| Costa Rica | X | X | | | | X | | X | X |
| Czech Republic | | X | X | | | X | | X | |
| Dominican Republic | | X | | | | | | X | |
| Estonia | | X | X | | | | | X | |
| Finland | | X | | X | | | | X | |
| France | X | X | | | | | | X | |
| Greece | X | X | X | X | X | | | X | |
| Guatemala | | X | | | | X | | X | |
| Indonesia | | | | | | | | X | |
| Japan | | | X | | | | | Not OGP member | |
| Jordan | | | | | | | | X | |
| Korea | | X | | | | | | X | |
| Latvia | | X | | | | | | X | |
| Mexico | X | X | | X | | X | | X | X |
| Netherlands | | X | | | | | | X | |
| New Zealand | | X | | | | | | X | |
| Panama | | | | | | | | X | |
| Philippines | | | | | X | | X | X | |
| Portugal | | X | | | | | | Not OGP member | |
| Slovakia | | X | | | | | | X | |
| Slovenia | | X | | | | | | Not OGP member | |
| Spain | | X | X | | X | X | X | X | |
| Switzerland | X | | | | | | | Not OGP member | |
| Tunisia | X | | | | | X | | X | |
| United Kingdom | | X | | | | | | X | |
| United States | | X | | | | X | | X | |
| Uruguay | | X | X | | | | | X | |
| OECD19 | 21% | 84% | 26% | 16% | 11% | 26% | 5% | 100% (15 of 15) | 11% |
| All 28 countries | 21% | 71% | 21% | 11% | 11% | 29% | 7% | 100% (24 of 24) | 11% |

*Note*: Only those countries that indicated that they evaluate open government initiatives were subsequently asked in the OECD Survey about the specific mechanism they use to do so, and are thus incorporated in the table. Therefore, only 19 out of 35 OECD member countries are displayed and 28 of all 53 responding countries. Turkey did not provide an answer to this question. "Other" includes: Costa Rica*:* Through the Transparency Index of the Ombudsman. Mexico: Together with the OECD, Mexico developed an OECD Open Data Review, which focused on evaluating the impact of open government policies in Mexico, with a special focus on open government data.

*Source*: Country responses to OECD (2015b), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

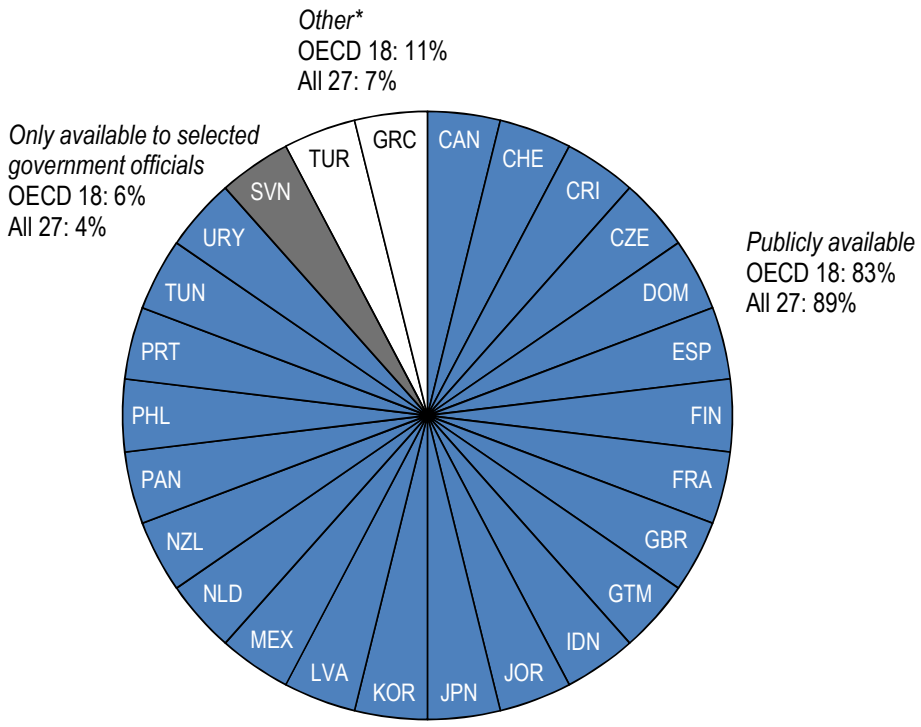
Almost all OECD member countries and non-member economies confirm that evaluation results are communicated (26 out of 27 countries) (Figure 3.3). 83% of the OECD countries confirm that the information is publicly available. All Latin American countries and Indonesia, Jordan, Philippines and Tunisia indicated that they make the evaluation results publicly available. As regards the use of the relevant information collected through evaluation processes, 88% globally and 82% of the OECD countries confirm that evaluations are used to improve the impact and future design of open government initiatives.

Countries should consider making all evaluation results publicly available. Although the publishing of the results might not in all cases be favourable for the implementing institution, exposing the results to public scrutiny might provide for an additional incentive for policy makers to improve the policies. As an example of an innovate approach to communicate open government results, Box 3.4 presents Mexico's "Open Government Dashboard", which tracks the implementation phase of each of its open government initiatives.

Although the share of countries that reported not using the evaluation results to improve the impact and future design of open government initiatives is relatively small, all countries should harness the valuable information of the evaluation results in order to translate them into better policies. Therefore, monitoring of open government initiatives is more widely applied than evaluation. Moreover, a conceptual confusion between monitoring and evaluation appears to be relatively common and impact evaluation seems to be rare. For both monitoring and evaluation, a mainstreamed approach of M&E of open government initiatives as part of a broader M&E effort - covering a range of policy initiatives - is quite common, according to the OECD data.

Such a mainstreamed approach is positive, on the one hand, as it illustrates that open government reforms are considered to be part and parcel of regular policy activities. On the other hand, this might limit opportunities to cluster results in the field of open government, limiting therefore also learning, accountability and demonstrating impact – a typical challenge for a transversal policy domain like open government.

Figure 3.3. **Availability of evaluation results**




*Note*: Only those countries that indicated that they evaluate open government initiatives were subsequently asked in the OECD Survey about the public availability of evaluation results and are thus reflected in the figure. Therefore, only 18 out of 35 OECD member countries are displayed and 27 of all 53 responding countries. The Slovak Republic did not provide an answer to this question. "Other" includes: Greece: Initial evaluations on the assessment of the open government strategy are being consulted with the crucial entities under assessment (mainly ministries) through public documents. Overall, the assessment of open government strategy will be represented on report drafted by the Minister of Interior and Administrative Reconstruction, open to public consultation and submitted to the Hellenic Parliament. In Turkey, this question was still under discussion at the time the OECD Survey was sent out to the countries.

*Source*: Country responses to OECD (2015b), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

### Box 3.4. **A dashboard for monitoring and evaluating open government strategies in Mexico**

In its report on Mexico's first Open Government Partnership (OGP) Action Plan, the Independent Reporting Mechanism (IRM) stated that Mexico should aim to strengthen the monitoring and evaluation of the commitments included in its Action Plan. In response, Mexico developed its own methodology to monitor and evaluate its OGP commitments and ensure subsequent communication.

Mexico's "Open Government Dashboard" identifies specific actions, deadlines and clear responsibilities, both for civil servants and for civil society; the data are public and include a control board powered by real-time information on the progress of each commitment. The Open Government Dashboard visualises the advances or remaining challenges of each of the commitments, allows citizens to track the progress made so far on each open government commitment, and offers links to the government bodies in charge of the implementation to obtain further information and points of contact. In addition, the dashboard offers detailed explanations of the concrete actions that have been taken so far to fulfil the commitment.

Box 3.4. **A dashboard for monitoring and evaluating open government strategies in Mexico** *(continued)*

Commitment 9 of Mexico's second OGP Action Plan, for example, aims to enhance transparency and accountability at the national and sub-national level in state expenditures for public construction projects. In the respective part of the website, representatives from the Secretariat of Finance and Public Credit (SHCP) and the Mexican Institute for Competition (IMCO), which are responsible for the fulfilment of the commitment, comment on the progress made and the remaining challenges. The website provides additional information for interested citizens and other stakeholders.

*Sources*: OECD (2016), *Open Government Data Review of Mexico: Data Reuse for Public Sector Impact and Innovation*, OECD Digital Government Studies, OECD Publishing, Paris. http://dx.doi.org/10.1787/9789264259270-en; Mexico's response to OECD (2015b), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

For the government-wide follow-up of open government initiatives, some countries tend to rely extensively upon the institutionalised M&E mechanisms of the OGP, i.e. progress reporting, next to self- assessments and the Independent Reporting Mechanism. These mechanisms serve, however, mainly to follow up on the commitments included in the OGP Action Plans. Box 3.5 provides a summary of both mechanisms, which also indicates a primary focus on implementation process and progress tracing, rather than actual (impact) evaluation.

Box 3.5. **The OGP Country Self-Assessment and Independent Reporting Mechanism**

**Country Self-Assessment**: During the two-year National Action Plan (NAP) cycle, governments will produce yearly self-assessment reports. In order to minimise the administrative burden, the two self-assessment reports will have similar content to one another, differing primarily in the time period covered. The mid-term self-assessment should focus on the development of the NAP, consultation process, relevance and ambitiousness of the commitments, and progress to date. The end-of-term self-assessment should focus on the final results of the reforms completed in the NAP, consultation during implementation and lessons learned. The development of the self-assessment reports must include a two-week public consultation period, as stipulated in the OGP Guidelines.

**Independent Reporting Mechanism**: The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries. The IRM produces annual independent progress reports for each country participating in OGP. The progress reports assess governments on the development and implementation of OGP Action Plans, progress in fulfilling open government principles, and make technical recommendations for improvements. These reports are intended to stimulate dialogue and promote accountability between member governments and citizens.

*Source*: Open Government Partnership (n. d. a), "Self-Assessment Process"; OGP, www.opengovpartnership.org/how-it-works/self-assessment-process (accessed 2 August 2016); OGP (n. d. b), "IRM Reports", OGP, www.opengovpartnership.org/irm/irm-reports (accessed 2 August 2016).

## Evaluation at the sector level

Including a sector perspective on M&E of open government initiatives – as opposed to an aggregated assessment at government level - adds nuance and insights regarding frequency, scope and methods of monitoring and evaluation practices, hence the relevance of collecting information at both government-wide and sector level. Given the high importance of evaluating the impact of citizen participation throughout the policy cycle, Chapter 5 will pick up some of the arguments raised in this section and further explore it. In the OECD Survey, the countries' ministries of health and finance were asked for their approaches to evaluate one of the core open government elements, namely citizen participation in the policy cycle (CPPC). Three-fourths (75%) of all respondent health ministries indicated that either a few (minimum 25%), some (minimum 50%), or all citizen participation initiatives are evaluated. In the finance ministries, the figure is slightly lower, with 58% of the countries' ministries indicating that they evaluate citizen participation initiatives. The sector data also illustrate that the focus of evaluation ("what is evaluated") may vary across sectors (Table 3.3).

Table 3.3. **Evaluation focus ("what is evaluated") across OECD member countries at sector level**

| | Ministry of Health | | Ministry of Finance | |
|---|---|---|---|---|
| | All 24 | OECD 17 | All 24 | OECD 18 |
| Inputs | 58% | 59% | 50% | 61% |
| Outputs | 79% | 82% | 75% | 83% |
| Outcomes | 50% | 65% | 67% | 78% |
| Methodology | 42% | 41% | 42% | 56% |
| Economic viability | 29% | 29% | 38% | 39% |
| Other aspects | 13% | 18% | 25% | 22% |
| I don't know | 8% | 12% | 8% | 6% |

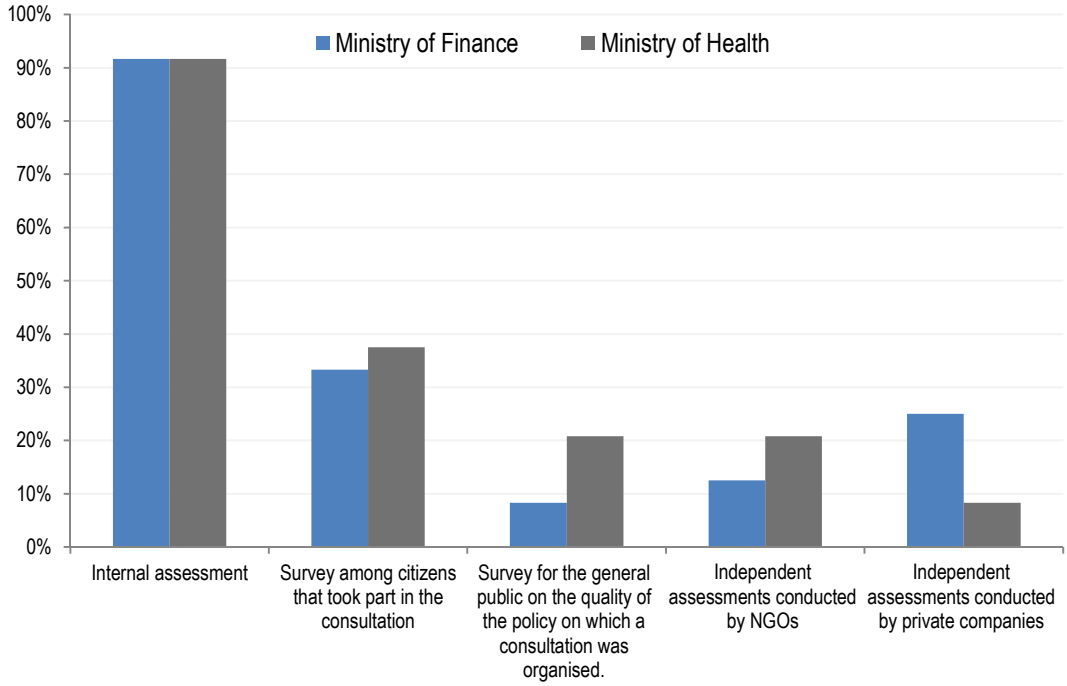
*Note*: Only countries' ministries that answered that they generally evaluate citizen participation initiatives were asked this question.

*Source*: Country responses to OECD (2015b), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Of all 24 respondent countries' health ministries, only half (50%) answered that they evaluate the outcomes of the initiatives. In the finance ministries, this figure rises to 67% in the 24 ministries that answered that they generally evaluate citizen participation initiatives. A surprisingly low number of ministries evaluated the economic viability of open government initiatives, whereas the outputs were evaluated by the great majority of ministries (79% of all countries' health ministries and 75% for the finance ministries, respectively, that generally evaluate).

Another finding of the OECD Survey revealed that evaluation predominantly happens through internal assessments: 92% of all respondent country health ministries (83% of OECD countries) and 92% of the respondent country finance ministries (94% for OECD countries) confirm that such assessments are used to evaluate citizen participation initiatives (Figure 3.4). Surveys among citizens that took part in the actual consultation initiatives are a strong second option: 38% of all the respondent country health ministries (28% in OECD countries) and 33% of the finance ministries (39% in OECD countries) confirm that such surveys are used to evaluate citizen participation initiatives.

Figure 3.4. **Evaluation approaches at the sector level**




*Note*: n = 24 finance ministries (OECD 18), n = 24 health ministries (OECD 17).

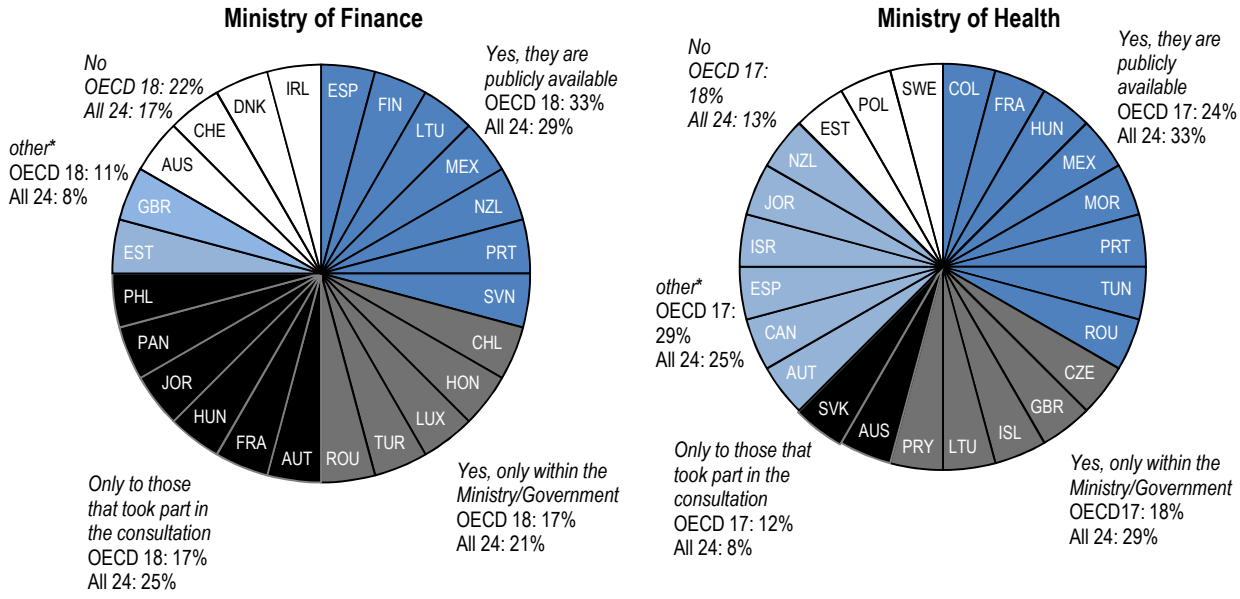
Only ministries that answered that they evaluate citizen participation initiatives were asked this question.

*Source:* Country responses to OECD (2015b), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Surprisingly, neither independent assessments conducted by NGOs nor private companies are frequently used by the ministries. Of all countries' health ministries, only one-fifth (21%) and 8% for private companies respectively have used such independent external assessments in the past. The 17 OECD countries' health ministries seem to be even more reluctant, with only two ministries answering that they included NGOs or private companies. Canada's and New Zealand's health ministries are among the few countries that have conduced independent assessments by NGOs. Private companies have conducted independent assessments only in the cases of Spain's and Sweden's health ministries. As argued and discussed in more detail in Chapters 4 and 5, NGOs and citizens themselves can play a vital role in detecting flaws but also unused potential of citizen participation initiatives. Countries could thus assess whether future evaluation approaches could benefit from an external, independent assessment.

As regards the communication of evaluation results, the OECD Survey found that less than one-quarter of the respondent country health ministries confirm that the results are publicly available. For the finance ministries, this is the case for about one-third (Figure 3.5). As argued above, publishing the results of evaluation approaches has the potential to further improve not only future methodologies but also their impact. For both ministries, over 63% of the respondents confirmed that evaluations were used to improve future consultation initiatives. One successful and noteworthy approach was conducted by Alberta's Ministry of Health in Canada (Box 3.6).

Figure 3.5. **Communicating the results of the evaluation of citizen participation in the policy cycle initiatives at the sector level**




*Note:* Only countries' ministries which answered to evaluate citizen participation initiatives were asked this question.

*Source*: Country responses to OECD (2015b), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

### Box 3.6. **Canada's Ministry of Health's "What We Heard" report**

Canada's state of Alberta's Ministry of Health has established an innovative approach of communicating the results of a citizen-centred approach of policy evaluations, especially its inputs, the methodology used, as well as the outputs. In 2005, the Government of Alberta introduced the "Getting on with Better Health Care" package, which contained 13 concrete actions for the advancement of the health care system. One of these actions included the "Health Policy Framework". In order to ensure a needs-tailored design and implementation of this framework, the government inquired the opinion of 420 health system stakeholders, health care professionals, unions, municipal leaders, educators and community organisations. Through letters and e-mails, meetings, phone calls and online expression of opinions, the government heard from 4 056 individuals from Alberta and their suggestions on how to design and implement the best health policy framework possible.

The consultations were collected and summarised in a consultation report entitled, "What We Heard…from Albertans during March 2006", and is accessible to everyone on Alberta's Ministry for Health's website. In a concise and easy to read report, the Ministry of Health provides information on the approach of consultation, the timeframe, the content of input received and the "lessons learned" from the consultation process. According to Canada's Ministry of Health's answer to the OECD Survey, these results of the evaluation process were subsequently used to further improve approaches to integrate citizens' opinions. The necessity and value added of such consultation processes is underscored by one of the major findings of the report, "Albertans would like more information and communication about Alberta's policy directions to better understand the framework and what it will mean for them." Canada's approach constitutes an important step in this direction.

*Source*: Alberta Health and Wellness (2006), "What We Heard… from Albertans during March 2006", www.health.alberta.ca/documents/What-We-Heard-Report-2006.pdf (accessed 02 August 2016).

## Challenges and opportunities for monitoring and evaluating open government initiatives

The monitoring and evaluation of open government initiatives connect the challenges and complexity of two areas of work: open government, on the one hand, and M&E, on the other hand. This section reflects on those challenges and opportunities in order to identify options to strengthen the M&E of open government initiatives, with a particular focus on (impact) evaluation.

### *Open government: Visibility and complexity*

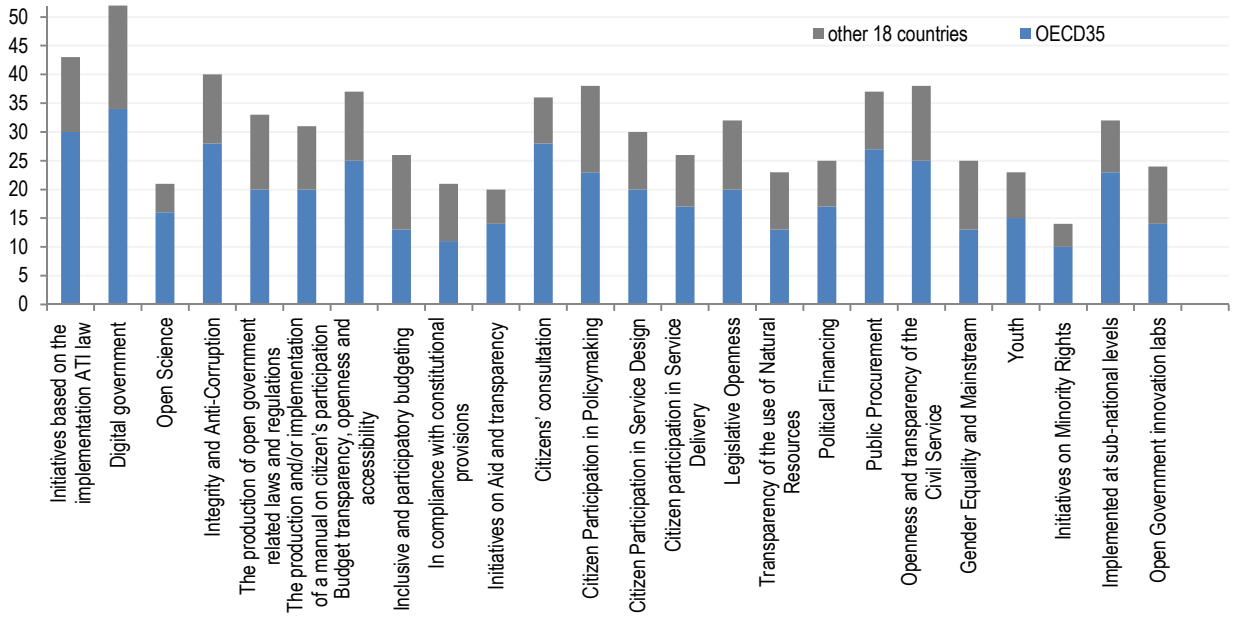
Whereas open government has a certain tradition in public policy, it has gained a lot of visibility over the last few years. This surge has increased the pressure on governments to showcase tangible results, for which a sound M&E mechanism is instrumental. Evidence from the OECD Survey and country-tailored reviews highlight that the understanding of the usefulness and impact of open government among both, public officials and the general public, could be further improved. Several decades of research on open government practices, such as citizen participation, also highlight the contested nature of the impact (Irvin and Stansbury, 2004). Accordingly, sound M&E mechanisms are needed to strengthen the data collection and the evidence of what works and under which conditions.

The need for M&E of open government and citizen participation initiatives are however confronted by the complexity of the concept. It is in essence a multidimensional concept, regrouping - especially in recent years - a wide range of initiatives such as citizen participation, access to information, open data, etc. (see Figure 3.6 for an overview of the range of initiatives being labelled as open government), which makes the task of designing an all-encompassing and overarching M&E framework for open government more difficult. Each of these initiatives in itself presents evaluation challenges, causing, for example, evaluations of citizen participation to mainly focus on processes (Emery and Co, 2015).

The transversal nature of the open government agenda implies a certain degree of complexity to develop an aggregated view on open government achievements across sectors, on the one hand, and a need for understanding how substance-related (sector-specific) policy initiatives relate to the transversal open government initiatives, on the other hand. Hence, the challenge of designing appropriate M&E approaches which disentangle this complexity and incorporate both a focus on the common denominator of open government and meets the need for tailor-made approaches for specific open government initiatives. Moreover, this can also raise questions about the institutional anchorage of the open government agenda, its funding and the ownership for delivery, possibly blurring the option to define the appropriate focus of M&E of open government initiatives.

The combination of increasing pressure to deliver high-quality services with limited state resources and the multidimensional and transversal nature of open government have led to increased attention devoted to sound M&E practices by policy makers. Nevertheless, data from the OECD Survey hint at room for improvement as beyond the OGP assessments hardly any common standards or frameworks exist to monitor and evaluate open government. Although the varying nature of policy initiatives, as illustrated in Figure 3.6, poses challenges for policy makers to find appropriate evaluation mechanisms, these endeavours are vital to ensure their lasting impact.

Figure 3.6. **The multidimensional nature of open government**




*Note:* Countries were asked in which of these policy domains, open government initiatives were introduced. ATI= "Access to Information".

*Source*: Country responses to OECD (2015b), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

### *The context for evaluating open government: The national evaluation culture*

M&E of open government does not take place in a vacuum. As indicated by Jacob et al. (2015), "few normative claims exist regarding how evaluation should be embedded in the architecture of governance […] national policy styles can shape patterns of policy making in systems of public administration, and it can be assumed that some of these national characteristics have an impact on evaluation regardless of the particularities of different policy fields and organizations." In order to grasp this local reality against the backdrop of which M&E of open government for individual countries can and should be understood, the International Atlas of Evaluation (edition 2015, data collection 2011) provides a useful point of reference, comparing the national evaluation culture in 19 OECD countries, based on a survey of evaluation experts with a broad knowledge of their respective national evaluation landscapes. Box 3.7 provides an overview of the nine key indicators used by the International Atlas of Evaluation.

Box 3.7. **National evaluation culture: The nine indicators from the International Atlas of Evaluation**

1. Evaluation takes place in many policy domains.
2. Supply of domestic evaluators from different disciplines.
3. National discourse concerning evaluation.
4. Professional organisations.
5. Degree of institutionalisation – Government.
6. Degree of institutionalisation – Parliament.
7. Pluralism of institutions or evaluators performing evaluations within each policy domain.
8. Evaluation within the Supreme Audit Institution.
9. Proportion of impact and outcome evaluations in relation to output and process evaluations.

*Sources*: Jacob et al. (2015), "The institutionalization of evaluation matters: Updating the International Atlas of Evaluation 10 years later", *Evaluation*, Vol. 21(1), pp.6-31, SAGE, http://evi.sagepub.com/content/21/1/6.abstract, based on Furubo, J.-E., R.C. Rist and R. Sandahl (eds.) (2002), *International Atlas of Evaluation*, Transaction Publishers, New Brunswick, NJ and London.

Whereas a detailed discussion of the study by Jacob et al. (ibid) goes beyond the scope of this chapter, a few key observations are instrumental to better understand a country's evaluation culture and maturity thereof:

- Whereas differences between countries show a falling trend over the years, substantial differences remain between frontrunner countries like Canada, Finland and Switzerland, and countries with a less institutionalised evaluation cultures, like Ireland, Italy, New Zealand or Spain (though all still assessed as having a "medium" degree of evaluation culture maturity). Areas for improvement for "weaker" countries include in particular the institutionalisation of evaluation within the Parliament, the involvement of Supreme Audit Institutions in evaluation activities and the orientation of evaluation toward impact assessment.
- The debate on policy evaluation is, among others, steered by concepts such as "evidence-based policy", "performance measurement" and "credentialing evaluators"; "value for money", "accountability", the need to "control spending" (linked to the aftermath of the financial economic crisis); and by evaluation findings reported in the media.
- Different trajectories of evaluation capacity building can be observed, influenced by the political culture and other existing institutions.
- For some countries, evaluation capacity is institutionalised not only at the national level, but also at regional, municipal or local level (e.g. Denmark, France, Netherlands and Switzerland).
- Co-ordination between sectors is encouraged by some countries (e.g. Centre of Excellence for Evaluation within the Treasury Board of Canada Secretariat; see

Box 3.8), or pushed for through central entities being responsible for evaluation in all sectors (e.g. the case of France, Japan, Korea and Spain).

Box 3.8. **Canada's centre of excellence for evaluation**

The Government of Canada's Treasury Board developed a website that collects and displays useful information, tools and resources on evaluation practices for the federal government's civil servants and everyone else involved or interested in evaluation practices. The website advocates creating an evidence base on the success and flaws of policies, as this process supports:

- accountability, through public reporting on results
- expenditure management
- management for results
- policy and program improvement.

The website offers a wide range of tools that help public officials to improve their evaluation approaches. Among them are background documents on evaluation guidance, including theoretical background documents on the variety of concepts and practices, annual reports of the past years, reference material including external research or hands-on guides for the reviews of the quality of evaluations across departments and agencies. Moreover, policy makers also have the possibility to access or download audit and evaluation databases.

Among the most popular references on the website, the Government of Canada's Treasury Board compiled a factsheet on its "new Policy on Evaluation". The factsheet underlines the importance of this policy and its numerous value-added to evidence-based and more cost-efficient policy making. Accordingly, "(t)he new Policy on Evaluation and its supporting directive and standard will strengthen and ensure the neutrality of the evaluation function in departments and agencies. The policy will also ensure that a comprehensive and reliable base of evaluation evidence is created and used to support policy and expenditure management decisions, as well as program improvement. The policy introduces a number of changes that will improve neutrality, timeliness and quality of evaluations; focus evaluations on core issues of value for money (i.e. program relevance and performance); and expand evaluation coverage to include all program spending."

*Source*: Government of Canada (n. d.), "Centre of Excellence for Evaluation", www.tbs-sct.gc.ca/hgw-cgf/oversight-surveillance/ae-ve/cee/index-eng.asp (accessed 18 October 2016).

As such, it is useful to take into account the country's overall evaluation culture to better grasp the M&E approaches of an open government strategy or initiatives in a country. Such enhanced understanding will provide helpful background information on the observed strengths and weaknesses, as well as an indication about realistic expectations to further improve M&E.

## Towards robust evaluation of open government: Some key elements

### *Why*

Evaluation consumes substantial human and financial resources. Therefore, it requires sound reflection on why governments should evaluate in the first place. Different arguments can be formulated, including evidence-based policy making, accountability and voice (Stern et al., 2012; Stern, Saunders and Stame, 2015).

A first argument is rooted in the evidence-based policy-making school, where evaluations are carried out in order to achieve a better understanding of "what works", of the underlying causality between a policy initiative and observed results. In other words, the aim is to demonstrate the added value of a policy initiative based on rational arguments and data, rather than political ideology or individual or institutional interests. Knowledge production and learning are key objectives in this case for carrying out evaluation. Such a type of evaluation can be *ex post*, or can rather take place during the implementation phase of a policy initiative, with an immediate action-oriented objective. This type of evaluation serves to further define policies and practices relating to the open government agenda, to establish if they are actually in line with open government principles, achieve their expected impact and under which conditions.

A second argument focusses on the notion of accountability. While analysing the evidence of what is (not) working, the primary focus is in this case on holding individuals or institutions accountable for spending public resources and achieved results. As the open government agenda is built upon the principle of opening up the policy cycle to external stakeholders, accountability also includes the notion of being responsible and responsive to those that participated and the input they provided. This notion should also include evaluations of cost-benefit, which aim to assess if costs incurred (financial and human resources) are acceptable for the final outcome. This assessment equally needs to consider the costs (i.e. litigation cost) of not conducting the open government practices (i.e. not publishing certain data, not engaging citizens in a project, etc.)

A third argument is developed around the notion of "voice". This type of evaluation focuses on resonating the views and opinions of (a) particular stakeholder(s) regarding a policy initiative, often those traditionally marginalised in the policy-making process and exchanges "neutrality" in the evaluation process for "advocacy" and "empowerment". Voice is also a core component of open government reforms, which strive for inclusive processes and outcomes. This type of evaluation is therefore crucial to assess if an open government strategy and initiatives deliver on its promises for inclusiveness and responsiveness.

As pointed out above, the growing visibility of open government also calls for better data and evidence about it. As most countries focus on evaluating "outputs", the evidence-based policy making reasoning is being employed to improve processes. Little evidence exists yet on the impact of these initiatives, if they achieve the instrumental goals (better results) and intrinsic goals (values of democratic governance, such as trust, legitimacy, empowerment) of open government reforms. As discussed above, few countries evaluate "economic viability", thus value-for-money of open government initiatives, which is essential for the accountability notion. Efforts to include evaluations around the notion of "voice" by for example involving stakeholders and citizens in the evaluation also remain rare. These types of evaluations are however essential to assess the inclusiveness of policies and practices and to ensure that they are not captured by interests or powerful groups.

### *What*

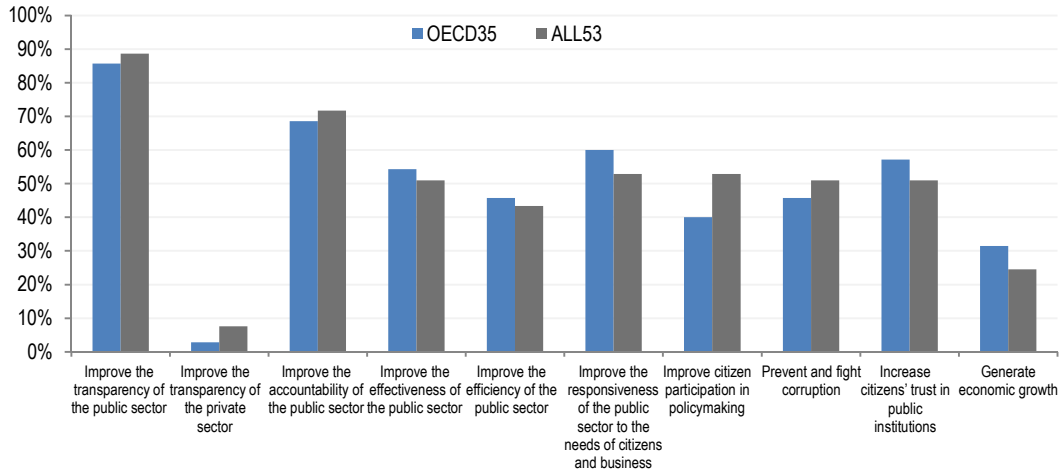
Evaluation approaches of an open government strategy and initiatives require reflection on "what" is being evaluated. This implies a distinction between the input, process, output, outcome or impact level. The input level refers to the resources employed to implement a policy (e.g. participatory budgeting – preparations carried out to conduct the process and if these were sufficient). The process level refers to the activities that were undertaken (e.g. participatory budgeting – the communication measures, the mechanisms to participate and the selection of the participants - if these were appropriate). The output level refers to a first level of results, directly associated with a policy initiative (e.g. participatory budgeting - the budget reflects citizen priorities).

The outcome level refers to the medium-term consequences of the policy initiative (participatory budgeting – citizens have a better understanding of, and are more actively involved in, public policy decision making; there is more consistency throughout time between what citizens consider to be priority spending areas and actual spending priorities). The impact level looks at the long-term consequence of a policy initiative (e.g. participatory budgeting – the trust of citizens in the budgetary process, specifically, and public policies, in general, has improved; policy areas benefiting from budgetary prioritisation through participatory budgeting deliver better policy results), those effects could be positive or negative, primary or secondary intended or unintended, direct or indirect (OECD-DAC, 2002). In other words, (impact) evaluation is about analysing and understanding (adapted from Stern et al., 2012):

- whether a specific impact can be attributed to a specific open government initiative
- whether the open government initiative actually made a difference
- how that open government initiative made a difference
- whether implementing a similar open government initiative elsewhere would lead to positive results.

Given the wide range of goals that governments intend to achieve through open government reforms (see Figure 3.7), the chain of "input-activities-output-outcome-impact" and its causality is particularly complex. This implies that there is little room for simple, linear causality and embracing complexity theory has its value. In addition, it is worth underlining that complexity is also related to the scope of an evaluation: evaluating a single open government initiative, versus a comprehensive action plan, requires different tools and can probably reach different levels of understanding.

Figure 3.7. **Objectives countries wish to achieve through open government**




*Source*: Country responses to OECD (2015b), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

### *How*

Once key evaluation questions have been clarified (the "why" and "what"), the next step is to decide upon the appropriate methods and tools to use: which methods are capable of providing an answer to the evaluation questions that have been identified, taking into account the nature and specific features of the policy, programme, or initiative to be evaluated (e.g. time horizon, delivery methods, multidimensionality, etc.). The choice of method includes who evaluates and which stakeholders are involved in an evaluation. As research on citizen participation shows, these choices will impact the result of an evaluation. Kweit and Kweit (2007), for example, found that it wasn't actual participation, but the perception that citizens had an impact that enhanced their satisfaction with policy making.

Interviews or surveys are part of the most commonly used techniques, but a broader range of options exists and should be considered to identify the "fit for purpose" evaluation design. Stern et al. (2012) propose a basic classification of five design approaches: experimental, statistical, theory-based (e.g. theory of change, process tracing, contribution analysis), case-based and participatory (e.g. empowerment evaluation, collaborative action approach); with a possibility to combine them, also referred to as "mixed methods".

Based on the OECD Survey results, these different methods are basically uncharted territory for policy evaluation of open government initiatives. Whereas some methods might be more appropriate than others, a future debate on the relevance of methods such as process tracing and collaborative action approach could greatly contribute to solidifying the evaluation practices and culture for open government.

## Conclusion

### *Towards an M&E agenda for open government reforms*

This chapter has illustrated that M&E for an open government strategy and initiatives are still very much at an exploratory phase, while enhanced efforts are needed to build the evidence base. The multidimensional and transversal nature of the national open

government agenda undoubtedly contributes to the complexity of moving forward with the policy evaluation. Evidence from OECD country reviews as well as from research on citizen participation shows, however, that countries spend much less resources on evaluation, leading to an "evaluation gap" (OECD, 2005) and that, in particular, impact evaluation is not yet necessarily the highest priority of policy makers, as OECD findings revealed. At the same time, increased visibility pushes governments to delivering tangible and visible results.

In order to ensure a sustainable maturation of the evaluation culture of open government initiatives and to develop ambitious, but realistic expectations, a number of elements have to be taken into account:

- What is the broader evaluation culture (national level, sector level, etc.) in which evaluations of open government initiatives are taking place?
- What are the incentives for running and using evaluation; in other words, why are evaluations carried out (evidence-based arguments, accountability motives [cost-benefit], giving "voice" to stakeholder groups, etc.)?
- What is being evaluated (inputs vs. process vs. output vs. outcomes vs. impacts)?
- What are appropriate methodological approaches for evaluation designs (including a range of quantitative and qualitative approaches) and who should conduct the evaluation?

In the medium term, the question is how to foster an evaluation culture for open government. For that purpose, the following questions merit further debate by the open government community:

- How to improve data availability (and availability of lessons learned) of existing open government evaluation initiatives?
- What is the feasibility of carrying out a meta-evaluation (i.e. the aggregated evaluation; see Box 3.9) of existing open government evaluations?

Box 3.9. **Meta-evaluation**

Meta-evaluation evaluates the quality of one or more evaluation studies and can be used to assess the quality of a single study or a set of studies in different ways. Some use it to describe aggregating information from several individual evaluations; others define it as a systematic tool for the quality control of evaluation studies. There are two types of meta-evaluations:

- Formative meta-evaluations assist evaluators to plan, conduct, improve, interpret, and report their evaluation studies. The main purpose of formative meta-evaluation is to reveal deficiencies in the primary evaluation at a time when they can still be addressed, thus preventing the determination and dissemination of invalid conclusions and increasing the primary evaluation's utility and cost-effectiveness.
- Summative or proactive meta-evaluations – conducted following an evaluation – help audiences see an evaluation's strengths and weaknesses, and judge its value. Its purpose to validate a primary evaluation. It adds credibility to it and enhances users' confidence in the evaluation findings to inform decisions to expand, modify or cancel programmes.

*Source*: Australian Agricultural and Resource Economics Society (AARES), "Meta-evaluations in government and government institutions", http://ageconsearch.umn.edu/bitstream/59098/2/Madzivhandila,%20Percy.pdf; Uusikylä et al. (2000), "Meta-evaluation as a tool for learning: A case study of the European Structural Fund evaluations in Finland", http://evi.sagepub.com/content/6/1/50.full.pdf+html.

- How can an open government M&E policy community be fostered and supported?
- What can be done to strengthen quality assurance of M&E in the area of open government (e.g. rigour of analysis, credibility of claims, etc.)?
- What are the options to build a consensus on M&E priorities for open government?

### *The need for well-formulated indicators and data collection*

In sum, the effectiveness of the M&E in measuring the achievements of public policies is dependent on the capacities across public institutions; these need to be assessed so that these functions are conducted properly. A clear framework is essential to guide monitoring and evaluation. The framework needs to clearly state the open government strategy and initiatives' goals, outcomes and outputs. For each of them, well-formulated indicators need to be developed. They must be specific, measurable, attainable, relevant and time-bound. For instance, every indicator needs to take into consideration the following:

- Definition: How will the indicator be calculated?
- Baseline: What is the current value?
- Target: What is the value that the strategy or initiative intends to achieve?
- Data source: Where is the data being collected from? If there are different sources, is the methodology comparable?
- Frequency: How often will it be measured?
- Responsibility: Who will be in charge of collecting the information and measuring it?
- Reporting: Who will be reporting the result and where?

However, the creation of these indicators will not be possible without sound and standardised data collection. In fact, public authorities face limitations in the process of data collection, which should be taken into consideration when developing indicators. Countries face challenges relating to scarce availability of open-government-related data and since most activities/initiatives are carried out by different agents it increases the difficulties to centralise data, which renders aggregated information difficult to achieve to measure the real impact of these initiatives.

## Key Findings

- To ensure that open government strategies are sound, robust and accountable, they need to be developed on the basis of evidence. As such, monitoring and evaluation of open government strategies and practices is essential, yet it is still done in a limited way, both in OECD countries and more broadly.
- The confusion between monitoring and evaluation and the prevailing gap within OECD countries between monitoring the open government strategy and initiatives and evaluating them needs to be addressed. This difficulty in collecting evidence on the impact of open government strategies is also due to the absence of internationally recognised principles of what open government strategies and initiatives are and entail, which prevents countries from identifying robust and comparable indicators to evaluate them.
- A focus at the sector level can help add nuance and insights. Finally, communicating the results of monitoring and evaluation is crucial to maintaining the momentum of open government reforms and people's confidence in them.

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# *Chapter 4.*

# The role of citizens and civil society in open government reforms

*This chapter was drafted by the United Kingdom non-governmental organisation (NGO) "Involve" to ensure that the report included the perspective of civil society. The chapter highlights the involvement of citizens and civil society and their critical role in developing, securing and implementing open government reforms. Based on the findings of the 2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle, the chapter analyses the opportunities for civil society to shape open government reforms, its current practices and challenges. It further outlines civil society's forms of contributions to advance good governance and assesses the enabling environment so that their contributions can have a lasting impact on improving policies.*

The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

## Introduction

OECD Open Government Reviews have continuously stressed the indispensable role of citizens, non-government organisations (NGOs) and civil society organisations in all steps of the policy cycle. The global report at hand gives a representative of an influential NGO the chance to present his views on the rationale to involve civil society in open government initiatives, good practices as well as remaining challenges faced by NGOs. This chapter was thus drafted by Tim Hughes of the UK NGO "Involve", an expert organisation and leading authority on citizen and civil society participation.

The OECD and Involve have worked closely together in the past. In 2009, Involve produced a high-quality paper for the OECD entitled, "Open government: Beyond static measures" (Involve, 2009), and has more recently supported the OECD's Middle East and North Africa (MENA) region open government programme. Since 2012, Involve has co-ordinated the UK Open Government Civil Society Network, which partnered with the UK Government on the Open Government Partnership (OGP) to develop the United Kingdom's 2013-15 and 2016-18 Open Government Action Plans. In addition, Involve has helped to rewrite the OGP's Co-Creation Guidelines and led the development of the OGP Review tool to support the monitoring and improvement of open government action plans, as well as providing and facilitating peer support to governments and civil society organisations engaged in the OGP. Involve's contribution to this OECD report, *Open Government: The Global Context and the Way Forward*, outlines good practices and flags potential pitfalls in the co-operation between government and civil society. As such, the report benefits from an influential civil society organisation in one of the pioneering countries of open government worldwide, the United Kingdom.

Governments around the world are recognising the need to introduce open government reforms to better deliver on the demands of their citizens - including on economic, environmental, political and social development. This is not, however, something that can be achieved by government reformers alone. This chapter highlights that the involvement of citizens and civil society is critical to developing, securing and implementing open government reforms and that reformers inside and outside governments must build broad coalitions to achieve change. It draws on the evidence from the 2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle (hereafter referred to as the "OECD Survey") of more than 50 countries and a review of the literature on open governance reform, to explore the current practice of government-civil society engagement on open government strategy and make recommendations for the future design and implementation of policies on transparency, accountability and participation.

This chapter covers both the role of citizens and civil society in open government reforms. It should be noted upfront that there is a great diversity within and between these broad groups - and, as the chapter outlines, the roles that different citizens and civil society organisations (CSOs) adopt will vary considerably depending on their own motivations, approach, and capacity, as well as the context in which they operate. The use of the term "citizen" in this chapter is to be understood in its broadest possible sense, including all inhabitants of a country or locality. It is not intended, as many common definitions do, to exclude groups without voting rights (e.g. children and young people, migrants and refugees); on the contrary those groups should be the focus of particular efforts to engage them with decisions that affect their lives. The term "citizen" is used because it indicates an active relationship between individuals and their governments that serve them, which reflects the important role they play in open government reforms.

As with "citizen", "civil society" can be a similarly slippery concept, without a universal definition or agreement of whom or what it includes and excludes. Again, this chapter adopts a broad definition, based on the World Bank's definition, which draws on the work of a number of leading research centres: "[T]he wide array of non-governmental and not-for-profit organisations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations. Civil Society Organisations (CSOs) therefore refer to a wide of array of organisations: community groups, non-governmental organisations (NGOs), labour unions, indigenous groups, charitable organisations, faith-based organisations, professional associations, and foundations" (World Bank, n. d.). Civil society, under this definition, ranges from informal groups of citizens to large professionalised national and international CSOs, and from individual organisations to large social movements.[1] In the past years, the private sector has developed into an important stakeholder in many of the open government initiatives. Therefore, the OECD includes the private sector as one of the relevant stakeholders alongside the groups mentioned in the definition provided above.

In order to convey the central argument that civil society organisations and citizens are critical to the success of open government reforms, the chapter is divided into three sections, which outline:

1. the opportunity: the roles of citizens and civil society in successful open government reforms
2. the practice: the current practice of involving citizens and civil society in open government reforms
3. the challenge: recommendation for involving citizens and civil society in open government reforms.

## The opportunity: The critical roles of citizens and civil society in successful open government reforms

The last 30 years have seen a radical transformation in our understanding of the relationship between government and civil society. It was once taken for granted to be zero-sum, based on the belief that the strengthening of one side would necessarily lead to the weakening of the other, and that the two should be kept separated for the sake of propriety and rational decision making. However, since the 1990s, the opportunity for "state-society synergy" has not only been recognised, but found to be essential to good policy making, governance reform and development outcomes (Evans, 1996; Ostrom, 1996).

Over the past three decades, the importance of the involvement of citizens and civil society in governance has been promoted in a number of international agreements and declarations (see Box 4.1). The OECD itself has highlighted that "the path toward transparency, inclusiveness, and accountability is not an easy one, as it entails a paradigm shift that puts citizens at the heart not only of public policies but also of the very functioning of public administrations […], all OECD countries are putting open government principles at the heart of their public sector reforms" (Gurría, 2014).

Box 4.1. **The importance of civil society, as recognised in international declarations**

**Agenda 21**, the outcome statement of the United Nations Conference on Environment and Development ("Earth Summit") held in 1992, with 172 participating governments, recognised that: "One of the fundamental prerequisites for the achievement of sustainable development is broad public participation in decision-making."

**The Arhus Convention** on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, ratified by 40 countries in 1998, recognised the importance of public participation in environmental governance and established a number of rights for the public to be involved in the governance of their country.

**The Future We Want**, the outcome statement of the Rio+20 Conference held in 2012 which helped lay the groundwork for the Sustainable Development Goals, with 192 participating governments, states: "We underscore that broad public participation and access to information and judicial and administrative proceedings are essential to the promotion of sustainable development. [...] In this regard, we agree to work more closely with Major Groups and other stakeholders and encourage their active participation, as appropriate, in processes that contribute to decision making, planning and implementation of policies and programmes for sustainable development at all levels."

*Sources*: United Nations (1992), "Agenda 21", United Nations Conference on Environment & Development, Rio de Janerio, Brazil, 3-14 June, https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf (accessed 16 September 2016); United Nations Economic Commission for Europe (1998), "Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters", Aarhus, Denmark, 25 June, www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf (accessed 16 September 2016); United Nations (2012), "The Future We Want", www.un.org/disabilities/documents/rio20_outcome_document_complete.pdf (accessed 16 September 2016).

### *The many roles of citizens and civil society to promote good governance*

Recognition of citizens' and civil society's contributions to good governance has come about in parallel with developments in the theory and practice of co-production. Co-production is the idea that societal outcomes are not produced by governments or public service providers alone, but are in fact co-produced with wider society. This observation leads to the practical implication for governments that "citizens can play an active role in producing public goods and services of consequence to them", but more than this, that their active participation is "crucial for achieving higher levels of welfare" (Ostrom, 1996).

Co-production offers the potential for creative policy responses to social problems and has led to the development of innovative approaches to service delivery based on partnerships between governments, citizens and CSOs (OECD, 2011). The potential of co-productive relationships to achieve better outcomes has been demonstrated across a wide variety of sectors - including health, education and environmental sustainability - and contexts - including urban and rural, global north and south (Participedia, n. d.).

The contributions of citizens and civil society are just as important to good governance as social development. As Ostrom found, the role of citizens in governance is often "depicted as casting ballots, and watching the action" (Ostrom 1996). However, this conventional view ignores the great variety of roles that citizens and civil society can and do play in ensuring good governance. A large-scale study of the transition of 60 states to democracies, for example, found that the strength and density of civil society before and

after transition had a significant role in securing civil liberties and improving institutional performance (Tusalem, 2007).

Writing for the United Nations on the topic of the roles of CSOs in governance, Aisha Ghaus-Pasha argues that, "Civil society can further good governance, first, by policy analysis and advocacy; second, by regulation and monitoring of state performance and the action as well as behaviour of public officials; third, by building social capital and enabling citizens to identify and articulate their values, beliefs, civic norms and democratic practices; fourth, by mobilising particular constituencies, particularly the vulnerable and marginalized sections of masses, to participate more fully in politics and public affairs; and fifth, by development work to improve the well-being of their own and other communities" (Ghaus-Pasha, 2007).

The World Economic Forum (WEF, 2013) provides one of the most comprehensive lists of the multiple roles played by civil society in governance (Box 4.2). These roles pitch civil society in the modes of collaboration and challenge, both of which are essential for good governance and a well-functioning democracy.

Box 4.2. **The multiple roles played by civil society in governance**

**Watchdog:** Holding institutions to account, promoting transparency and accountability.

**Advocate:** Raising awareness of societal issues and challenges and advocating for change.

**Service provider:** Delivering services to meet societal needs such as education, health, food and security; implementing disaster management, preparedness and emergency response.

**Expert:** Bringing unique knowledge and experience to shape policy and strategy, and identifying and building solutions.

**Capacity builder:** Providing education, training and other capacity building.

**Incubator:** Developing solutions that may require a long gestation or payback period.

**Representative:** Giving power to the voice of the marginalized or under-represented.

**Citizenship champion:** Encouraging citizen participation and supporting the rights of citizens.

**Solidarity supporter:** Promoting fundamental and universal values.

**Definer of standards:** Creating norms that shape market and state activity.

*Source*: WEF (2013), *The Future Role of Civil Society*, World Scenario Series, World Economic Forum, Cologne/Geneva.

Where governance is weak, civil society is often required to step in to deliver services, as well as challenge inefficiency, corruption and rent seeking in government. However, civil society's dual roles of collaboration and challenge remain just as important to ensure that institutions perform effectively and in the interests of the public. As William Reuben observes, "In cases where states are weak, or have failed, and are experiencing conditions of widespread conflict and social ungovernability, civil society organisations usually offer the institutional basis for public service delivery and, in many cases, they contribute to conflict resolution and reconciliation efforts. Conversely, there is substantial evidence than an effective and sound public sector depends very much on the

existence of a dynamic civil society and strong citizen involvement in the public realm" (Reuben, 2003).

The OECD (2001) has itself recognised five motivations for strengthening government-citizen relationships (Box 4.3). These motivations reflect the fact that governments are most effective, responsive and legitimate when they work in concert with citizens and civil society.

Box 4.3. **Motivations for strengthening government-citizen relationships**

1. Improve the quality of policy, by allowing governments to tap wider sources of information, perspectives, and potential solutions in order to meet the challenges of policy making under conditions of increasing complexity, policy interdependence and time pressures.
2. Meet the challenges of the emerging information society, to prepare for greater and faster interactions with citizens and ensure better knowledge management.
3. Integrate public input into the policy making process, in order to respond to citizens' expectations that their voices are heard, and their views be considered, in decision making by government.
4. Respond to calls for greater government transparency and accountability, as public and media scrutiny of government actions increases, standards in public life are codified and raised.
5. Strengthen public trust in government and reverse the steady erosion of voter turn-out in elections, falling membership in political parties and surveys showing declining confidence in key public institutions.

*Source*: OECD (2001), *Citizens as Partners: Information, Consultation and Public Participation in Policy Making*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264195561-en.

## No open government without civil society

The participation of citizens and civil society is important across the spectrum of public governance and the policy cycle, but it is especially critical in the field of open government reforms. As in any other policy area, citizens and civil society can contribute by providing essential analysis, ideas and expertise to the development and implementation of an open government strategy. This is explicitly recognised in the approach and mechanisms of the Open Government Partnership (OGP), whose articles of governance state that "OGP participants commit to developing their country action plans through a multi stakeholder process, with the active engagement of citizens and civil society" (OGP, 2015).

Furthermore, the World Economic Forum outlines the value that civil society offers to governments as part of the "social basis for democracy", "civil society represents a fundamental part of the democratic system and highlights issues of importance. It has the ability to express controversial views; represent those without a voice; mobilize citizens into movements; build support across stakeholders; and bring credibility to the political system by promoting transparency and accountability. In terms of policy formulation, civil society is a valuable partner in providing deep subject-matter expertise based on first-hand experience, trialling and scaling up innovations in social services and facilitating citizen participation" (WEF, 2013).

Beyond this, one of the defining features of open government is the role of citizens and civil society as agents for change, rather than passive recipients of public governance. Previous reform agendas have typically focused on technocratic fixes such as organisational restructuring, performance management frameworks, targets, and new policies and protocols. Open government however seeks to place power in the hands of citizens and civil society to help reform their governing institutions by playing, among others, the roles of auditor, data analyst, decision maker, policy maker, service provider watchdog and in some cases, whistleblowers.

Table 4.1 summarises some of the roles citizens and civil society play in open government reforms at different stages of the public policy cycle. It is not intended to be comprehensive, but instead to give a sense of the diversity and possibilities that exist.

Table 4.1 **Civil society roles in open government reforms**

| Policy cycle phase | Roles |
|---|---|
| Agenda setting | **Informer:** Raising public awareness of an issue<br>**Researcher:** Building the evidence base around issues<br>**Advocate:** Building government awareness of an issue and making the case for reform<br>**Opinion leader:** Building public support for addressing an issue<br>**Mobiliser:** Connecting and engaging citizens around issues<br>**Campaigner:** Mobilising and co-ordinating citizens to advocate for an issue<br>**Representative:** Aggregating and transmitting the views of citizens on issues<br>**Priority setter**: Identifying and selecting priority issues<br>**Resource allocator:** Assigning resources to priority issues (e.g. via participatory budgeting) |
| Policy formulation | **Innovator:** Developing new responses to an issue<br>**Incubator:** Trialling new responses to an issue<br>**Expert:** Developing policy options and conducting policy analysis<br>**Advocate:** Making the case for particular policy interventions<br>**Mobiliser:** Involving citizens in developing or prioritising policy interventions<br>**Representative:** Aggregating and transmitting the views of citizens on policy interventions<br>**Opinion leader**: Building public support for a policy<br>**Standards setter**: Defining requirements for policy implementation<br>**Capacity builder**: Supporting policy makers |
| Decision making | **Informer**: Raising public awareness of a decision<br>**Advocate:** Making the case to decision makers for a course of action<br>**Campaigner:** Mobilising and co-ordinating citizens to advocate for a course of action<br>**Representative:** Aggregating and transmitting the views of citizens on a decision<br>**Partner**: Agreeing a collective course of action<br>**Decision maker**: Selecting at course of action<br>**Opinion leader**: Building public support for a decision |
| Policy implementation | **Informer**: Building public awareness of a policy (e.g. new rights, services, etc.)<br>**Expert**: Advising on policy implementation<br>**Service provider**: Implementing the policy<br>**Co-producer**: Partnering with government to implement the policy<br>**Citizenship champion**: Supporting citizens to utilise new rights, services, etc. |
| Policy evaluation | **Informer**: Raising public awareness of government performance<br>**Watchdog:** Scrutinising policy formulation and implementation<br>**Auditor:** Monitoring legal compliance and detecting fraud<br>**Evaluator**: Assessing the impact of a policy<br>**Whistleblower**: Exposing wrongdoing |

*Source*: Author's own work.

Open government, at its core, is about changing the relationship between government and society, and citizens and civil society should have a central role in negotiating that new relationship. When a government is truly committed to open government, its approach to reform should be transparent, participatory and accountable.

## Building coalitions for change

Open government reforms are rarely uncontested, and as such they cannot be designed by reformers - inside or outside government - working in isolation. Transformative and sustainable change requires the efforts of coalitions drawn from across different sectors and groups (e.g. ministers and officials, national and local CSOs, citizens, parliamentarians and the media).

Reformers inside government require the support of those outside to challenge inertia, rent seeking, vested interests, corruption and deeply embedded power structures within the system. As the political sociologist Larry Diamond outlines, "Insiders, even at middle and higher levels, cannot typically on their own mobilize the power to challenge the system successfully. And all their incentives press them to go along. By the same token, in the absence of some kind of powerful and organized mobilisation by society, leaders sympathetic to institutional reform to overhaul corrupt and unfair political practices do not make it to the top, and if they do, they do not survive for long" (Diamond, 2001).

On the other hand, reformers outside government require the support of those inside to secure and embed change within government institutions. Reform might require legislative or even constitutional change, and at the very least will necessitate commitment to new policy and practice. Again, as outlined by Larry Diamond, "It is not enough for civil society actors to forge a common cause among themselves, across their otherwise diverse interests. They must also link up with sympathetic (or even opportunistic) forces in the state and the party system [...] Fundamental change in a country's political institutions cannot be accomplished without some involvement of politicians from political parties (new or old), and in any case, it will not be effective or sustainable unless it is embraced by or gives rise to effective and legitimate party politicians" (Diamond, 2001).

The conclusion that CSOs cannot effectively influence policy or government reform working on their own is supported by research for the International Budget Partnership into over 30 case studies of civil society campaigns for open budgets, which found that CSOs that engaged in intensive co-operation, with state actors and across multiple policy levels, were typically the most successful (Larsen, 2016).

The political, cultural and institutional dimensions of open government reforms make the development of coalitions for change critical. Jonathan Fox's (1992) "Sandwich Strategy", for example, emphasises the need for a virtuous circle of empowerment between reformers in both government and civil society in order to overcome forces resistant to change. Similarly, the World Bank (2008) has identified that reforms are most successful when there are champions within government and civil society driving them, who can mobilise support and bolster each other: "'Policy champions' or 'agents of change' play a crucial role in policy reform, especially in regard to addressing opposition based on rents. They can mobilize and broaden coalitions to support the reform, deal effectively with opposition based on vested interests and often provide a vision of a more helpful future in order to help citizens cope with the transition"(World Bank, 2008).

The need to build coalitions for change to secure open government reforms must, however, extend beyond collaborations between government and formal CSOs, and support social movements that involve broad coalitions of citizens, informal groups and networks. In their study of what difference citizen participation makes, John Gaventa and Gregory Barrett (2010) found that, "Citizen action through their own associations and social movements can have as much or more consequence for states as participation through formal governance processes, even participatory ones. Strengthening these broader change processes and their interactions can create opportunities for state reformers to respond to demands, build external alliances and contribute to state accountability" (Gaventa and Barrett, 2010).

Furthermore, Mary Joyce and Tom Walker (2015) suggest that social movements have three principle advantages for achieving open government reforms over formal CSOs:

1. Linking local claims: Social movements are better suited to link together individuals and groups with related, but previously isolated, demands for change.
2. Flexibility of tactics: Social movements can more readily transition between different tactics in their interaction with government, switching between collaboration and challenge.
3. Mobilisation capacity: Social movements are better able to mobilise citizens, as they are more responsive to their priorities and voice.

The political economy of open government reforms, therefore, requires reformers in government and civil society to seek out and develop these broad coalitions that tip the balance of power in the favour of reform (Halloran, 2014).

As outlined in this section, collaboration between government, citizens and civil society is necessary for achieving open government reforms for at least three reasons:

- **Normative**: Open government redefines the relationship between government and society, and citizens and civil society must be involved in that process.
- **Instrumental**: Open government mechanisms rely on the participation of citizens and civil society, who also have a critical role to play in identifying issues and priorities, incubating ideas, and contributing to policy.
- **Political**: Open government reforms are complex and inherently political, requiring collaboration between reformers across different parts of the governance system to have chance of success.

## The current practice of involving citizens and civil society in open government reforms

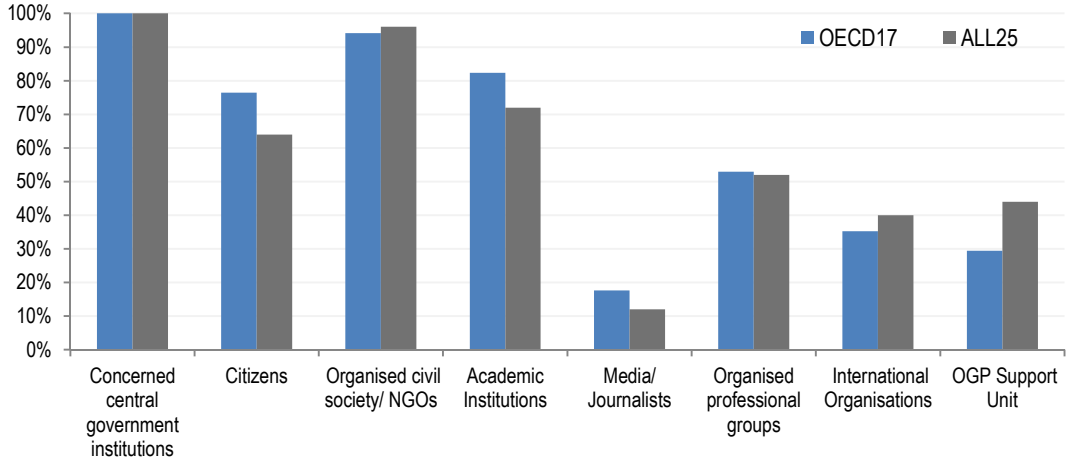
The previous section outlined the importance of citizen and civil society participation in open government reforms, and made the case for the building of coalitions for change among reformers in government and civil society. If that is the opportunity and ideal, this section compares it to the current practice.

### *Large quantity, but varying quality*

Evidence from more than 50 countries that answered the OECD Survey suggests that citizens and civil society are often involved in shaping an open government strategy.

After concerned central government institutions (100% in all 25 respondent countries), organised civil society/NGOs are reported by governments to have had the second highest level of involvement (96% in all 25 respondent countries, OECD 94%) in developing their country's open government strategy. In addition, in 64% of cases (OECD 76%), citizens themselves are reported to have been involved (see Figure 4.1).

Figure 4.1. **Actors involved in the development of an open government strategy**




*Note*: Only countries that had answered that they possessed an open government strategy were asked this question, n=25 (OECD 17).

*Source*: Country responses to OECD (2015), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

This finding is supported by data from the OGP Civil Society Survey, completed by over 600 members of the global OGP community, where 87% of respondents reported that their government involves them to at least some extent in the OGP. Similarly, the majority (83%) of National Action Plans assessed by the OGP's Independent Reporting Mechanism (IRM) have met at least one of the six steps set out in the official OGP guidance (based on data from OGP, n. d. a) (Box 4.4).

Box 4.4. **Official OGP guidance on civil society engagement**

Taking into account relevant national laws and policies, OGP participants agree to develop their country action plans according to the following principles:

- Countries will make the details of their public consultation process and timeline available (on line at a minimum) prior to the consultation.
- Countries will consult widely with the national community, including civil society and the private sector; seek out a diverse range of views; and make a summary of the public consultation and all individual written comment submissions available on line.
- Countries will undertake OGP awareness-raising activities to enhance public participation in the consultation.

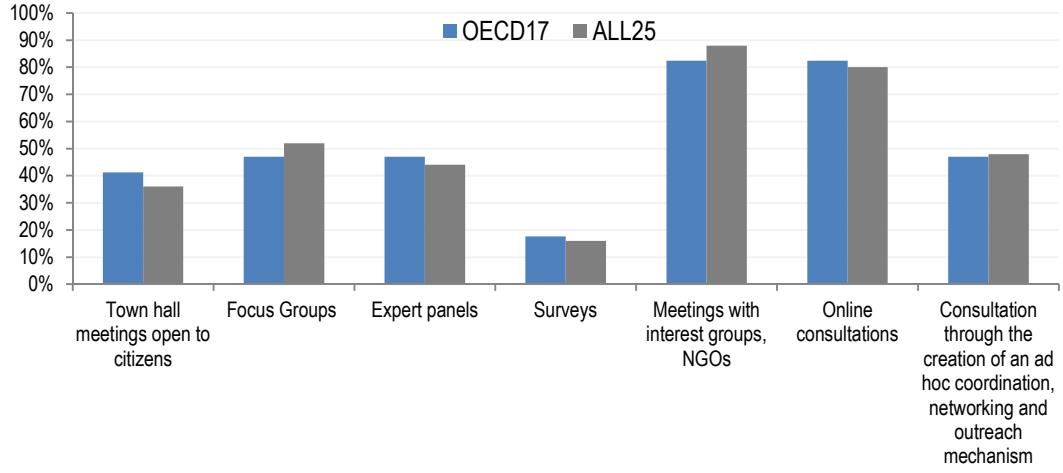
Box 4.4. **Official OGP guidance on civil society engagement** *(continued)*

- Countries will consult the population with sufficient forewarning and through a variety of mechanisms —including on line and through in-person meetings — to ensure the accessibility of opportunities for citizens to engage.
- Countries will identify a forum to enable regular multi-stakeholder consultation on OGP implementation — this can be an existing entity or a new one.
- Countries will report on their consultation efforts as part of the self-assessment, and the independent reporting mechanism will also examine the application of these principles in practice.

*Source*: OGP (n. d. a), *OGP Explorer and IRM Data*, database, Open Government Partnership, www.opengovpartnership.org/irm/ogp-explorer-and-irm-data (accessed 11 October 2016).

These figures suggest that many governments are making some effort to engage civil society in the development of their country's open government reforms. The findings from the OECD Survey show that this involvement takes a variety of different forms, with the most frequent being "Meetings with interest groups and NGOs" and "Online consultations" (Figure 4.2). The results also show that governments offer citizens a variety of approaches to engage, including town hall meetings open to citizens as in 36% in all 25 respondent countries and 41% in 17 OECD countries), meeting with interest groups and NGOs (88% in all 25 respondent countries and 82% in 17 OECD countries) and online consultations (80% in all 25 respondent countries and 82% in 17 OECD countries). Surveys are used in a few countries (16% in all 25 respondent countries and 18% in 17 OECD countries), whereas focus groups and expert panels were consulted during the development of the open government strategy by half of the countries.

Figure 4.2. **Consultation approaches used by governments during the development of their open government strategies**




*Note*: Only countries that had answered that they possessed an open government strategy were asked this question, n=25 (OECD 17).

*Source*: Country responses to OECD (2015), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

This apparent diversity of mechanisms reflects the focus of platforms such as the OGP on providing multiple channels for engagement. However, a third (36%, 23% in 17 OECD countries) of governments of the 53 countries that answered the OECD Survey identified a "lack of or inadequate institutional mechanisms to collaborate with NGOs and private sector" as one of their four main challenges in co-ordinating open government strategies and initiatives. Data from the OGP IRM also suggests that there are some basic features of good engagement that governments are failing to incorporate when developing their open government reforms, with many not providing a clear process and timelines, advance notice, or awareness raising (OGP, n. d. a).

### *Lots of consultation, but little collaboration*

The value of the mechanisms outlined above and their ability to mobilise participants will be highly dependent upon their quality. Judging from the available data, the prevalence and mechanisms for involvement appear to hide substantial differences in the level and quality of involvement. The International Association for Public Participation's (2007) spectrum distinguishes five levels of participation - inform, consult, involve, collaborate and empower - with increased levels of decision-making power shared with citizens and civil society at each step.

Just over half of respondents (52%) to the OGP Civil Society Survey report that their governments are operating at the lower two levels of "inform" and "consult". Similarly, since the IRM has tracked this dimension, its data shows that only one-third of plans have been developed with what might be considered significant participation by civil society (i.e. "involve" or above) (OGP, n. d. b). As outlined in the previous section, although collaborative relationships between government and civil society reformers are needed to develop, secure and implement open government reforms, engagement at this level is currently the exception rather than the norm (Table 4.2). This report will address the citizens' role and degree of engagement in each of these steps further in Chapter 5.

Table 4.2. **Levels of government-civil society engagement in OGP National Action Plans**

| Level of engagement | OGP Civil Society Survey | OGP IRM |
|---|---|---|
| **Inform** - Government keeps civil society informed. | 25% | 6% |
| **Consult** - Government keeps civil society informed, listens to and acknowledges concerns and aspirations, and provides feedback on how public input influenced the decision. They seek feedback on drafts and proposals. | 28% | 53% |
| **Involve** - Government works with civil society to ensure that their concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision. | 14% | 16% |
| **Collaborate** - Government works together with civil society to formulate solutions and incorporates advice and recommendations into the decisions to the maximum extent possible. | 17% | 18% |
| **Empower** - Government and civil society make joint decisions. | 4% | 0% |
| **None** | 12% | 0% |

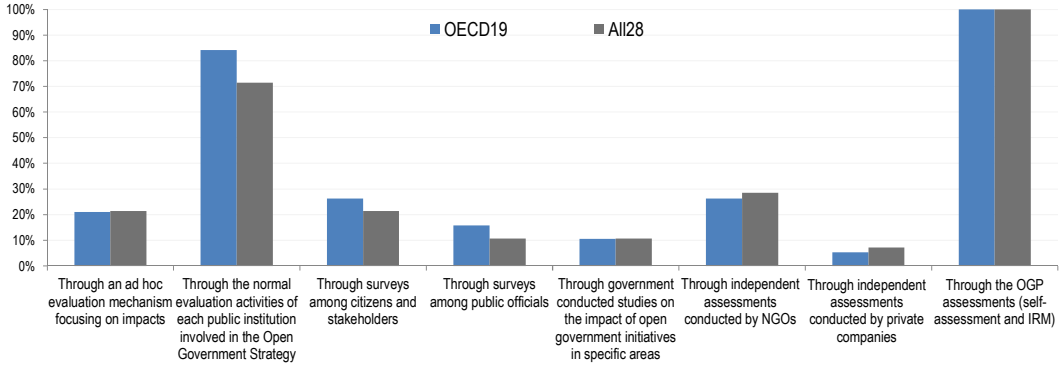
*Source*: OGP (2015), "OGP Civil Society Survey", unpublished; OGP (n. d. a), *OGP Explorer and IRM Data*, database, Open Government Partnership, www.opengovpartnership.org/irm/ogp-explorer-and-irm-data (accessed 11 October 2016).

The situation regarding civil society's impact on open government strategy appears more positive. Civil society, as seen in the previous section, has an important role to play in identifying and raising awareness of issues, as well as mobilising and representing citizens. When civil society fulfils these roles, it is uniquely placed to identify priority reforms for an open government action plan. Some 95% of respondents to the OGP Civil Society Survey report that their countries' open government action plan covers at least some of the priorities identified by civil society. A much smaller proportion (13%) report that their countries' open government action plan covers all of the priorities identified by civil society, though where this is the case it might instead suggest civil society is not being ambitious enough in its proposals. Of most interest is that half (50%) report that the plan covers a majority of priorities identified by civil society (OGP, 2015). Global initiatives and platforms to promote open governance, such as the OGP, must be partly judged on their ability to raise this percentage over the coming years. The issues of level of engagement and impact are closely linked. The more engagement moves up the scale from "inform" and "consult" to "collaborate" and "empower", the more significant the role and impact of civil society can be.

### *Monitoring and evaluation*

As outlined in the previous section, civil society has an important role to play in monitoring and holding government accountable for its delivery of policies, including those related to open government. Findings from the OECD Survey suggest that this is currently taking place to a limited extent. Only 29% of responding governments (26% in OECD countries) report that they evaluate the impact of their open government activities through independent assessments conducted by NGOs, while the same percentage (26%) say they do so through surveys among citizens and stakeholders (21% in all countries which evaluate). However, this appears to reflect a general lack of evaluation of open government reforms, as discussed in Chapter 3. The only mechanisms more frequently cited are through the normal evaluation activities of each public institution involved in the open government strategy (71% in countries that evaluate the impact and 84% in OECD countries) and through the OGP assessments (self-assessment and IRM) (86% in all respondent countries and 79% in OECD countries) (Figure 4.3).

Figure 4.3. **Evaluation of open government initiatives**




*Note*: Only countries that had answered that they evaluate the impact of open government initiatives were asked this question, n=28 (OECD 19).

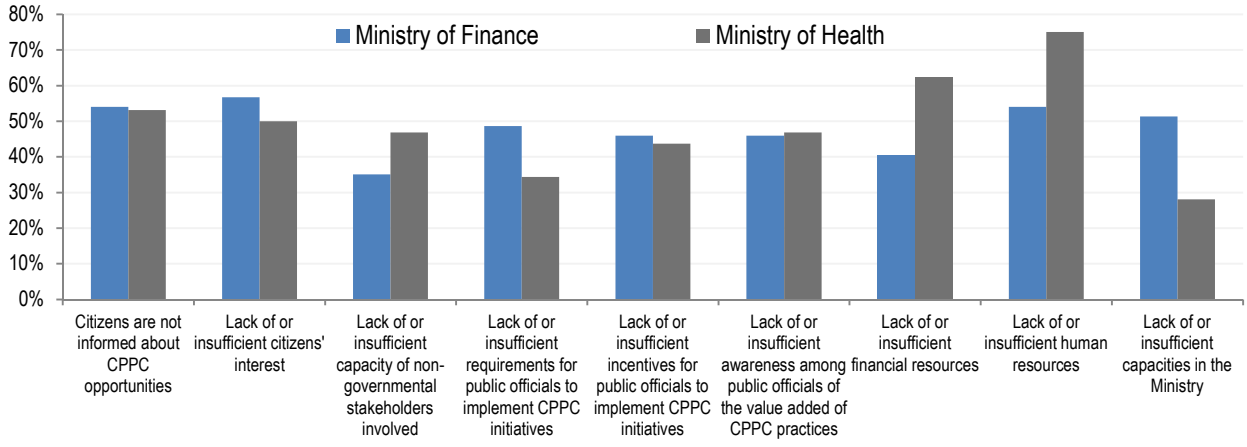
*Source*: Country responses to OECD (2015), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Though the role of evaluator is one that some CSOs may wish to play, they can struggle to do so through lack of capacity and resources (Court et al., 2006). Instead, they are often forced into the position of watchdogs - monitoring if and how a government has implemented a reform, but not being able to assess impact. A collaborative approach, bringing together government's resources with civil society's expertise, could be beneficial in enabling greater evaluation of reforms to understand what works, what does not, and why.

### *Barriers to civil society engagement*

In relation to specific policy areas at the sector level, the OECD Survey found that there seems to be some scepticism from governments as to the interest and capacity of citizens and civil society to engage in policy development. Some 50% (44% in OECD countries) of ministries of health and 57% (50% in OECD countries) of ministries of finance identified "Lack of or insufficient citizen interest" to be one of their five main challenges for involving them in the policy cycle. Similarly, 47% (40% in OECD countries) of ministries of health and 35% (27% in OECD countries) of ministries of finance identified "Lack of or insufficient capacity of non-governmental (NGOs and private sector) stakeholders involved" within their five main challenges (Figure 4.4).

Figure 4.4. **Main challenges to implementing citizen participation in the policy cycle (CPPC) initiatives at the sector level**




*Notes*: Ministry of Finance n=37 (OECD 31), Ministry of Health n=32 (OECD 25). Countries were asked for the five main challenges to implement CPPC initiatives and rank them accordingly. The graph above reflects the share of overall share of options answered and does not take into account the ranking by the countries. Japan's Ministry of Finance did not provide an answer to this question.

*Source:* Country responses to OECD (2015), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Findings from the OECD Open Government Reviews reveal a lack of sufficient interest as a frequent reason put forward by policy makers for not engaging citizens and civil society. While it is certainly the case that not all citizens or CSOs will want to engage in every issue all of the time, it is far from true that they are apathetic or disinterested. Rather, the issue is often that engagement opportunities are framed and set up in ways that work for government, rather than citizens and civil society. Government consultations, for example, are often tightly focused around the issue(s) that policy

makers consider important, hosted in government spaces, use technical jargon, and require a response in a specific format. While this might fit well with the policy process and needs of the policy maker, it is not particularly inviting from the perspective of a citizen or CSO. As it is acknowledged by the majority of ministries of health (53% for all countries, 44% in OECD countries) and ministries of finance (54% for all countries, 53% in OECD countries) in the OECD Survey, a lack of communications and outreach about an opportunity can also be a significant issue in preventing citizens and civil society from engaging.

This is not to suggest that policy makers should go to the other extreme, of developing engagement opportunities that work for citizens and civil society, but not government. Rather, they need to be made to work for both, to ensure that the opportunity fits with the incentives and needs of the intended participants, and also that it fits with the policy making process. Involve's own research has identified a lack of trust of government as being a significant factor that discourages engagement, with citizens and civil society often being cynical of government's motivations for engaging, having experienced poor quality or sham consultations (Brodie et al., 2011). This is supported to an extent by the data from the OECD Survey, in which 28% (23% in OECD countries) of governments identified "lack of trust between government and citizens / NGOs" as one of their five main challenges in implementing open government initiatives.

While there is not much basis for lack of interest being an issue, there is significantly more for lack of capacity. A survey of 130 CSOs, representing 33 countries from Asia, Africa, Europe, and Latin America, conducted by the Overseas Development Institute (Kornsweig et al., 2006) found that the main barriers to engagement in policy development for CSOs were internal factors, such as not having sufficient capacity, not having enough funds, and not having sufficient knowledge about policy processes. It should be noted that this is a relatively small sample of millions of CSOs around the world, which will have a diverse set of experiences in policy engagement and face an equally diverse set of challenges. That said, the lack of capacity is certainly an issue faced by many organisations in the sector, and particularly so for local and less formalised groups, alliances and networks. This finding points towards the need for a well-designed engagement process that respects the resourcing constraints of participants.

### *Declining civic space threatens open government*

Civic space – "the freedom and means [for individuals and organised groups] to speak, access information, associate, organise, and participate in public decision making" (Malena, 2015) - is a foundational element of democracy. All other aspects and mechanisms of open government rely, to at least some degree, on the participation and independence of civil society. Civil society is unable to play its proper role within society or governance if its freedom is threatened.

While the findings of the OECD Survey on the participation of civil society in open government strategy are in many ways positive, they must be considered alongside the wider context in which civil society is currently operating. Over the past few years there has been increasing concern over the decline of civic space around the world. Civicus, a global alliance of CSOs, identified that "respect for civil society freedoms significantly worsened in 2015" (CIVICUS, 2016), and report that during the year, "one or more of the core civil society freedoms of expression, association and peaceful assembly were seriously violated in at least 109 countries" (CIVICUS, 2016). Similarly, Freedom House's annual "Freedom in the World" index - which assesses political rights and civil

liberties in 195 countries and 15 territories - has recorded a decline in global freedom in each of the past ten years, with 2015 showing the largest regression, including deteriorations in OECD member countries (Freedom House, 2016).

Of particular concern is the fact that CSOs working on open governance issues, are often one of the main victims of declining civic space. As expressed by CIVICUS in its 2016 report, "Civil society organisations, particularly those engaged in the promotion of electoral democracy, good governance and anti-corruption measures were on the receiving end of public threats from high-ranking officials and other politicians. Many of these threats were accompanied by the familiar allegations that civil society organisations were working with foreign powers to overthrow or destabilise the government. Such threats often preceded the approval of restrictive legislation designed to control the activities of civil society" (Civicus, 2016).

Fear of repercussions is known to be a significant factor in restricting the ability of civil society to secure government accountability and reform (Fox, 2014). While governments may be giving nods towards engagement through mechanisms they create and control, this is seriously undermined if they are simultaneously closing civic space. In fact, some evidence suggests that social movements, as outlined in the previous section, can be one of the most effective routes to securing government accountability and reform (Gaventa and Barrett, 2010; Joyce and Walker, 2015). While the engagement of civil society by government is important, it must be built on the foundation of a free, independent and active civil society.

## The challenge: The future role of citizens and civil society in open government reforms

As the previous sections have shown, the collaboration of government, citizens and civil society is critical to achieving open governance reform, but the practices in many cases do not exploit this full potential. This section outlines recommendations for the future role of citizens and civil society.

### *Developing an enabling environment for civil society*

Some governments continue to approach their relationship with civil society as a zero sum, concluding that they must restrict civil society in order to bolster their own power. This is neither a sustainable nor an effective approach to governing. Rather than seeing the roles that civil society plays as a threat to its position, governments can benefit by responding positively and building a constructive relationship that acknowledges the value that civil society brings. As Duncan Green highlights, "Throughout history, social movements have served as incubators of new issues that have subsequently become a core part of the State's agenda [...] States that are aware and responsive to these nascent movements can short circuit decades of conflict and frustration" (Green, 2013).

The first step to open government and the involvement of civil society in open government reforms is to create an enabling environment for civil society. The World Movement for Democracy identifies seven International Principles for Protecting Civil Society that are embedded within international law (ICNL and NED, 2012):

- The Right to Entry (Freedom of Association).
- The Right to Operate Free from Unwarranted State Interference.

- The Right to Free Expression.
- The Right to Communication and Co-operation.
- The Right to Freedom of Peaceful Assembly.
- The Right to Seek and Secure Resources.
- State Duty to Protect.

In addition to these principles, the provision of a Law on Access to Information and other legislation on engagement frameworks are vital elements of an enabling environment, as discussed in more detail in Chapter 2. At a minimum, these principles must be upheld and put into practice by governments by, among other things, reducing legislative restrictions on civil society, removing registration burdens, guaranteeing the lives and safety of civil society activists, and promoting the rights to freely assemble and associate.

Beyond these basic steps, governments can further support the development of a thriving civil society by promoting access to other basic rights (e.g. health and education), engaging with groups in the policy process, building and maintaining public communal spaces, and developing cross-sectoral partnerships. Governments and civil society in a number of countries have developed agreements for working together (often referred to as compacts or accords) that set out commitments from both parties on a range of issues, such as civil society independence, access to information, public funding, consultation and participation. They must be developed through an open, inclusive and collaborative process, and be supported by ongoing capacity building for key stakeholders, robust monitoring and ongoing engagement.[2]

Such agreements are often the product of a long-term concerted effort to build trust and relationships between government and civil society. Two-way communication is needed to develop a foundation of mutual understanding, and build capacity for future engagement and collaboration. One of the routes towards this is for government to invite and support CSOs to engage in policy making processes on issues that matter to them. Open government initiatives and strategies can be one such focal point.

### *Good engagement principles and practice*

Upon the foundations of a thriving civil society, good engagement principles and practices should be applied to involve citizens and civil society in developing and implementing an open government strategy as well as any other policy. There is significant evidence and experience, built up over a number of decades across a range of country contexts, of what makes for effective engagement. The World Bank's guidance to its staff (World Bank, 2000), for example, states that the key to effective civil society consultation lies in:

- giving CSOs ownership by involving representatives in the design of the consultation process
- being clear from the outset what is and is not under consideration, to avoid unrealistic expectations
- demonstrating respect for those consulted through careful follow-up and feedback
- using appropriate selection procedures to ensure that all the relevant interests are represented

- tailoring types of interactions to the knowledge and capability of different groups.

Allied to these principles and standards, governments must carefully develop engagement and collaboration processes in order to have the best chance of success. Planning an effective participatory process requires consideration of the following factors to which this report will return in Chapter 5:

- **Purpose (why?)** - What are the desired outcomes and outputs? What is in scope, and what is out of scope? How much influence will participants have?
- **Context (where?)** - How does the process fit into the policy and decision-making process? What resources are available? What previous engagement/collaboration has taken place?
- **People (who?)** - Who will be impacted by the policy or decision? Who has something to contribute to the policy or decision? Which groups must be involved? What motivations, resources, and networks do they have? Which internal stakeholders need to be involved?
- **Process (how?)** - What are the most suitable engagement mechanisms for achieving the purpose, given the context, and with those groups of people? How will decision makers respond?

These issues and questions reflect the fact that good engagement must be tailored to the specific circumstance. Differentiating engagement according to the interests and capacity of different groups of participants is an important element of this. For example, whereas the contribution of a group of citizens might be best made at the level of issue identification and prioritisation, national CSOs might be better placed to offer technical expertise on open government reforms. As the World Bank (World Bank, 2000) highlights, it is important to recognise that CSOs differ in the degree to which they provide the following five functions:

1. representation (organisations that aggregate citizen voice)
2. technical expertise (organisations that provide information and advice, and lobby on particular issues)
3. capacity building (organisations that provide support to other CSOs, including funding)
4. service delivery (organisations that implement development projects or provide services)
5. social functions (organisations that foster collective recreational activities).

Recognising the particular contribution that a group of citizens or CSOs can bring to a policy process, and providing tailored opportunities for engagement based on this, can be important for maximising the value of engagement.

### *Beyond one-off engagement*

Open government reforms are ongoing processes that require concerted effort from reformers within government and civil society over time. As discussed in detail in the following chapter, engagement must similarly be ongoing and long term – not an event that comes around periodically, but a consistent and persistent partnership to identify shared objectives, negotiate obstacles and implement reforms.

As outlined in Chapter 1 as well as earlier in this chapter, the most effective strategies for achieving open government reforms often involve coalitions that cross the boundaries of government, civil society and citizens. Building such a coalition requires consideration of the different incentives and opportunities different groups need to engage, and how their contributions can be combined to become greater than the sum of their parts.

The "1% rule" – a rule of thumb that suggests 1% of an Internet community will create material, 9% will interact with it, and 90% will only view it – can be instructive when considering how to build a reform movement around open government. It suggests that building such coalitions requires attention at three levels:

1. **Collaboration**: A core group is needed to lead the process, dedicating expertise, time and energy to developing and shepherding reforms, as well as mobilising others to engage and support. Trust is a critical ingredient for making such collaboration work, but it cannot be expected to be present from the beginning. A leap of faith is required by government and civil society reformers to build a relationship that deepens trust over time. Although it necessarily involves some uncertainty, this can be eased to a certain extent through open and honest dialogue from the start to understand each of the partner's aims, expectations and circumstances. No collaborative process runs entirely smoothly, and there will be events that threaten to throw it off course, but most challenges can be surmounted through open and honest dialogue. The Open Government Partnership's (OGP, 2016) guidance on designing and managing multi-stakeholder forums presents a number of different models for permanent dialogue and collaboration that have been developed by governments and civil society in its member countries, including Armenia, Brazil, Chile, Croatia, El Salvador, Estonia, Georgia, Ghana, Mexico, Peru, Sierra Leone, and Uruguay. The handbook outlines the case of Sierra Leone, where a national OGP Steering Committee was created in order "to overcome distrust and a culture of 'we against you'" between government and civil society (OGP, 2016).
2. **Participation**: A larger group of participants is needed to make contributions – including commenting, challenging and improving ideas, drafts and policies – on issues that affect them or where they have something to offer (e.g. ideas, expertise, knowledge, etc.). As outlined above, this requires well-designed engagement – with a clear process, defined and accessible opportunities to get involved, and feedback loops to participants – in order that citizens and CSOs can easily dip-in and dip-out as it suits them. A range of participatory methods can be used – from crowdsourcing to social audits – to involve citizens and/or CSOs in identifying priority issues, proposing ideas, and developing the detail for open government reforms (Box 4.5).

Box 4.5. **Simplifying bureaucracy: The case of Italy**

The use of online citizen and business consultation activities regarding administrative simplification processes have greatly increased in the last few years. In October 2013, a major online consultation – Le 100 Procedure più complicate da semplificare (100 Procedure to Simplify) was launched jointly by the central, regional and local governments along with the most relevant business associations. Ending in January 2014, the consultation aimed to identify the most burdensome administrative procedures as perceived by citizens and business. The consultation gathered input from more than 2 000 comments from users, which were then used to compile a list of the "top ten" most burdensome regulations. Both citizens and businesses identified taxes and construction as the areas where regulation is most burdensome. Entrepreneurs also highlighted areas like running a business, public procurement and safety at work, while citizens pointed at procedures regarding health care, people with special needs, labour and social security. The results of the consultation set the stage for the launch of simplification measures that address the issues proposed by citizens and business. First, a number of "fast-track" simplification measures were implemented to provide immediate relief from administrative burdens. Then, a coherent set of measures were included in the Simplification Agenda 2015-17, which was launched at the end of 2014. The agenda includes several actions aimed at reducing costs and waiting times for business and citizens in five strategic sectors: digital citizenship, health and welfare, taxation, construction and business.

*Source*: OECD (2016), The Governance of Inclusive Growth: An Overview of Country Initiatives, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264265189-en.

3. **Transparency**: The policy process must be transparent to those involved in the open government reforms and those outside it, in order that they can understand what is happening, and have the opportunity to move into the role of participant or collaborator. This requires that information about all aspects of the policy process is communicated via a range of different channels (e.g. government websites, social media, print media, etc.) in an accessible way, especially the key moments to provide inputs, discuss priorities and monitor performance.

In addition to publicising the process, proactive outreach needs to be conducted to raise awareness of open government reforms, to reach new groups in society who might not immediately see the relevance to their issue. Particular attention also needs to be paid to engaging under-represented groups, particularly those typically excluded in society, who will bring a unique view of issues.

### *Engaging with social movements*

Governments should not restrict their engagement with citizens and civil society to the opportunities that they create and control. Policy makers should also engage with groups and social movements developed by citizens and civil society themselves. As outlined earlier in this chapter, such movements can mobilise large groups of citizens and give voice to their common interests. As the earlier quote by Duncan Green (2013) outlined, they can also serve as an incubator for issues that might become part of the government's agenda.

It is not just governments that must improve their engagement with social movements. There is a similar imperative for national CSOs to build links and support citizen movements. As Brendan Halloran and Walter Flores argue, "NGOs should consider how their strategies can better integrate with those of citizen organisations and

movements. Professional advocacy and grassroots mobilisation and pressure has been shown to be complementary in strengthening state accountability in challenging contexts such as Mexico and Colombia, leading to real reductions in impunity. There are many other examples – like the Treatment Action Campaign in South Africa – where professional NGO strategies react and seek synergies with popular movements, often due to good political analysis and flexible, adaptive approaches" (Halloran and Flores, 2015). To be truly successful, the open government field must transition from a collection of isolated reformers, to a movement of citizens, CSOs, policy makers, politicians and other stakeholders finding common cause and contributing their own efforts towards open government reforms.

## Conclusion

The involvement of citizens and civil society is critical to developing, securing and implementing open government reforms. As set out in this chapter, this is for at least three reasons: normative, instrumental and political. Collaborative relationships between government and civil society reformers are needed to develop, secure and implement open government reforms, but engagement at this level is currently the exception rather than the norm. Though the majority of governments surveyed by the OECD Survey involve citizens and civil society to some extent in setting open government strategy, in all but a few cases this more closely resembles consultation than collaboration.

There are also some common issues reported with the quality of this engagement – such as governments failing to provide a clear process and timelines, advance notice, or awareness raising – that weakens its effect. This engagement is also taking place in the context of a general trend of declining civil society freedom around the world. While governments may be giving nods towards engagement through mechanisms they create and control, this is seriously undermined if they are simultaneously closing civic space.

Some governments continue to approach their relationship with civil society as zero sum, concluding that they must restrict civil society in order to bolster their own power. This is neither a sustainable nor an effective approach to governing. Rather than seeing the roles that civil society plays as a threat to its position, government can benefit by responding positively and building a constructive relationship that acknowledges the value that civil society brings.

Upon the foundations of a thriving civil society and a constructive state-society relationship, good engagement principles and practice can be applied to involve citizens and civil society in developing and implementing open government strategy. But beyond this, reformers inside and outside governments must form partnerships and build broad coalitions to achieve change, including through mobilising, supporting and engaging with citizen movements.

**Key Findings**

- The participation of citizens and civil society is important across the spectrum of public governance areas, but it is especially important for the design and delivery of open government reforms.
- Open government, at its core, is about changing the relationship between government and society: the involvement of citizens and civil society organisations is therefore critical in terms of agenda setting, policy formulation, implementation, and monitoring and evaluation, as well as in the design and delivery of public services.
- However, all countries face challenges in exploiting this potential fully. To address this, countries need to develop an enabling environment for civil society and a solid framework for citizen participation, together with a radical shift in the modus operandi of the public sector, towards one that recognises that reformers inside and outside government need to ally and collaborate though partnerships and coalitions for change.

## Notes

1. Social movements have exerted their influence to varying degrees in the different geographical regions. Therefore, scholars have used it in a lot of forms to describe a group of people with similar goals. For simplicity reasons, this report will only present one of the frequently cited definitions by Charles Tilly. The American sociologist, political scientist and historian defines social movement according to three major elements: 1) a campaign based on a sustained, organised public effort which makes collective claims on target authorities; 2) a social movement repertoire consisting of the employment of combinations of approaches to political action: creation of special-purpose associations and coalitions, public meetings, solemn processions, vigils, rallies, demonstrations, petition drives, statements to and in public media, and pamphleteering; and 3) participants' united public representation of worthiness, unity, numbers (e.g. of petitions signed and protesters in the street) and commitment (Tilly, 2004). The most visible fora of social movements across borders nowadays are the World Social Forum or groups that call for the sustainable use of natural resource or the eradication of poverty.
2. The Open Government Guide provides guidance on how to develop a compact with civil society. For more information, see www.opengovguide.com/commitments/develop-a-compact-with-civil-society-to-achieve-common-goals/.

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# *Chapter 5.*

# Citizen participation: Doing it right

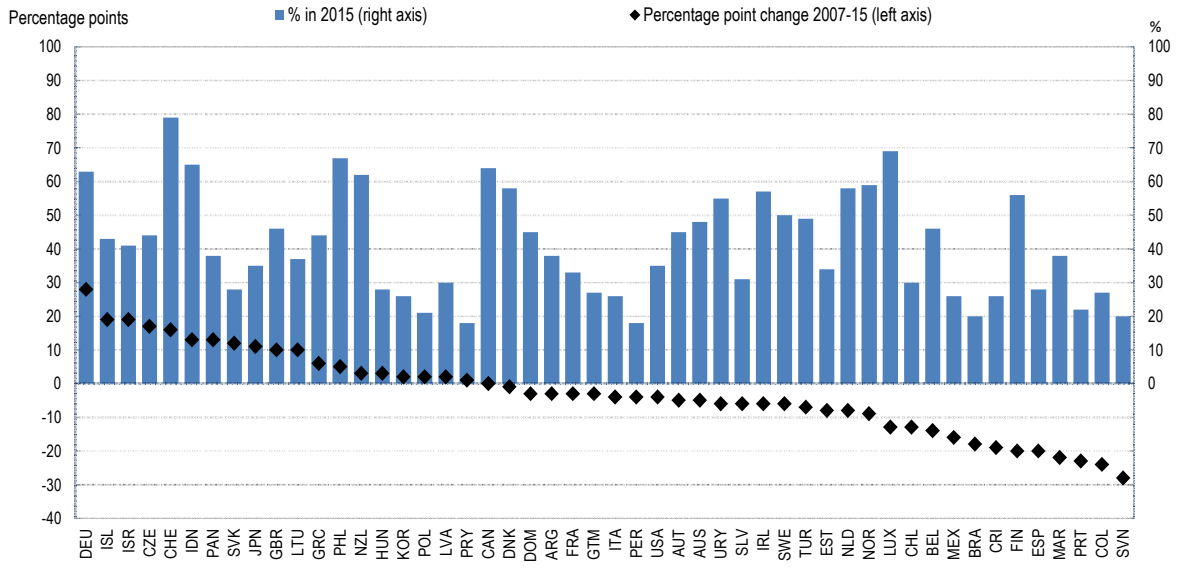
*This chapter assesses citizen participation in each step of the policy cycle. It finds that most countries have developed innovative approaches to citizen participation ranging from the provision of information and consultation on policy priorities to the co-design and co-implementation of public services. On the basis of the findings from more than 50 countries that responded to the 2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle, with a focus on ministries of finance and health, this chapter discusses the status of participation initiatives across the world and examines what a solid foundation for participation would look like, including the necessary legal, institutional, policy and implementation frameworks.*

The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

## Introduction

The context for government action is evolving constantly. Voters' turnout in elections is declining in many countries (Pew Research Centre, 2016), levels of trust in public institutions are low (Figure 5.1) and membership in political parties is falling (OECD, 2005a). Citizens are better informed, thanks to more widespread Internet access and to modern technology; and they expect governments to develop policies and make decisions that reflect their preferences, views and knowledge. Calls for greater government transparency and accountability grow, as public and media scrutiny of government actions increases and standards in public life are codified and raised (OECD, n.d.; UNDESA, 2011).

Figure 5.1. **Confidence in national governments in selected countries**




*Note:* Data refers to the percentage of respondents who answered "yes" to the question, "Do you have confidence in national government?". Data for Austria, Finland, Ireland, Norway, Portugal, Slovak Republic, Slovenia and Switzerland are 2006 rather than 2007. Data for Iceland and Luxembourg are 2008 rather than 2007. Data for Morocco is 2011 rather than 2007. Data for Tunisia is not provided.

*Source:* Gallup World Poll (n.d.), "Gallup World Poll", www.gallup.com/services/170945/worldpoll.aspx.

Greater citizen participation in the policy cycle (CPPC)[1] is at the core of an open government and has to be an integral element of countries' move towards an open state (further detail in Chapter 6), creating renewed attention to the mechanisms through which governments are going beyond the role of a simple provider of services towards a greater partnership with all relevant stakeholders, including the private sector, academia and independent state institutions (OECD, 2016a). While in the past approaches to citizen participation have mostly been one way (government providing "information" to citizens), other approaches have evolved that encourage an active two-way dialogue between citizens and government (Lukensmeyer and Torres, 2006). In this new vision of

the public sector, citizens are no longer passive receptors of government information (OECD, 2016a). To the contrary, governments and citizens engage in a joint construction of value (OECD, 2016a):

> "At the heart of this vision lies the ability of governments to design and deliver policies and services that better reflect and meet the needs and preferences of society as a whole, including those of the vulnerable and disadvantaged communities and men and women from diverse backgrounds. Internally, it calls for new approaches to policy making, focused on alignment, evidence-based decision making and joined-up delivery to maximise productivity and impact. Externally, this new vision embraces a people-centred participatory approach that builds public value and leads to stronger levels of legitimacy of and confidence in the public sector" (OECD, 2016a).

Countries across the world have a long experience experimenting with different types of citizen participation initiatives and a great number of good practices in this area can be found. While most countries agree on the potential benefits of CPPC, countries' reasons for pursuing citizen participation initiatives and the ways they implement them differ considerably. Moreover, knowledge about the actual impact and the costs of participation initiatives remains limited. For the time being, 37% of the responding finance ministries (42% in OECD countries) and 25% of the responding health ministries (32% in OECD countries) do not evaluate their initiatives, which limits their capacity to improve them.

There can be no one-size-fits-all model of citizen participation (UNDESA, 2011). The adequate design, implementation and evaluation of a participation case depends on each country's legal, institutional, cultural, historical, socio-economic and political context. Taking into account these considerations, this chapter identifies the key pillars of successful citizen participation and provides countries with good practices that could inspire the design of future participation initiatives. In order to advance the understanding of the key enabling factors and the main barriers to progress at the different stages of the policy cycle, the chapter maps instances in which countries have made successful experiences when engaging with citizens.

## Defining citizen participation in the policy cycle

A new form of governance that goes beyond traditional participatory approaches and which emphasises the sharing of power, information and mutual respect between governments and citizens is slowly emerging (Corella, 2011). However, as the OECD (2001) points out "when engaging in activities to strengthen their relations with citizens, governments do not give up their right and duty to make policy and decisions."

Participation can be understood as the interaction, either formal or informal, between government and citizens and stakeholders (civil society organisations (CSOs), academia, the private sector, etc.) at the initiative of either, that is used to inform a specific policy outcome in a manner that ensures well-informed decision making and avoids policy capture (OECD, 2016a). Hence, participation can be defined as the process by which any person or group who has an interest or stake in a specific policy area is involved in the related activities and decision-making and implementation processes.

The traditional notion of participation has, in recent years, evolved towards the concept of "engagement". Participation refers to the involvement of individuals and groups in designing, implementing and evaluating a project or policy (OECD, 2016a). Engagement goes one step further in that it also includes concepts such as co-creation of

policies, which describes the systematic pursuit of continuous co-operation between government agencies and stakeholders. This phenomenon is redefining the respective roles and the relationship between governments and citizens (OECD, 2016a).

Citizen participation does not replace applying formal rules and principles of representative democracy – such as free and fair elections, representative assemblies, accountable executives, a politically neutral public administration, pluralism and respect for human rights (OECD, 2001). Except for the most advanced forms of participation (such as co-production), the ultimate responsibility for decisions remains with elected governments, which are accountable to the population. Hence, citizen participation renews and deepens democracies by narrowing the gap between governments and the public they serve and improving the legitimacy of decisions (Sheedy, 2008). The United Nations Department of Economic and Social Affairs (UNDESA, 2011) adds that, "citizen participation refers to the public's involvement in determining how a society steers itself, makes decisions on major public policy issues and delivers programmes for the benefit of citizens."

## The benefits and challenges of participation

Nowadays, there is consensus that there is a strong need for governments to design and implement more inclusive policies and services that meet the needs of all members of society in order to foster more inclusive and sustainable growth (OECD, 2015a).

If executed well, citizen participation in policy making and service delivery can be a sound investment for all stakeholders. OECD research such as the Open Government Review of Indonesia shows that citizen participation can bear a great number of potential benefits for governments, citizens and other stakeholders. These benefits can be divided in two clusters (OECD, 2016c; OECD, 2015b; Corella, 2011):

1. **Instrumental benefits** (i.e. better results): Refers to the idea that participation can improve the quality of policies, laws and services, as they were elaborated, implemented and evaluated based on better evidence and on a more informed choice. They may also benefit from the innovative ideas of citizens and be more cost-effective.
2. **Intrinsic benefits** (i.e. a better and more democratic policy making process): Refers to the improvement and democratisation of the process, which becomes more transparent, inclusive, legitimate and accountable. A better process can contribute to strengthening representative democracy, building trust in government and creating social cohesion.

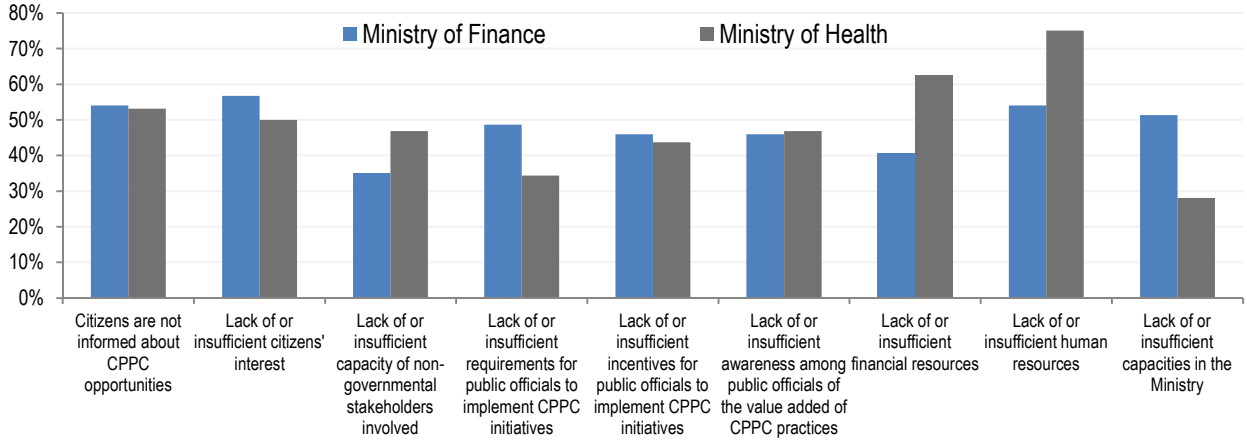
Hence, stakeholder participation can create a virtuous circle in which citizens become more deeply involved in policy choices, reforms and outcomes (OECD, 2015a). However, the assumption that participation is necessarily good for the quality of democracy and improves policy making still lacks strong evidence. The creation of new participation initiatives by governments in recent years has, for instance, not necessarily led to a parallel increase in the perception of quality and legitimacy of government action or in higher levels of trust (OECD, 2016a). Therefore, the connection between citizen participation and the above-mentioned benefits is not automatic (OECD, 2016a).

Additionally, as discussed by the OECD (2015a; 2016a), UNDESA (2011) and the European Institute for Public Participation (2009), governments and stakeholders' challenges associated with participation include, among others:

- low administrative capacity, weak mandates, planning or incentives, or a non-supportive administrative culture
- difficulties in accessing hard-to-reach social groups, in particular under-represented segments of the population (whether on the basis of social or economic backgrounds, ethnic-, cultural- or gender-based identity or location factors)
- weak participation, including issues of literacy, accessibility or perceived impact of the time and effort required to engage
- high costs in terms of time, money and potentially political costs if participation is poorly handled
- the "risk of citizen participation fatigue".

In fact, the most important challenges to successfully implement CPPC initiatives identified by health ministries are the lack of human resources (75% in all respondent countries and 80% in OECD countries) and the lack of financial resources (63% in all respondent countries and 60% in OECD countries). These challenges are particularly important in the health ministries compared to the finance ministries. Furthermore, the finance ministries struggle more with insufficient incentives for public officials to implement CPPC initiatives (46% in all respondent countries and 50% in OECD countries) and the insufficient capacities in the ministry (51% in all respondent countries and 50% in OECD countries), as discussed in more detail in Chapter 2. The fact that citizens are not informed about CPPC opportunities, the lack of citizens' interest as well as lack of awareness among public officials of the value added of CPPC practices are common challenges for both the ministries of finance and health (Figure 5.2).

Figure 5.2. **Main challenges to implement citizen participation in the policy cycle (CPPC) initiatives at the sector level**




*Notes*: Ministry of Finance n=37 (OECD 30), Ministry of Health n=32 (OECD 25). Countries were asked for the five main challenges to implement CPPC initiatives and rank them accordingly. This prioritisation is however not reflected in the graph and lists the mentioned challenges regardless of the prioritisation. For the Ministry of Finance, the Slovak Republic provided the same answer to all five challenges, whereas Mexico indicated the same challenges for numbers 4 and 5. Japan's Ministry of Finance did not provide an answer to this question.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

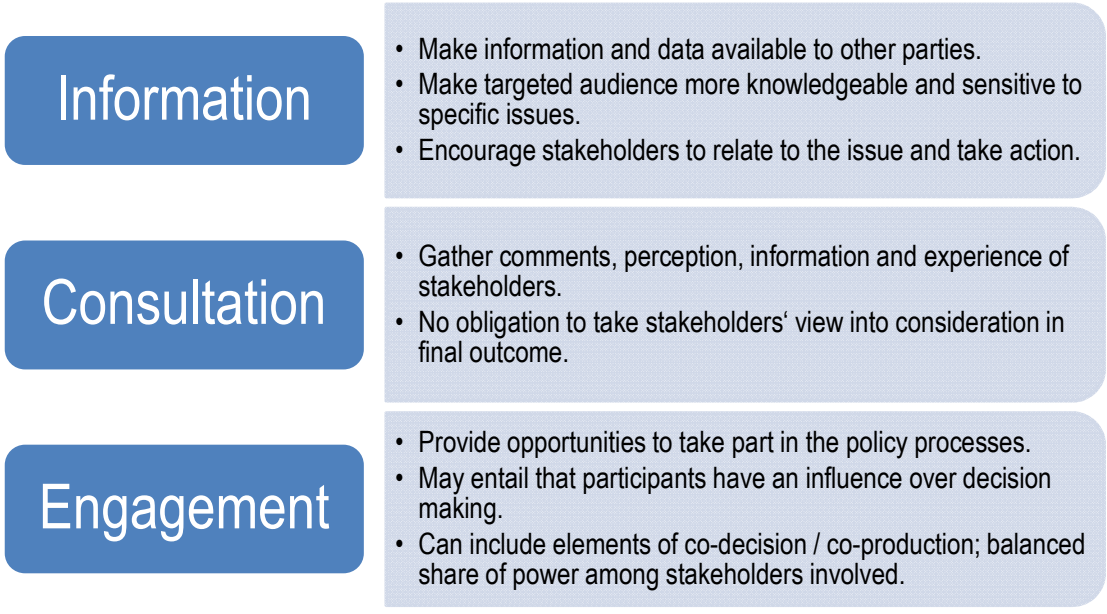
Keeping in mind these challenges, a more effective evaluation of initiatives is needed to identify under which conditions citizen participation is or can be beneficial. An important number of information gaps as to the actual impact of citizen participation initiatives remain (OECD, 2016a). These gaps include (OECD, 2016a.):

- the need for a better understanding of who actually participates in participation initiatives (i.e. the representativeness and legitimacy of the actors)
- a greater focus on evaluating not just the process of participation but also the quality of its outputs and outcomes such as increased trust in government (i.e. cost-benefit analysis), including budgetary and time concerns
- a consideration of issues of scope and scale (i.e. engaging with local communities on national priorities and vice versa), so that participation efforts can deliver the expected results and contribute to stronger democratic processes.

## The different forms of government-citizens relations

While recognising that many intermediary forms of participation exist, the OECD has developed a typology to map the different existing relationships between citizens and governments (OECD, 2001). They vary from the basic provision of information, which is the weakest form of participation, to full engagement forms such as co-production, co-delivery and co-evaluation, which involves a balanced share of powers among stakeholders. Each of these modalities of participation has different objectives and impacts (Figure 5.3). From information to co-decision, an increasing level of citizen involvement and influence on policy making can be noted and the influence citizens exert on policy making rises.

Figure 5.3. **The imaginary ladder of participation practices: Levels of stakeholder participation**




*Source*: Adapted from OECD (2015a), “Policy shaping and policy making: The governance of inclusive growth”, background report to the Public Governance Ministerial Meeting, 28 October, www.oecd.org/governance/ministerial/the-governance-of-inclusive-growth.pdf.

### *Information/communication: A necessary, but on its own, insufficient precondition for citizen participation*

Information is a one-way relationship in which governments produce and deliver information to be used by citizens. It covers both "passive" access to information upon citizen demand and "active" measures by government to disseminate information to citizens. Examples include access to public records, official gazettes and government websites. Access to information is part of the legal frameworks of most countries today (or it is embedded within other laws or the Constitution) (more detail can be found in Chapter 2). The scope and quantity of government information provided to citizens have increased significantly over past decades thanks to the information-technology revolution.

Access to information is a precondition for citizens' abilities to enquire, scrutinise and contribute to decision making (Gavelin, Burall and Wilson, 2009) and a key building block of open government reforms. Access to information is a necessary, but on its own, insufficient precondition for effective citizen participation, as the provision of information does not automatically lead to engagement or participation (World Bank, 2016). It is the attributes of the information disclosed, including its relevance in relation to the concerns of stakeholders, and its usability that make the difference regarding the actual use of information for engagement and influence on policy decisions (OECD, 2013).

### ***Consultation: Providing feedback on policy proposals and service delivery***

Consultation is a two-way relationship in which citizens provide feedback to government (comments, perceptions, information, advice, experiences and ideas). It is based on the prior definition by government of the issues on which citizens' views are being sought and require provision of information. Governments define the issues for consultation, set the questions and manage the process, while citizens are invited to contribute their views and opinions (OECD, 2003). The process is often initiated by decision makers looking for insights and views from stakeholders involved or who will likely be affected by the outcomes (OECD, 2015b). The use of information gathered during the consultation process often remains at the discretion of the entity that initiated it (OECD, 2015b). In most cases, there is no obligation to take the views of the audience into consideration when amending plans, making decisions or setting directions. Furthermore, often little attempt is made to translate the views and preferences of consulted stakeholders into a collective decision. In most consultation meetings, decision makers commit only to receiving the testimony of participants and considering their views in their own deliberations (OECD, 2015b).

Today, consultation is accepted as a valuable means of improving the quality of public policy while strengthening its legitimacy. Measures to expand online service delivery, to reduce linguistic, physical, and organisational barriers and cut through "red tape" have helped governments gain significant experience with consultation (Corella, 2011). Consultation practices may include public opinion surveys and comments on draft legislation. Some 94% of OECD countries, for instance, require public consultation on some or all primary laws (OECD, 2015b). However, large differences remain across OECD countries and the extent to which such legislation and arrangements exist varies considerably (Corella, 2011).

### *Engagement: From a partnership between citizens and governments to co-production/co-creation*

Engagement is a relationship based on a partnership between citizens and governments. Citizens actively engage in defining the process and content of policy making. Like consultation, engagement is based on a two-way interaction. It acknowledges equal standing for citizens in setting the agenda, proposing policy options and shaping the policy dialogue – although the responsibility for the final decision or policy formulation in many case rests with the government.

Hence, engagement recognises the capacity of citizens to discuss and generate policy options independently (Corella, 2011). It needs governments to share their agendas with citizens and it requires governments' commitment that policy proposals generated jointly will have an impact on the policy cycle (Corella, 2011). At the same time, engagement requires that citizens accept their increased responsibility for policy making (OECD, 2003). Engagement needs to provide for sufficient time and flexibility to allow for the emergence of new ideas and proposals by citizens, as well as mechanisms for their integration into government policy making processes. A perfect example of engagement is participatory budgeting (Box 5.1).

Box 5.1. **Examples of participatory budgeting**

The 2015 OECD Recommendation on Budgetary Governance explicitly calls on governments to "ensure that budget documents and data are open, transparent and accessible" and to "provide for an inclusive, participative and realistic debate on budgetary choices".

Over recent years, the trend towards participative budgeting has extended internationally and has been taken up with success in a number of OECD member countries and non-member economies. In practice, progress at national level has been limited to date, with more activities and innovations emerging at the level of cities and municipalities.

**Porto Alegre, Brazil**

Participative budgeting (PB) began more than a decade ago in Porto Alegre, the capital of the state of Rio Grande do Sul, one of the most populated cities in south Brazil. Participatory budgeting is a process through which citizens present their demands and priorities for civic improvement, and influence the budget allocations made by their municipalities through discussions and negotiations. Since 1989, budget allocations for public welfare works in Porto Alegre have been made only after the recommendations of public delegates and approval by the City Council. Participatory budgeting has resulted in improved facilities for the people of Porto Alegre. The Participative Budget has proved that the democratic and transparent administration of resources is the only way to avoid corruption and mishandling of public funds. Despite certain technocratic opinions, the popular participation has provided efficient spending, effective where it has to be and with results in public works and actions of great importance for the population. Since its beginning, the projects decided by the Participative Budget represent investments over USD 700 million, mainly in urban infrastructure and in upgrading the quality level of the population.

**Paris, France**

Since 2014 the municipality of Paris gives its citizens the opportunity to decide on the use of 5% of its investment budget, which amounts to 0.5 billion EUR in 2014-20. The aim is to involve citizens in municipal politics to foster social cohesion and to learn their preferences. It builds on the principles of open government and promotes a stronger relation between citizens, their representatives and the public institutions.

Box 5.1. **Examples of participatory budgeting** *(continued)*

In the 2015 edition of the *budget participatif*, participation was deepened by providing citizens with the opportunity to propose projects that would then be voted on (Mairie de Paris, 2015). The project tries to harness creative ideas of Parisians, and the process is as follows: (i) Parisians propose their ideas for investment projects on a website; (ii) The municipality evaluates the feasibility of the proposals; and (iii) project proposals are submitted to vote by Parisians.

**New York City, United States**

New York City is host to the largest PB in the United States in terms of participants and budget amount. First introduced in 4 council districts in 2011, the annual PBNYC process now spans 24 Council Districts and lets residents directly decided how to spend USD 25 million in capital discretionary funds. It counts with 18 000 participants each year.

**Newcastle, United Kingdom**

In 2008, Newcastle launched a PB process in which 450 young people helped decide how to allocate the city's GBP 2.25 million Children's Fund. After months of preparation, youth ages 5-13 attended a PB event at which they voted electronically for services targeted at young people. Their votes were incorporated into the Fund's complex procurement process, weighted to count for 20% of the final spending decisions.

**Toronto, Canada**

Since 2001, Toronto's public housing authority has engaged tenants in allocating CAD 5-9 million of capital funding per year. Tenants identify local infrastructure priorities in building meetings; then budget delegates from each building meet to vote on the priorities to receive funding.

*Sources*: OECD (2015d), "Recommendation of the Council on Budgetary Governance", OECD, www.oecd.org/gov/budgeting/Recommendation-of-the-Council-on-Budgetary-Governance.pdf; OECD (2016b), *Integrity Framework for Public Investment*, OECD Public Governance Reviews, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264251762-en; Participatory Budgeting Project (n. d.), "Examples of PB", webpage, www.participatorybudgeting.org/about-participatory-budgeting/examples-of-participatory-budgeting/ and Mairie de Paris (2015), Budget participatif, https://budgetparticipatif.paris.fr/bp/le-budget-participatif-.html. (accessed 17 June 2016).

Nowadays, in an increasing number of cases, engagement is involving some form of co-management and co-production schemes in the provision of public services, which involves a balanced share of power between all involved stakeholders. Co-production and co-decision are the ultimate levels of stakeholder engagement as they are characterised by a balanced share of power over the policy or project decision-making process (OECD, 2015b). This form of participation tends to challenge existing organisational values and practices in the sector, and can have positive implications for accountability. In OECD countries, it has been proven that co-decision and co-production in public services have led to cost reductions, better service quality and improved user satisfaction (OECD, 2011a) and in many sectors co-production is already being applied (Box 5.2).

Box 5.2. **Co-producing better health outcomes**

Governments must respond to the challenge of longer life expectancy and re-orient services towards preventing ill health, rather than just responding to illness. In transforming services, users become key partners to deliver desired outcomes and reduce the costs of expensive, acute health services or residential care.

A variety of approaches can be used in co-producing better health outcomes. A combination of home-based technology, self-management by service users and targeted professional support can enable patients to manage their own care on a day-to-day basis, while relying on expert service for specialised or complex functions and as back-up. Potentially, this can release resources either to reduce levels of public spending or for transfer to other priorities. Training service users to be a source of information and support for others with the same conditions allows patients to take more control over their health while helping others. This scheme combines elements of co-production with individuals and community, as it makes expertise available to other groups of patients and builds support networks.

These approaches share an emphasis on prevention and may reduce the need for expensive services, such as emergency hospital admissions or outpatient visits. By doing so, user co-production can reduce costs to the public purse and potentially improve health services. Evaluations of these approaches in countries like the Netherlands, the United Kingdom or the United States have shown their positive impact not only in terms of cost-efficiency (for example, by reducing visits to the emergency room) but also in secondary outcomes, including well-being and satisfaction. There are also potential savings for future expenditure, which are more difficult to quantify and which will result from better management of ongoing conditions.

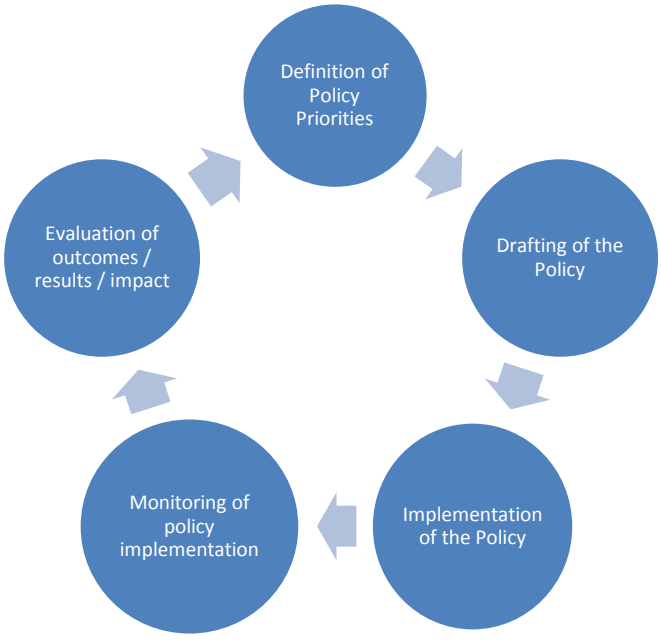
*Source*: OECD (2011a), *Together for Better Public Services: Partnering with Citizens and Civil Society*, OECD Public Governance Reviews, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264118843-en.

Co-production approaches can generate creative policy responses, enabling governments to provide better public services in times of fiscal constraint (OECD, 2011a). Successful co-production and co-decision depend on having the right mix of leadership, capacity (e.g. technology, peer support) and incentives (e.g. recognition, awards) to ensure that all stakeholders buy into the change process, and to guarantee value for efforts. Co-production and co-decision transform the relationship between stakeholders, enabling each of them to take more control and ownership, and contributing to the alignment of policy or project outcomes with their aspirations and needs (OECD, 2015b).

## The status quo of stakeholder participation in the policy cycle

To shape better outcomes, participation can be mainstreamed throughout the entire policy cycle: from the definition of policy priorities, to the policy drafting process, to its actual implementation and finally, to its monitoring and impact evaluation (Figure 5.4).

Figure 5.4. **The different stages of the policy cycle**

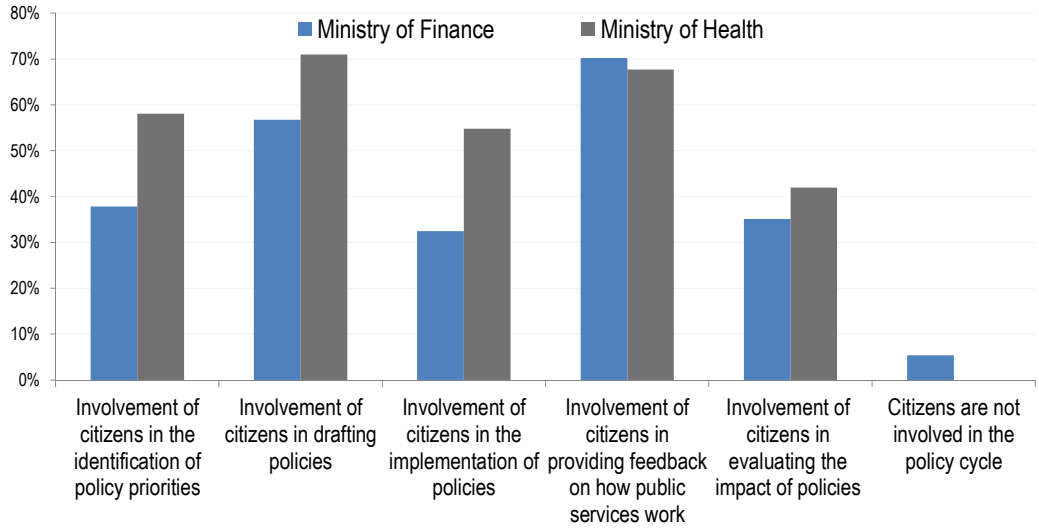



*Source*: Author's own work.

Only 5% of all respondent finance ministries (7% in OECD countries) and none of all health ministries indicated that citizens are not involved in the policy cycle at all (Figure 5.5). While evidence of good practices at all five stages of the policy cycle exist in the ministries of finance and health, in both ministries citizens are most often involved in providing feedback on how public services work (70% in all respondent countries and 73% in OECD countries) in all the finance ministries and 68% for all ministries of health (71% in OECD countries). However, citizens' participation in the evaluation of the impact of policies remains below 50%. In finance ministries, this figure amounts to 35% in all respondent countries (40% in OECD countries), which is similar to the approach in the health ministries (42% in all respondent countries and 46% in OECD countries).

Furthermore, Figure 5.5 highlights the different degree of involvement of citizens throughout the different stages of the policy cycle when comparing the ministries. It reveals that especially in the initial step of identifying policy priorities, ministries of health consult more actively with citizens, as well as in the third phase of implementing policies. The only stage in which the degree of citizen participation by ministries of finance exceeds the figures from health ministries is in the phase of providing feedback. Moreover, it is important to note that ministries not only engage with citizens; the Swedish Ministry of Health,[2] for example, meets with non-governmental organisations (NGOs) and other organisations that advocate the needs and rights for concerned groups, including patients, elderly or representatives of the different regions.

Figure 5.5. **Participation of citizens in the policy cycle at the sector level**

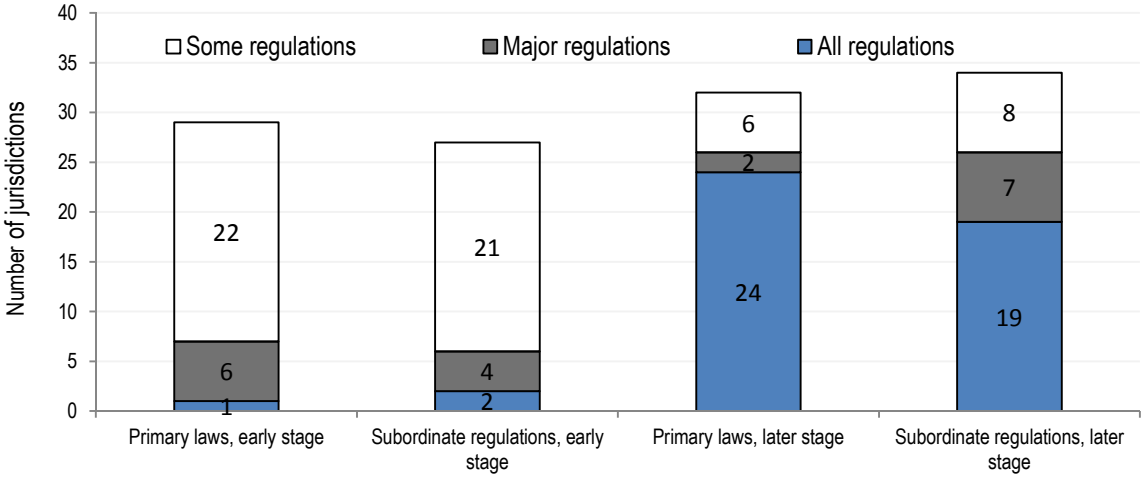



*Note*: Ministry of Finance n=37 (OECD 30); Ministry of Health n=31 (OECD 24). Neither Slovakia's Ministry of Finance nor Italy's Ministry of Health provided an answer to this question.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Furthermore, OECD research shows that a typical citizen participation initiative on regulatory proposals takes place at the final stage of the process through a public consultation over the Internet or consultation with selected groups such as business associations and trade unions (OECD, 2015b) (Figure 5.6).

Figure 5.6. **Consultations happening on primary and subordinated regulations (2014)**




*Notes*: Early stage refers to stakeholder engagement that occurs at an early stage, to inform officials about the nature of the problem and to inform discussions on possible solutions. Later-stage consultation refers to stakeholder engagement where the preferred solution has been identified and/or a draft version of the regulation has been issued. Based on data from 34 countries and the European Commission as of December 2014.

*Source*: OECD (2014), "2014 Regulatory Indicators Survey results", www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm.

These findings illustrate that great potential remains to mainstream stakeholder participation across the entire policy cycle. Participation still seems to be understood as a punctual exercise to get stakeholders' feedback rather than a continuous process of co-operation between all those that have an interest in a certain policy/process.

### *Participation in the definition of policy priorities*

The definition of policy priorities is the first stage of any given policy cycle. Jointly designing policy priorities allows governments to benefit from citizens' knowledge and experience and to adequately reflect their preferences and priorities. According to OECD research (OECD, 2015b; OECD 2016d), countries have made significant progress in involving stakeholders both in the process of setting national priorities and in developing new laws and regulations.

As a consequence, OECD standards are calling for an early participation of stakeholders. For example, the 2015 OECD Gender Recommendation recommends that government engage from the first stage of the policy cycle (Box 5.3). Furthermore, 38% of all respondent finance ministries (33% in OECD countries) and 58% of all health ministries (58% in OECD countries) report that they involve citizens in the definition of policy priorities (Figure 5.7), as evidenced by Austria (Box 5.4) and Tunisia (Box 5.5).

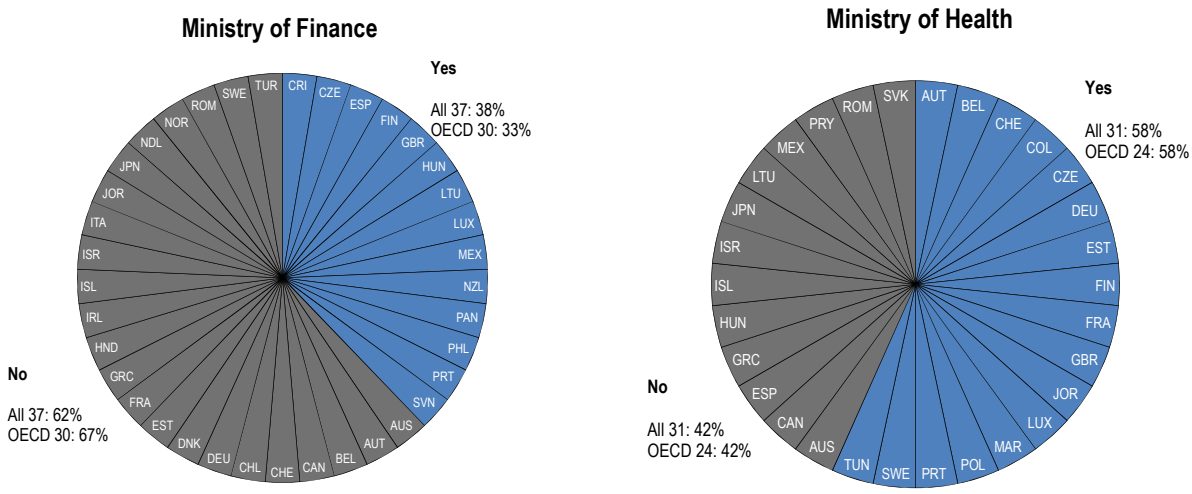
Box 5.3. **OECD Gender Recommendations recommends participation at an early stage of the policy cycle**

The OECD Recommendation on Gender Equality in Public Life notes that with a view to ensuring an inclusive and comprehensive coverage of gender equality issues, countries should engage relevant non-governmental stakeholders in mainstreaming gender equality in the design, development, implementation and evaluation of relevant public policies and budgets.

It also notes the importance of integrating evidence-based assessments of gender impacts and considerations into various dimensions of public governance – including public consultation – at early stages of all phases of the policy cycle.

*Source*: OECD (2015e), "Recommendation of the Council on Gender Equality in Public Life", OECD, www.oecd.org/governance/2015-oecd-recommendation-of-the-council-on-gender-equality-in-public-life-9789264252820-en.htm.

Figure 5.7. **Involvement of citizens in defining policy priorities**




*Note:* Neither Slovakia's Ministry of Finance nor Italy's Ministry of Health provided an answer to this question.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

### Box 5.4. **Consultation for National Health Targets in Austria**

In 2011, the Austria National Health Targets were identified to set up a national health reform. At the initial stage, the general public was asked two broad questions concerning their most relevant health target and the means to achieve them. The answers from this online platform by more than 4 000 people were brought into a plenum of 40 different institutions, including government representatives of all levels, social insurances, experts on and institutions of the health care system, representatives of patients, the elderly and children, as well as socio-economically disadvantaged people. The plenum then came to terms with ten national health targets, which were eventually adopted by the Council of Ministers and the federal Health Commission in Austria. The targets form part of the current government programme and form the basis of the ongoing reform process. The plenum is currently working on the implementation process and came up with meta-indicators and target values for the monitoring process. All future results will then be published on line. As noted by the government, the health sector alone cannot improve the health status of the population by itself. Thus, adopting an inclusive approach of incorporating the voices of almost all stakeholders allows for broad ownership, legitimacy and avoidance of a top-down approach so that the reform initiatives reflect the situation on the ground.

*Source*: Response from Austria to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Box 5.5. **National Dialogue on Politics, Strategies and National Plans for Health in Tunisia**

In the course of the 2010-11 revolution, Tunisian citizens lamented among others the quality of health care in the public sector. In order to reform the health sector, the newly elected government formed the "National Dialogue on Politics, Strategies and National Plans for Health". The dialogue with society was initiated by volunteers, representatives from all parts of society with the support of the World Health Organization and the European Union in Tunis. As explicitly stated by the National Dialogue, the citizens were placed at the heart of the reforms, as enshrined in Articles 139 and 140 of the Constitution. Workshops, conferences, focus groups and regional dialogue meetings were organised, which were attended by non-governmental organisations (NGOs) and trade unions, in which six priority challenges were identified to formulate a national vision and strategy on public health policies. Citizens and health professionals formed part of the dialogue. Eventually, 96 representatives for the National Citizen Jury *(national jury citoyen)* from different regions of Tunisia were elected. The case of post-revolution Tunisia provides for a sound example on how the empowerment of citizens and involved stakeholders in the health sector can lead to an effective identification of the people's needs and priorities and eventually lead to more evidence-based policy formulation and implementation.

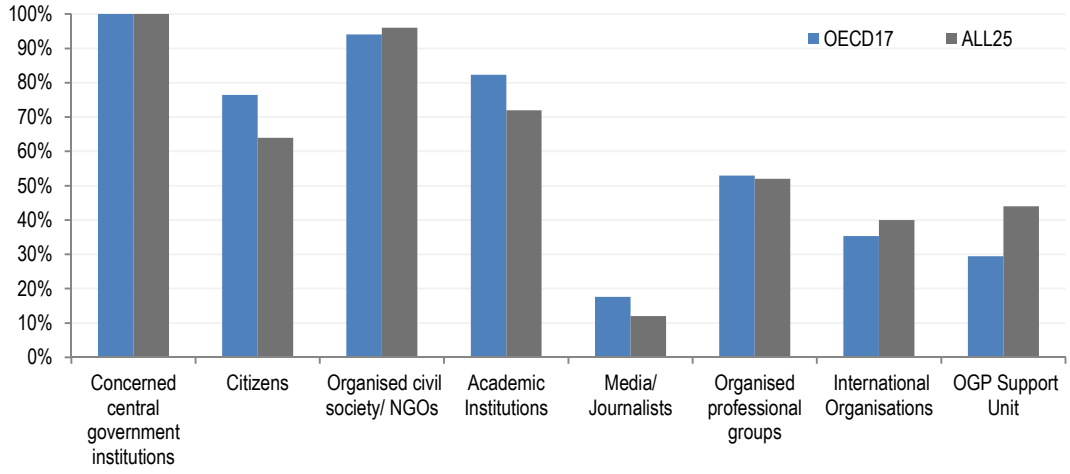
*Source*: Response from Tunisia to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

### *Drafting and making decisions on public policies*

Once policy priorities have been defined, it can be useful to engage stakeholders in the drafting of a given policy. For instance, in a co-creation effort, different stakeholders come together to develop new practices that traditionally would have emerged only from a bureaucratic, top-down process (Gouillart and Hallet, 2015). The development of open government strategies provides interesting examples of co-drafting processes as almost all countries (96% of all respondent countries and 94% in OECD countries) involve organised civil society (i.e NGOs) in their development (Figure 5.8). Furthermore, in a vast majority of countries citizens (64% in all respondent countries and 76% in OECD countries) and academic institutions (68% in all respondent countries and 82% in OECD countries) are also well engaged.

More than half of respondents involve organised professions groups (52% in all respondent countries and 53% in OECD countries), such as trade unions. The groups with the lowest levels of participation are media/journalists, which have been involved only in Mexico, Netherlands and Spain. In addition to the other actors involved, Finland and Japan involve local governments in the development process. These results show that the co-design process of open government strategies is highly inclusive in most countries.

Figure 5.8. **Actors involved in the development of the open government strategy**




*Note:* Only countries that answered that they had an open government strategy were asked this question.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Furthermore, 57% of all finance ministries (60% in OECD countries) and 71% of all health ministries (75% in OECD countries) engage with their citizens in the drafting process of policies. For example, New Zealand's Ministry of Health's experience in reviewing the safety regulations in disability support is an example of good practice (Box 5.6).

Box 5.6. **Review of safety regulations in disability support in New Zealand**

In a co-designing approach of new safety regulations in disability support, staff from different directorates (policy, implementation, regulation and certification) of the Ministry for Health joined eight representatives of the disability community, which included, among others, independent expert advisors, two providers of disability support, a disabled person with limited learning capacities, parents of disabled children, and an advocate for family carers. Accordingly, the formation of the working group endeavoured to not only target, but also include, disabled people themselves. Throughout the seven months (with monthly meetings), any information or paper was produced in an accessible format (easy-to-read language and screen readers). Moreover, Māori advisors were consulted to take into account the indigenous perspective. Co-ordination Staff from the Ministry as well as internal and external members of the committee were paid for their time, travel expenses and accommodation. Overall, engaging experts, people concerned and policy makers in the early stages of reforming the security regulations in disability support led to a more profound understanding of the matter, questioning of orthodox assumptions and standard approaches to handle policies based on the extended range of experience and daily obstacles. In addition, the approach by New Zealand improves the quality of advice, relevance and applicability to the situation on the ground.

*Source*: Response from New Zealand to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Evidence of co-creation/co-drafting efforts also exist in other policy areas. For instance, the experience gained by Korea through the "Civic Participatory Service Design Team" is valuable with regard to the identification of policy priorities and to the co-drafting of policies (Box 5.7).

Box 5.7. **The Civic Participatory Service Design Team in Korea**

In an effort to engage more citizens in the policy design process, the Government of the Republic of Korea decided to launch a pilot project to form Civic Participatory Service Design Teams, whose members include the general public. The teams are organised to encourage citizens to participate in the design process for certain public policies or services.

The Civic Participatory Service Design Teams are composed of citizens (as customers), civil servants (as service providers) and experts. They play a role to design a new government policy or public service and improve any existing policy or service. For each policy task, conducted either by a central government agency or local government, about seven members assemble to form one team and work for about three to four months in various forms such as field studies, literature reviews and brainstorming sessions.

Furthermore, Civic Participatory Service Design Teams use service design methodologies to conduct research. Service design is well known as a tool to develop innovative services. Before service design methodologies were adopted, the Government struggled to understand what citizens actually needed. Rounds of interviews, surveys, and discussions only ended up with fragmentary and superficial results. Unlike other methodologies, service design involves methodologies to closely observe customer experience, behaviour, psychology and even surrounding environments in order to discover the hidden needs of customers.

In 2014, 19 central government agencies and 12 municipal or provincial governments piloted a service design programme with the Civic Participatory Service Design Teams, which produced satisfactory policy proposals that met the needs of the people. This pilot programme was significant in that citizens themselves served not as passive customers but as active participants in designing a public policy. This new model for policy establishment engaged citizens in the policy decision-making process as partners, thus innovating the ways of working in the public sector.

Thanks to the success of the pilot programme, the Civic Participatory Service Design Teams will be launched on a larger scale at various levels of government in 2015. To date, over 200 teams were formed to work on a policy proposal in nearly every policy area, including safety, public health, culture, social welfare, industry, energy, environment, transport, housing, education, and finance. The Government will provide steadfast support to the Civic Participatory Service Design Teams so that those teams will take root and grow to be a significant part of Korean society.

Source: OECD (2016d), The Governance of Inclusive Growth: An Overview of Country Initiatives, OECD Publishing, Paris.

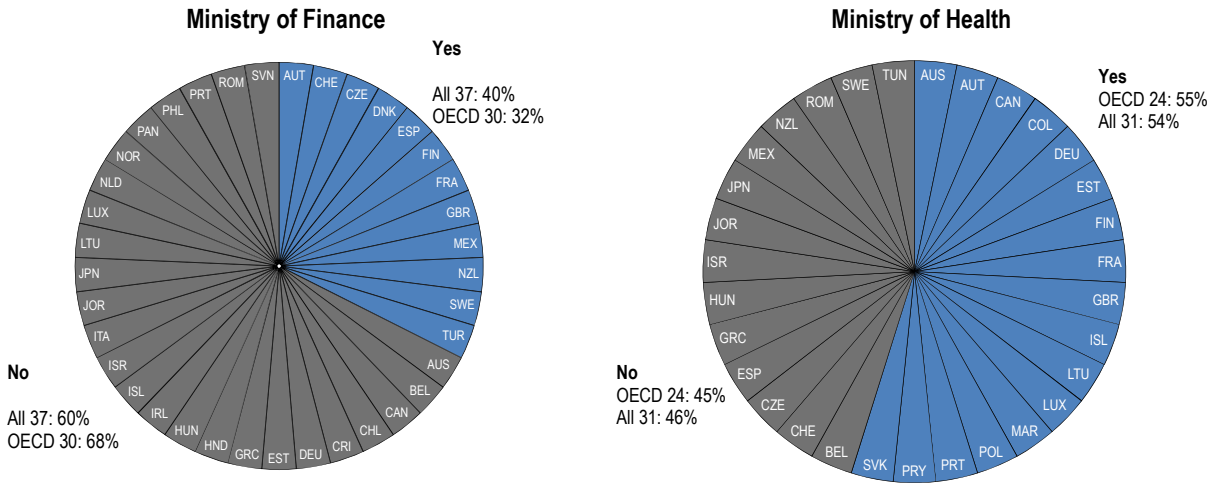
The evidence collected suggests that co-creation efforts are very common in the process of drafting Open Government Action Plans and that good practices also exist in different other policy areas. More systematic research on the benefits of stakeholder participation in drafting and making decisions on policies is needed in order to make a strong case for the systematic involvement of different stakeholders in this key part of the policy cycle.

### *Implementing policies*

Services can work better when designed and - delivered in partnership with citizens; and listening to stakeholders' insights can foster innovation in service delivery practices and better risk management (OECD, 2015a). Stakeholder participation is increasingly seen as a way to improve the quality of service delivery (OECD, 2015a).

However, less than a third of all finance ministries and more than half of health ministries engage citizens in the implementation of their policies (Figure 5.9). For instance, the Italian Ministry of Health actively involved patients' representatives in the implementation of its National Plan on Rare Diseases, which was also co-designed with key stakeholders (Box 5.8).

Figure 5.9. **Involvement of citizens in implementing policies**




*Note:* Neither Slovakia's Ministry of Finance nor Italy's Ministry of Health provided an answer to this question.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

### Box 5.8. **Consultation for the National Plan on Rare Diseases in Italy**

The Ministry of Health submitted the draft of the National Plan on Rare Diseases for public consultation in order to collect suggestions to improve the document and clarify special issues. Patient organisations, the unit of the National Network on Rare Diseases and scientific societies were involved in the consultation. The ministry organised a meeting with stakeholders to present the general content of the plan and outline the means for stakeholder participation. The draft plan was published on line and the stakeholders had the opportunity to send their observations, suggestions and proposals. More than 60 contributions were received from patient associations, which were asked to complete a survey. Some of the contributions were included in the final document, which was approved by the minister and subsequently by the Conference of State-Regions.

The final plan was presented at an Open Day, which aimed at promoting the debate among the Italian Ministry of Health, the National Institute of Health and patient associations. Patient representatives were elected to assist in the implement of the plan. The Italian case illustrates that including relevant stakeholders increases the legitimacy of the strategy, improves the quality of the output, and will increase the wide communication of the issue.

*Source*: Response from Italy to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Furthermore, the implementation of the "Lithuania 2030" policy provides good practice regarding the participation of key stakeholders in all stages of the policy cycle (Box 5.9). In addition to its co-design and the involvement of citizens and different stakeholders in the monitoring of the implementation, services are delivered jointly with citizens, the private sector, local communities and NGOs.

### Box 5.9. **Lithuania 2030: Important steps towards co-implementation**

In Lithuania, the most important policy document is the state progress strategy "Lithuania 2030", which provides long-term goals to be achieved by 2030. The strategy aims to create an economically and socially successful Lithuania, based on the three pillars of openness, creativity, and responsibility.

It recognises that the government should play the role of co-ordinator, delivering services together with its citizens, private sector, local communities and NGOs. Lithuania 2030 gives great importance to systematic and effective engagement of citizens in the political process and states that transparency and openness are important values that government should seek to promote.

Lithuania 2030 emerged from civil society. Government authorities, business and academia leaders, community groups, and prominent public figures actively participated in its development. The State Progress Council and the Open Progress Forum are two key platforms established through Lithuania 2030, uniting a variety of different stakeholders, including academics and civil society organisations, to ensure an inclusive process for drafting and implementing this key strategic document.

The development and implementation of the strategy illustrates the effective use of public participation results in the policy making process and implementation. Civil society played a crucial and active role in drafting the strategy by engaging in public discussions, participating in the National Day of Ideas across the country, in an "idea week" in schools and in online consultations. In total, more than 100 discussions and more than 1 000 proposals fed into the final draft of the Lithuania2030 strategy.

Box 5.9. **Lithuania 2030: Important steps towards co-implementation** *(continued)*

The Office of the Government co-ordinates the implementation process of the Lithuania2030 strategy and the activities of the State Progress Council, which is now responsible for the monitoring of the results. To date, six Open Progress Forums were organised with a broad participation of civil society (more than 2 500 participants). Proposals for policy improvement were developed in the areas such as education (children's creativity), lifelong learning, strengthening of local communities, innovative public governance, etc. Social media (Facebook) and the website www.lietuva2030.lt have also been used as channels for two-way communication with citizens. The platform uses several tools to engage citizens, such as questionnaires, the possibility to ask questions, registering to an event, subscribing to a newsletter, and commenting, among others.

*Source*: OECD (2016d), The Governance of Inclusive Growth: An Overview of Country Initiatives, OECD Publishing, Paris.

### *Monitoring policy implementation and providing feedback*

Countries may also engage stakeholders in the monitoring of the implementation of policies. Participation in policy implementation can provide the information governments need to adjust policies and make sure they correspond to citizens' needs. In both finance ministries and health ministries, citizens are most often involved in providing feedback on how public services work (70% and 68%, respectively). Citizens, for instance, provide feedback through online tools. Mexico designed an Open Government Dashboard (Box 3.4 in Chapter 3) to monitor the implementation of its second Open Government Partnership Action Plan and the European Commission has developed a tool for citizens to provide feedback on regulatory policies (Box 5.10).

Box 5.10. **Feedback on regulatory policies at the European Commission**

In May 2015, the European Commission adopted its "Better Regulation Package", outlining measures to deliver better rules for better results. The measures aim to prepare policies inclusively, based on full transparency and participation, including by consulting more and listening better to the views of those affected by legislation.

As a key part of the package of reforms, citizens and stakeholders will have an increased opportunity to provide their views over the entire lifecycle of a policy. They can provide feedback on "roadmaps" and "inception impact assessments", which integrates citizen and stakeholder feedback at the beginning of the policy cycle. Furthermore, 12 weeks of open public consultations take place when preparing new proposals or evaluating existing policies as well as for Green Papers. Consultations are mandatory for new proposals with significant impacts and optional for proposals without significant impacts. After the Commission has adopted a proposal, citizens and stakeholders are invited to provide feedback, which will be presented to the European Parliament and Council to feed into the further legislative debate.

In a later stage, all stakeholders will be able to provide feedback on draft delegated and important draft implementing acts needed to implement the legislation adopted by the European Parliament and Council. In addition, a new "Lighten the Load – Have Your Say" feature on the Commission's better regulation website gives everyone a chance to air their views and make comments on existing EU laws and initiatives in addition to the formal consultations the Commission undertakes.

Box 5.10. **Feedback on regulatory policies at the European Commission** *(continued)*

Building on the existing minimum standards on consultation, the Commission's new Better Regulation Guidelines strengthen the commitment to carry out consultations that are high-quality, transparent, and reach all stakeholders. The new guidelines strengthen the role of consultation and stakeholder input across the whole policy cycle and sets out the minimum requirements and best practice to prepare and conduct consultations. For each initiative, evaluation or Fitness Check and Green Paper, a consultation strategy must be established, identifying relevant stakeholders and most appropriate consultation activities and methods to target stakeholders in the most effective way. The strategy must include an open public consultation when required and may include, among other activities, targeted consultations, surveys, focus groups, workshops or conferences.

The web portal "Your Voice in Europe" provides a single access point for all open public consultations and feedback opportunities. The Commission is also working on a new "Better Regulation Portal" where each initiative can be easily tracked throughout the policy cycle.

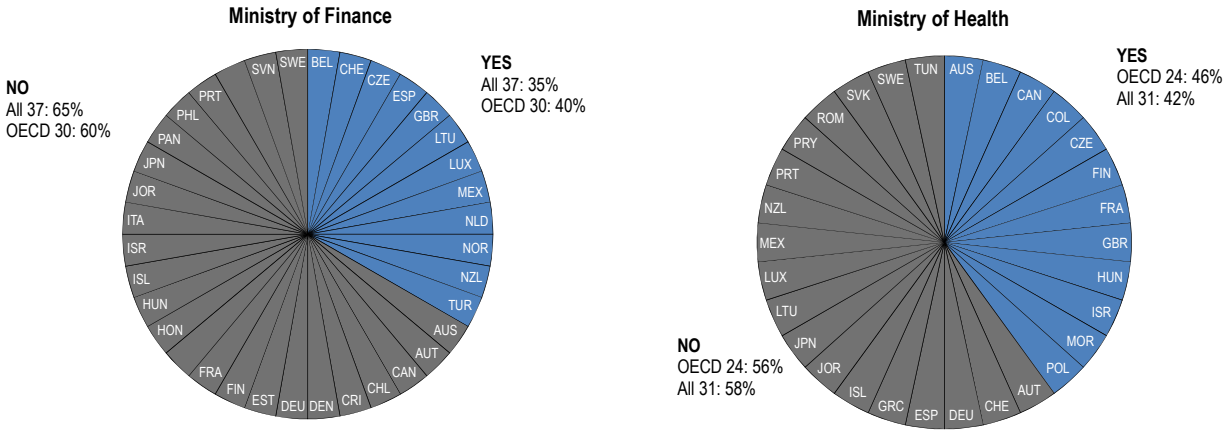
*Source:* OECD (2016d), The Governance of Inclusive Growth: An Overview of Country Initiatives, OECD Publishing, Paris.

While citizens are often involved in the monitoring stage of the policy cycle, there seems to be limited monitoring of citizen participation initiatives carried out by governments themselves. Close to 50% of respondents do not know in how many instances the Ministry of Finance carried out initiatives to involve citizens in the policy cycle. Equally, a high number of countries do not know through which means citizens were engaged. Chapter 3 provides an in-depth analysis of monitoring and evaluation of open government, including the role of citizens in these processes.

### *Evaluating policy implementation and publishing results*

Evaluation of policy implementation is crucial, as it enables those involved in the process to assess whether and to what extent the process has (or has not) been successful in achieving its goals; and to determine the underlying reasons for the success/failure (UNDESA, 2011). Evaluations allow for informed design and modifications of policies and programmes and can increase effectiveness and efficiency. While the experience on stakeholder participation in the evaluation in the area of regulatory policy is extensive (OECD, 2015f; OECD, 2015a) only in 35% of all finance ministries (40% in OECD countries) and 42% of all health ministries (46% in OECD countries), citizens are involved in the evaluation of policies (Figure 5.10).

Figure 5.10. **Engaging citizens in the evaluation of citizen participation initiatives**




*Note:* Neither Slovakia's Ministry of Finance nor Italy's Ministry of Health provided an answer to this question.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

The experience of Poland which made the evaluation of the National Reforms Programme mandatory provides a useful example of good practice in this area (Box 5.11).

Box 5.11. **Evaluating the National Reform Programme in Poland**

The Polish Government invites a wide group of interested parties from the world of economy, science and civil society to participate in works on the development, implementation and monitoring of the annual National Reform Programme (NRP) in order to ensure the widest possible approval for the implementation of the Europe 2020 Strategy. This is done in the framework of the Inter-Ministerial Team for the Europe 2020 Strategy, headed by the Minister of Economy. This consultative and advisory body of the Prime Minister includes both representatives of the government bodies and a wide group of organisations of entrepreneurs, trade unions, economic and agricultural chambers, NGOs as well as research and scientific institutions.

The team's tasks involve consulting the official documents on monitoring and evaluating the NRP implementation and preparing recommendations on improved implementation of Europe 2020. The team also presents relevant problems that, in the stakeholders' opinion, should be reflected in the NRP updates The team serves also as a forum for discussion on specific priorities and targets for the Europe 2020 Strategy.

Box 5.11. **Evaluating the National Reform Programme in Poland** *(continued)*

For example, in 2014 and 2015, the team discussed the EU energy and climate policy, improvement of tax administration for better business environment, realisation of the poverty target adopted in the NRP and recent reforms in the system of vocational education and training. Due to such wide participation structure, the team has become a forum for discussion on key issues related to the implementation of the Europe 2020 Strategy in Poland and also contributes to the strengthening of joint responsibility for the implementation of the strategy on a national and local level.

*Source*: OECD (2016d), The Governance of Inclusive Growth: An Overview of Country Initiatives, OECD Publishing, Paris.

## Legal, institutional and policy frameworks for successful citizen participation in the policy cycle

In order to manage citizen participation initiatives successfully, it is key that governments, civil society organisations, and other stakeholders establish and use a consistent framework, which provides for a common understanding of key elements of participation. While there can be no "blueprint" approach (UNDESA, 2011) on how to engage with stakeholders, given different national contexts, it is important to bear in mind that tailored approaches are required for the adequate design of a citizen participation initiative. Tailored approaches ensure that initiative outcomes are meaningful to all participants. If not carried out correctly, frustration, cynicism, or apathy can result from poorly designed participation processes (Fung, 2015) affecting citizens' trust in government's willingness to engage, as well as in the legitimacy of the process.

When designing a participation case, governments should be clear about the objectives they want to achieve, choose the appropriate tools, the scale at which the initiative will be implemented and identify the stakeholders to be involved. An overarching document on citizen participation can support the process of designing the initiative. The document should be accompanied by an adequate institutional framework for participation initiatives as well as the provision of the necessary human and financial resources. Importantly, governments should already foresee monitoring and evaluation mechanisms in order to allow for continuous improvements of their participation initiatives, as exemplified in Box 5.12 in the water sector.

Box 5.12. **Stakeholder engagement in the water sector**

The OECD report, *Stakeholder Engagement for Inclusive Water Governance*, proposes the following principles for creating the necessary conditions for outcome-oriented, fit-for target, anticipatory and adaptive stakeholder engagement:

1. Map all stakeholders who have a stake in the outcome or that are likely to be affected, as well as their responsibility, core motivations and interactions.
2. Define the ultimate line of decision making, the objectives of stakeholder engagement and the expected use of inputs.
3. Allocate proper financial and human resources and share needed information for results-oriented stakeholder engagement.
4. Regularly assess the process and outcomes of stakeholder engagement to learn, adjust and improve accordingly.
5. Embed engagement processes in clear legal and policy frameworks, organisational structures/principles and responsible authorities.
6. Customise the type and level of engagement to the needs and keep the process flexible to changing circumstances.

*Source*: OECD (2015b), *Stakeholder Engagement for Inclusive Water Governance*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264231122-en.

### *The definition of clear objectives*

The definition of the objectives of any citizen participation is a necessary first step. Before engaging citizens, governments and citizens should ask themselves about the aims and the purpose of their initiative. Objectives are about results, the effects one wishes to accomplish (OECD, 2001). According to the OECD Handbook, "Citizens as Partners" (OECD, 2001) when planning activities to strengthen government-citizen relations, there are at least three levels of objectives:

- What is the contribution to wider aims of the government? How do they fit in with policy goals in general or within a specific sector?
- What effects is the set of activities aiming to achieve? What will be the direct outcome and effect of the activities planned?
- What is needed in order for these effects to be achieved? What are the mechanisms? What are the concrete deliverables?

Box 5.13 presents a number of factors that should be taken into consideration when designing a specific citizen participation initiative.

Box 5.13. **Understanding key factors in citizen participation**

Citizen participation can take a wide variety of forms depending on the presence and extent of many key features:

- **Size**. Size of a process can range from a few participants to hundreds or thousands, and online processes potentially involve millions.
- **Purpose**. Processes are used for many reasons: to explore an issue and generate understanding, to resolve disagreements, to foster collaborative action, or to help make decisions, among others.
- **Goals**. Objectives can include informing participants, generating ideas, collecting data, gathering feedback, identifying problems, or making decisions, among others.
- **Participants**. Some processes involve only expert administrators or professional or lay stakeholders, while others involve selected or diffuse members of the public.
- **Participant recruitment**. Processes may use self-selection, random selection, targeted recruitment and incentives to bring people to the table.
- **Communication mode**. Processes may use one-way, two-way, and/or deliberative communication.
- **Participation mechanisms**. Processes may occur face to face, online, and/or remotely.
- **Named methodology**. Some processes have official names and may even be trademarked; others do not employ named methodologies.
- **Locus of action**. Some processes are conducted with intended actions or outcomes at the organisational or network level, whereas others seek actions and outcomes at the neighbourhood or community level, the municipal level, the state level, the national level, or even the international level.
- **Connection to policy process**. Some processes are designed with explicit connections to policy and decision makers (at any of the loci listed above), while others have little or no connection to policy and decision makers, instead seeking to invoke individual or group action or change.

*Source*: Nabatchi, Tina (2012), "A Manager's Guide to Evaluating Citizen Participation", IBM Center for Business of Government, www.businessofgovernment.org/report/manager%E2%80%99s-guide-evaluating-citizen participation.

The definition of clear objectives is strongly linked to the identification of the right scale (i.e. the national, regional, local, or even neighbourhood level) as the scope and methodology of citizen participation initiatives differ in relation to the scale of the issues at hand (OECD, 2016a). As discussed in Chapter 6, most participation cases can actually be found at the sub-national level.

### *The questions of representativeness and stakeholder identification*

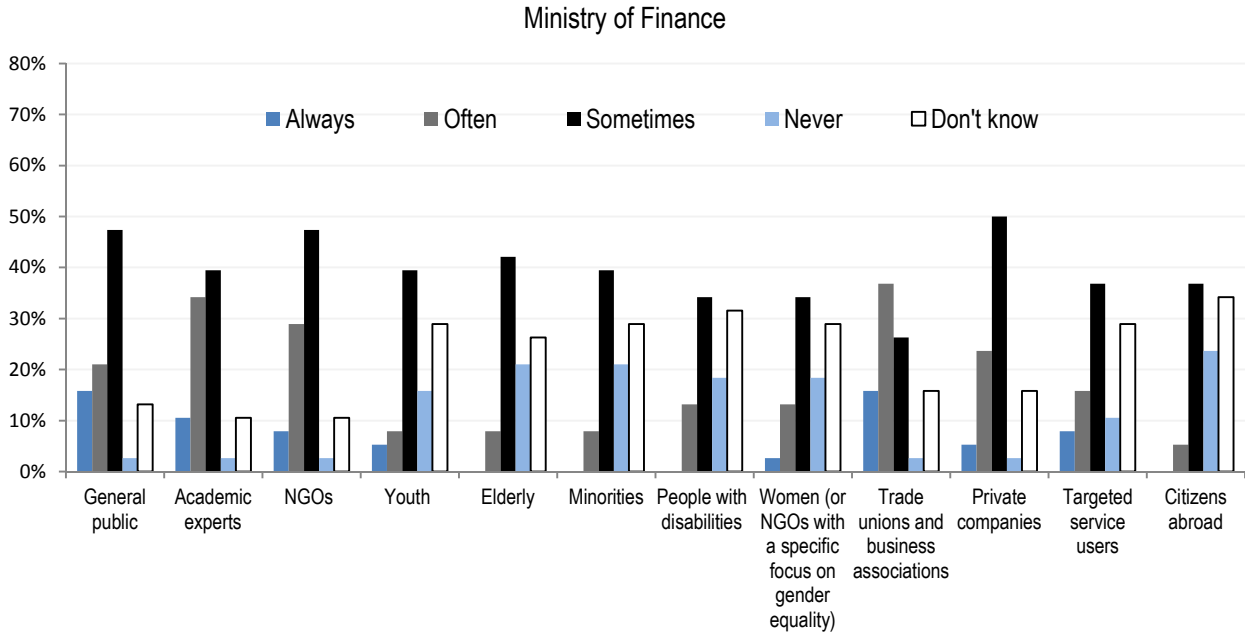
When designing a participation initiative, civil servants also have to identify the right stakeholders in order to guarantee representatives and create legitimacy, buy-in and credibility of the process. This involves a mapping of relevant stakeholders providing information about the most important and influential players (i.e. key environmental CSOs for environmental questions) and bring attention to the interactions with, and the

impacts of, stakeholders in other areas that influence a given sector or policy area, "Knowing who is responsible for what and at which level is an essential starting point to identify conflicts, grey areas and trade-offs to be managed" (OECD, 2015a).

A thorough mapping effort can also shed light on those categories of stakeholders that are often excluded and identify those that might capture the process. Policy capture occurs when the interests of a narrow group dominate those of other stakeholders to the benefit of that narrow group (OECD, 2015a). The consequences of capture may include the erosion of democratic governance, the pulling apart of social cohesion, and the limiting of equal opportunities for all (OECD, 2015a).

One of the key benefits of citizen participation initiatives can be that they involve groups of people beyond the "usual suspects"[3] and empower minorities and disadvantaged groups. Both finance and health ministries mainly engage with academic experts and NGOs (Figures 5.11 and 5.12). Finance ministries also often engage with trade unions and business associations (38% in all respondent countries; same figure for OECD countries). In the United Kingdom, all consultations are open to everyone and affected parties are specially targeted in cases which concern them.[4] Citizens abroad are rarely consulted by both types of ministries. Minorities, women, the elderly and youth groups are sometimes consulted, but not on a systematic basis. In general, health ministries seem to engage more frequently with these groups than finance ones.

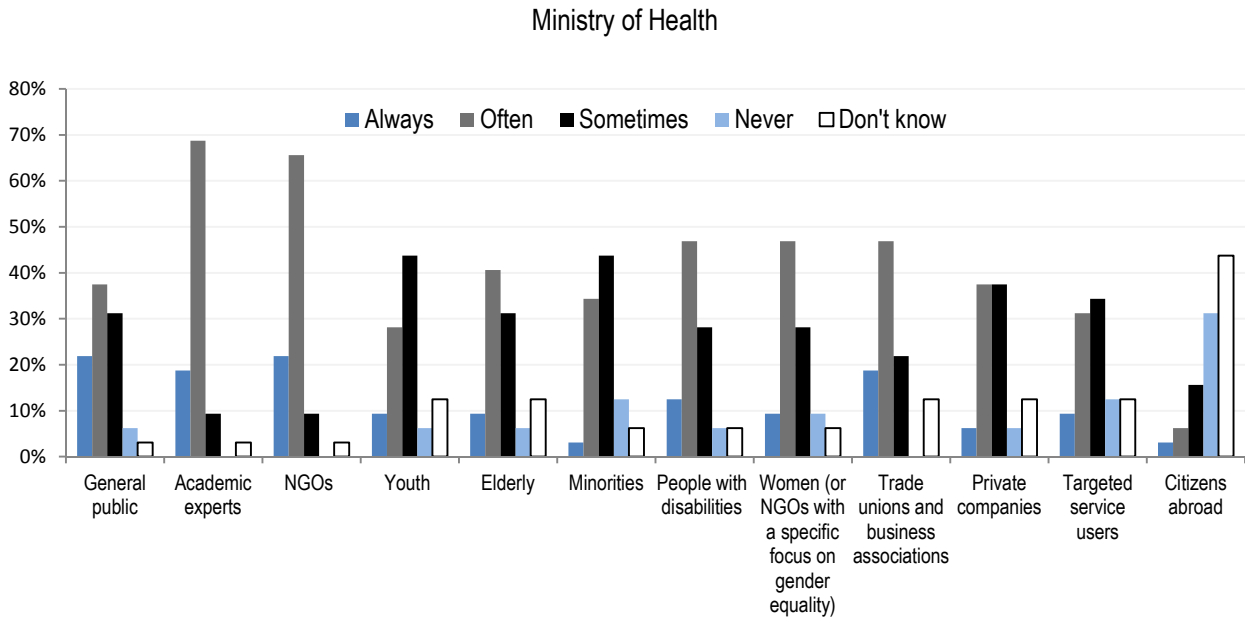
Figure 5.11. **Participation with different actors throughout the policy cycle in finance ministries**




*Note*: n= 37 all countries' finance ministries (OECD 31). Slovakia's Ministry of Finance did not provide an answer to this question.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Figure 5.12. **Participation with different actors throughout the policy cycle in health ministries**




*Note*: n= 32 all countries' health ministries (OECD 25).

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Governments need to ensure that all relevant voices have had a real chance to be heard and hence, to make extra efforts to reach out to those who are least equipped for public participation (OECD, 2009). This concerns in particular those social groups that - despite being affected by a policy - are unlikely to engage effectively when given the opportunity to do so, because of a combination of lack of awareness, low participation literacy and information overload (OECD, 2015a). Additionally, there are those groups that are "willing but unable" to participate due to subjective barriers, such as a low interest in politics or a lack of trust in the meaningful use of input into the consultation process (OECD, 2009), cultural or language barriers, geographical distance, disability or socio-economic status (Corella, 2011). Specific techniques and tools may be needed to encourage under-represented groups to participate (OECD, 2015a), as in Canada (Box 5.14) or follow Finland's "Living Labs" as good practice when it comes to the involvement of different stakeholders in the development of policies (Box 5.15).

### Box 5.14. **Aboriginal consultations in Canada**

A key priority for the Government of Canada is to renew the relationship between Canada and indigenous peoples. Renewing the relationship with indigenous peoples demands full participation of these communities, in partnership with the Government of Canada. Aboriginal representative organisations play an important role in championing the voices of First Nations, Métis and Inuit communities. Their important work will help us move forward in the spirit of co-operation.

The Government of Canada consults with Aboriginal Canadians on matters of interest and concern to them as an important part of good governance, sound policy development and decision making. The Crown seeks to strengthen relationships and partnerships with Aboriginal peoples and thereby achieve reconciliation objectives. The federal government also consults with Aboriginal peoples for legal reasons, given Canada has statutory, contractual and common law obligations to consult with Aboriginal groups.

Consultation guidance for departments and agencies supports them in the fulfilment of consultation and accommodation obligations with Aboriginals to support departmental and overarching government policy objectives. Regional Consultation Co-ordinators act as liaison between federal departments, provincial and territorial governments and Aboriginal organisations and communities, to facilitate relationships on key consultation files and to ensure that Canada's interests are addressed. Initiatives to better integrate Aboriginal consultation with environmental assessments and regulatory processes have also been undertaken, particularly in relation to major natural resources and infrastructure projects.

*Source*: OECD (2016d), The Governance of Inclusive Growth: An Overview of Country Initiatives, OECD Publishing, Paris.

### Box 5.15. **Living Labs in Finland**

To improve service delivery to elderly people and improve elderly care, Finland uses the concept of the Living Lab, an innovative structure, which involves different stakeholders to test and develop user-driven products.

It results from the co-operation of the social and health services of the City of Pori (Finland), based on their needs to find more efficient models for elderly care. The purpose is to test and develop technological solutions to provide a better quality of life and dignity for elderly people as well as to improve safety, prevent loneliness and support elderly people who live at home.

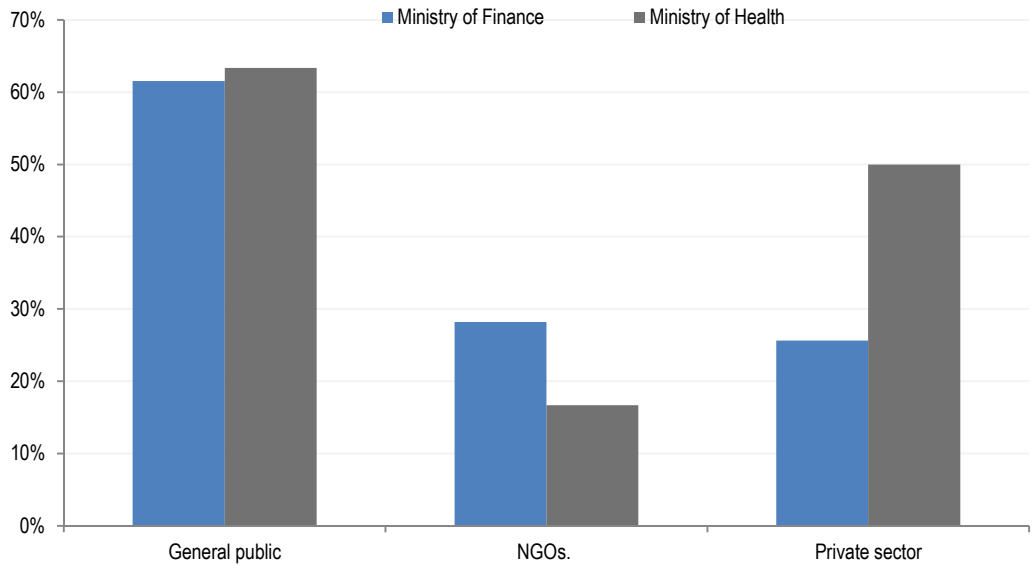
The Living lab provides an environment where citizens (elderly people, relatives and elderly care professionals) participate actively in the development and usability testing of welfare technologies along with service professionals and technology companies. Testing also takes place in real-life contexts, i.e. in elderly people's homes.

The Living Lab provided information on the latest technology solutions for public health care to support procurement, improved nursing processes and the technological skills of elderly care personnel, increased co-operation between elderly people, relatives and nursing personnel and supported home care. It has improved business opportunities, developed user-driven innovations and facilitated co-operation between municipalities, business and other stakeholders.

*Source*: OECD (2015a), "Policy shaping and policy making: The governance of inclusive growth", background report to the Public Governance Ministerial Meeting, 28 October, www.oecd.org/governance/ministerial/the-governance-of-inclusive-growth.pdf.

Furthermore, 61% of all finance ministries (65% in OECD countries) and 65% of all health ministries (67% in OECD countries) reported that the group which is the least engaged in participation initiatives is the "general public". Less than half of all health ministries also seem to engage rarely with the "private sector", which is surprising, given the lobbying activities from pharmaceuticals and medical equipment companies. Finance ministries engage less with NGOs (29% in all respondent countries; 26% in OECD countries). Since participation of the general public is particularly low, it is important to explore the reasons for their absence when it comes to the participation in the policy cycle (Figure 5.13).

Figure 5.13. **Groups that participate the least in CPPC activities at the sector level**




*Note*: Ministry of Finance: n= 38 (OECD 31); Ministry of Health: n=31 (OECD 24). Japan's Ministry of Health did not provide an answer to this question.

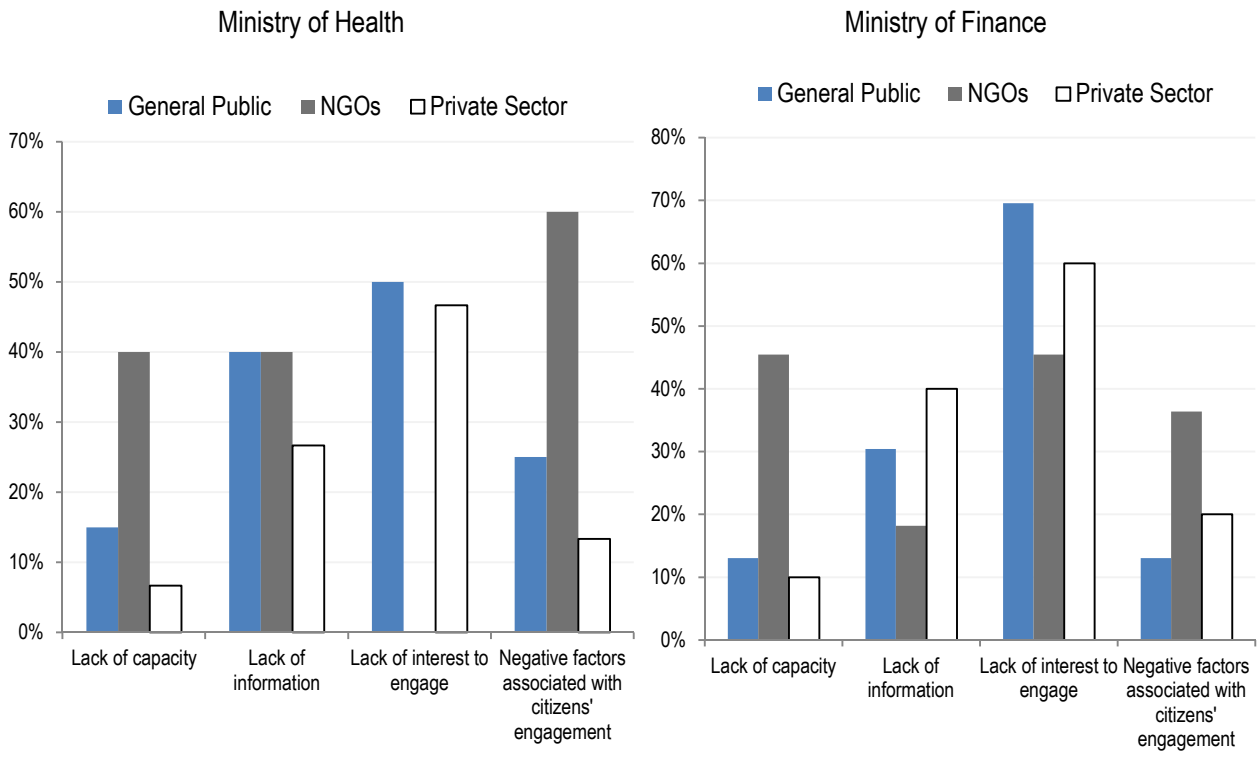
*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Both sectoral ministries see the "lack of interest to engage" as the key factor explaining the relatively low participation of some actors followed by the "lack of information". Strikingly, 70% of finance ministries pointed to a "lack of interest" of the general public and 25% of health ministries saw "negative factors associated with citizen participation" as the driving force impeding participation (Figure 5.14). As discussed in detail in Chapter 4, some governments still perceive citizen participation as a zero-sum game and have not yet fully acknowledged the benefits that the inclusion of citizens can yield. In the participation process, the general public needs to be well targeted with incentives to actively participate in the process. Moreover, improving the information material by health ministries might be a worthwhile initiative in order to counter the ministries' perceived reason for the low participation of citizens and NGOs due to "lack of information". At the same time, citizens are not the only ones who need to be targeted to ensure successful co-production of policies. The finding that half of the ministries rooted the low participation rate in the negative factors associated with citizen participation, including for example the loss of time, should be addressed by the ministries with equal importance. Given the importance for a rethinking of civil servants

with respect to open government and citizen participation initiatives, an entire section in Chapter 2 has been devoted to this matter.

The finance ministries' perceived main reason for low citizen participation is the alleged "lack of capacity". Out of the 11 countries that answered that NGOs participate the least in CPPC initiatives, 5 countries (45%) answered not only the "lack of capacity", but also the "lack of interest to engage" (Figure 5.14). Comparing this finding with the previous chapter it seems that the perception of capacity and interest to engage varies between the ministries and the NGOs themselves. More frequent active engagement between those two stakeholders could be one approach to overcome these differences and improve the results of joint co-operation.

Figure 5.14. **Main reasons for the low participation of different actors in the policy cycle**




*Note*: The ministries were asked to name the assumed reason for the low participation of the group that they perceived to participate the least. For the Ministry of Finance: General public n=23; NGOs n=11; Private sector n=10. For the Ministry of Health: General public n=20; NGOs n=5; Private sector n=15.

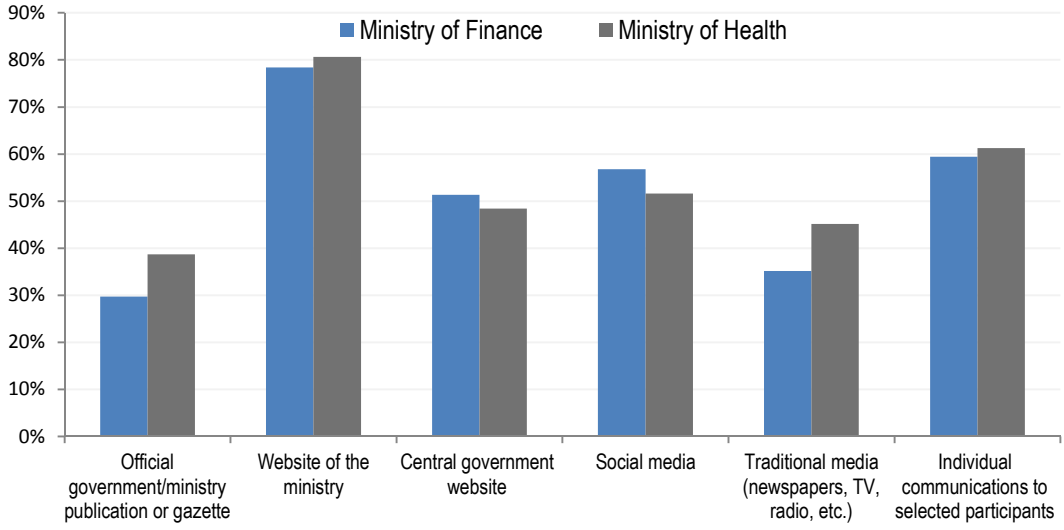
*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

## Informing citizens about the possibility to engage

Stakeholders need to be informed about the existence of participation initiatives. A key factor explaining the low levels of participation is lack of information. As expected, the preferred approach to inform citizens about CPPC initiatives remains the respective website of the ministry (Figure 5.15). Additionally, in 51% of finance ministries in all respondent countries (63% in OECD countries) and in 48% of health ministries in all

respondent countries (58% in OECD countries) information can be found on a central government website.

Figure 5.15. **The provision of information regarding CPPC initiatives at the sector level**




*Note*: Ministry of Finance n=37 (OECD 30), Ministry of Health n=31 (OECD 24). Slovakia's Ministry of Finance did not provide an answer to this question. Italy's Ministry of Health did not provide an answer to this question.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

However, this data does not provide information on the actual uptake of the information. Citizens might not proactively look for participation opportunities, which make the spreading of information all the more important. Moreover, it is important to keep an eventual digital divide in mind. Some vulnerable groups might not have access to the Internet (the elderly, etc.). Hence, it is crucial to make sure that all groups that a ministry wishes to engage with are well-informed about a certain initiative. In order to ensure more equal access to information, more than half of all finance ministries (59% for all respondent countries and 67% in OECD countries) and 61% of all health ministries (58% in OECD countries) already provide individual communications to selected participants. Accordingly, the ministries could contemplate introducing better targeted information campaigns that are picked up more easily by citizens. While the individual communications approach might have a positive effect on the participation of people without access to the Internet, campaigns through social media might raise awareness or create incentives to participate in CPPC initiatives to a wider audience. The OECD has recently started a work stream on media and open government that will inform countries' communication efforts in this area. In Germany, the central government regularly informs citizens on ongoing reforms and policies through a video podcast that is published on the central government's website (Box 5.16).

Box 5.16. **The German government's weekly video podcast**

The German government has introduced an innovative approach to inform its citizens on a regular basis. On the general government's website, www.bundesregierung.de, the Press and Information Office publishes not only press releases, photos and videos but also a video podcast with Chancellor Merkel. On a weekly basis, the Chancellor is interviewed on the timely and pressing issues that have shaped, or will shape, the debates in the past and upcoming week. The subtitled videos are then published on the Government's YouTube, Twitter and Facebook accounts. Like many other governments, citizens and journalists can get insights into the daily work of the different governments on other channels such as Instagram.

Another feature of the outreach mechanism includes "The week of the Chancellor" ("*Die Woche der Kanzlerin*"), which is published on the same website. As implied by the name, the brief five-minute summary of the week features the most important decisions, meetings and state visits of the Chancellor. Occasionally, these weekly videos are complemented by additional video material from summits or the German Bundestag. The government spokesperson answers questions posed by citizens on the Facebook page on the most prominent topics of the week in a video blog on the YouTube channel. Providing information on the variety of work of the government in a tangible manner and diffusing it through the most frequently used social media channels allows citizens to adopt better informed opinions. Moreover, it helps to bridge the gap between the citizens and sometimes complex and far-reaching decisions by the government.

*Source*: Die Bundesregierung (n. d.), "Mediathek", webpage, www.bundesregierung.de/Webs/Breg/DE/Mediathek/mediathek_node.html (accessed 16 October 2016).

### *The choice of the right mechanisms/tools*

Once the objectives, the stage of the policy cycle, the scale and the desired stakeholders of a participation initiative have been defined, the right mechanisms/tools have to be chosen. A great number of tools are at the disposal of public servants. Participation mechanisms/tools may vary in terms of the amount of time they take, the number of stakeholders they involve, the level of government they are applicable to and the amount of resources they require. Similarly, different tools may apply best to different steps of the policy cycle or to different categories of actors (OECD, 2015a). In general, mechanisms can be categorised into two types: formal mechanisms that have institutional and legal ground, and informal mechanisms that are not institutionalised but can be implemented for a large variety of issues and at the discretion of the convener of the participation process (OECD, 2015b).

As mentioned by Corella (2011), governments should avoid the "one-size-fits-all approach", as no single tool or approach will be suitable for every country or situation. Often a mix of approaches and tools will be required, and these may need to be adapted to local traditions and practices, as well as to the objectives sought and the level of resources (both human and financial) available (Corella, 2011). In addition, as governance systems are dynamic, stakeholder participation processes should be flexible enough to adapt to changing circumstances (OECD, 2015a) (Box 5.17).

Box 5.17. **Citizen participation in infrastructure projects**

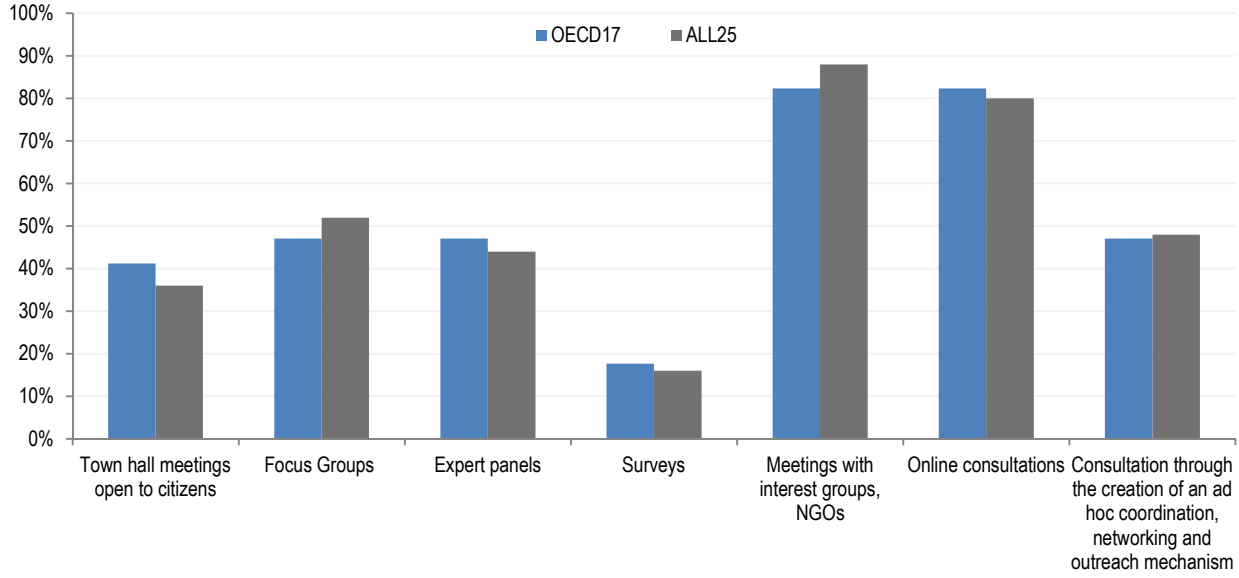
The OECD is working on a new analytical framework to assess the impact of citizen participation in large infrastructure projects. As the experience of OECD countries has clearly shown, local communities play a key role in determining whether the implementation of large infrastructure projects, such as national or international railways or airports, goes smoothly or is instead characterised by high social tensions (e.g. the Lyon-Turin railway or the new airport of Berlin). At the same time, from a governance perspective, the importance of consulting with local communities that are directly affected by these projects has to be counterbalanced by their national relevance and their contribution to the achievement of policy outcomes that matter for the economic development of the state or states. The complexities of these cases call for a better understanding of the various methodologies of citizen participation that can be used, their scope, timing and relevance, the distribution of responsibilities and the importance of avoiding policy capture.

*Source*: OECD (2016a), "Engaging citizens for better policy outcomes", background paper prepared for the 53rd session of the Public Governance Committee.

Most countries (88% in all respondent countries and 82% in OECD countries) report that the most commonly used participation mechanisms in the development of open government strategies are meetings with interest groups and NGOs and online consultations (80% in all respondent countries and 82% in OECD countries) and focus groups (52% in all respondent countries and 47% in OECD countries). Expert panels (44% in all respondent countries and 47% in OECD countries), consultation through the creation of an ad hoc co-ordination, networking and outreach mechanism (48% in all respondent countries and 47% in OECD countries) and town hall meetings (36% in all respondent countries and 41% in OECD countries) are used by a lower number of countries (Figure 5.16). These results show that, according to the countries' answers, citizens are consulted in the elaboration of the strategy through the approaches that were named as the most frequent ones, including meetings with interest groups and NGOs or online consultation.

Formal consultations are used often as forms of participation in both finance ministries (38% in all 37 ministries surveyed) and health ministries (65% in all 31 ministries surveyed). Surprisingly, initiatives that use social media are not yet used widely. As highlighted in Figure 5.17, one-third of all finance ministries have never used social media to inform citizens about CPPC activities, whereas this number amounts to 23% in all the surveyed health ministries (Figure 5.18). Nevertheless, as outlined by the OECD (2015a) and in Chapter 1, social media can offer new possibilities for collaboration in the creation and delivery of public goods and services as well as opening up new ways to anticipate and understand user needs. Social media and the Internet more generally empower less-organised and less-established groups and give them relatively inexpensive means to rally ad hoc support around common causes. With these tools in hand, formerly dispersed individuals or less well-resourced groups obtain greater agenda-setting power, which is important for inclusive policy making (OECD, 2015a.). Yet, online consultation - either through their own website or a central website - is fairly common as public meetings are another frequently used participation mechanism.

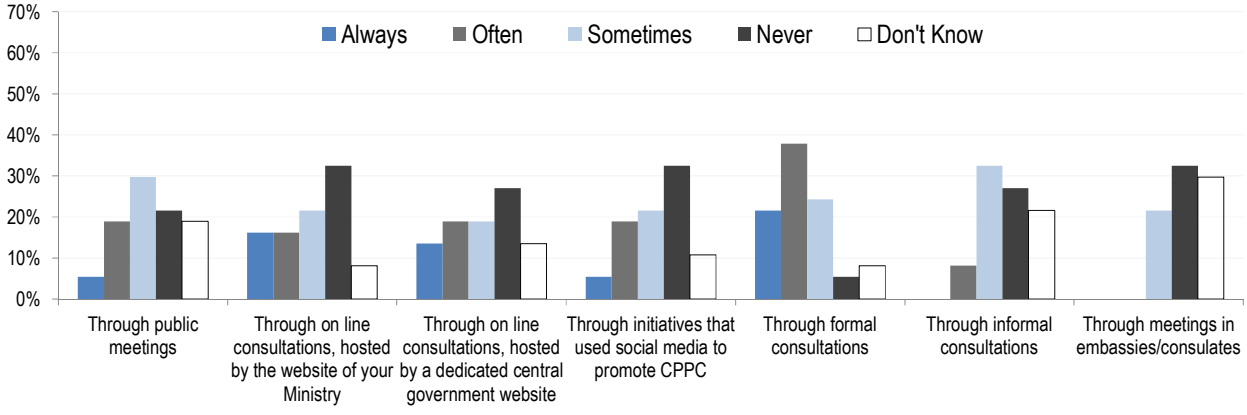
Figure 5.16. **Consultation mechanisms used by countries in the development of the open government strategy**




*Note:* Only countries that answered that they had an open government strategy were asked this question; n=25 (OECD 17).

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

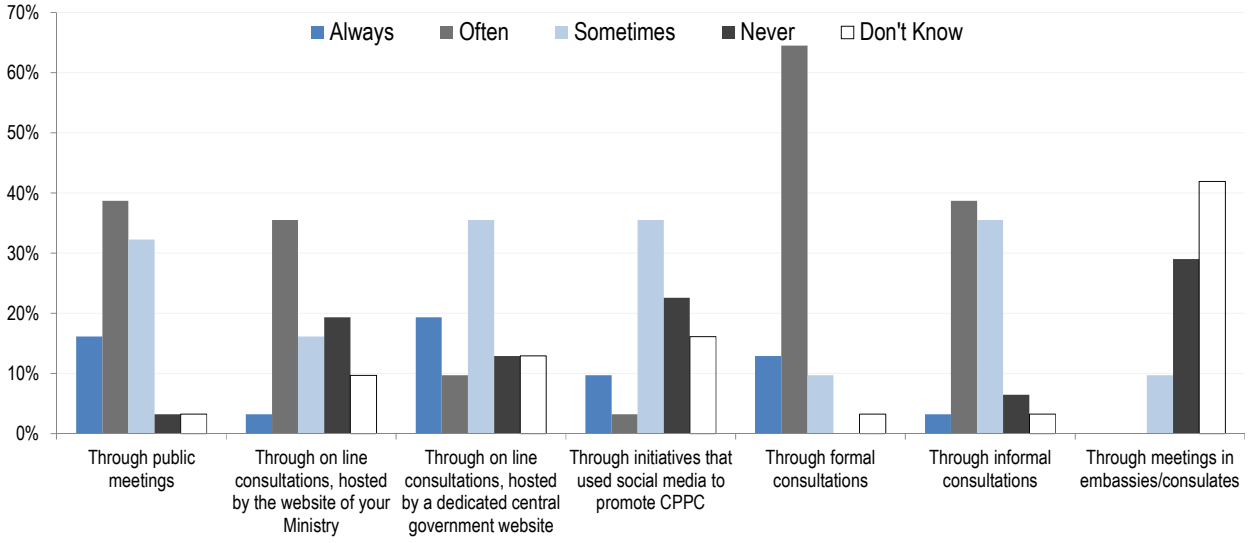
Figure 5.17. **Frequency of participation approaches used in finance ministries**




*Note:* Ministry of Finance n=37 (OECD 30). Slovakia's Ministry of Finance did not provide an answer to this question.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Figure 5.18. **Frequency of participation approaches used in health ministries**




*Note:* Ministry of Health n=31 (OECD 24). Australia's Ministry of Health answered that this information is not available.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

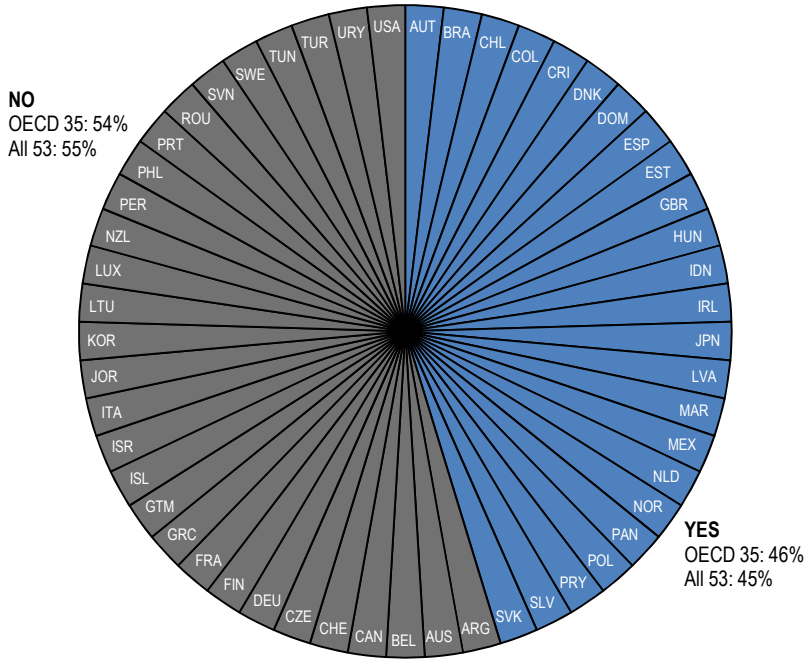
### *An overarching document focusing on citizen participation in the policy cycle*

Public servants and citizens might embark on participation processes with different conceptual frameworks. Even within the public service interpretations of what a participation initiative is, how to best design it might differ substantially. The more conceptual frameworks differ, the more the interpretations are likely to be at odds (UNDESA, 2011). An overarching document on citizen participation in the policy cycle (CPPC) can be an important step towards an integral approach to citizen participation. At the same time, it is important to point out that establishing the basis for stakeholder participation is insufficient if laws/policies/guidelines/manuals are not accompanied by adequate implementation efforts. Albeit an important enabler, legal requirements are neither a sufficient nor an indispensable condition to ensure successful stakeholder participation (OECD, 2015a).

An overarching document, which in the best case is linked to a country's national open government strategy (as mention in Chapter 1) allows all entities to base their initiatives on a single set of standards. Such an overarching document can take a variety of forms, including that of a strategy, a policy, a law, an internal directive or circulaire, a guide, or a manual (OECD 2016d). The document can be a tool to provide the whole of government with an integrated approach to citizen participation and should include a description of specific tools to involve citizens in all phases of the policy cycle as well as elaborate on different forms of participation, tools, etc.

Despite its importance, 55% of countries still lack an overarching document on CPPC (Figure 5.19). In countries where it exists, there is no predominant form that is being used: the overarching document can be a policy as in Turkey and the United Kingdom, a strategy as in Austria (Box 5.18) and in Spain, a guide as in Ireland, a law as in Korea (Box 5.19) and Sweden or an internal directive of the Ministry of Finance as in New Zealand.[5]

Figure 5.19. **Availability of an overarching document focusing on citizen participation in the policy cycle**




*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

### Box 5.18. **Standards of Public Participation in Austria**

The Government of Austria has developed a strategy to strengthen public involvement in decision making. The Austrian government believes that effective public involvement in decision making needs to be underpinned by being well organised, and **has developed Standards of Public Participation to help public servants conduct high-quality participation processes.**

NGOS and other stakeholders were involved in drawing up the standards, which include elements such as: making information available, fostering open and inclusive policy making, fostering integrity and transparency and improving service delivery. In addition, two e-government applications have been created to facilitate public participation, one for public employees and one for citizens.

In order to mobilise citizens, businesses and civil society, there have been several public-private dialogues on reform concerning important issues like education or science involving different civil society organisations.

*Source*: OECD (2011b), *The Call for Innovative and Open Government: An Overview of Country Initiatives*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264107052-en.

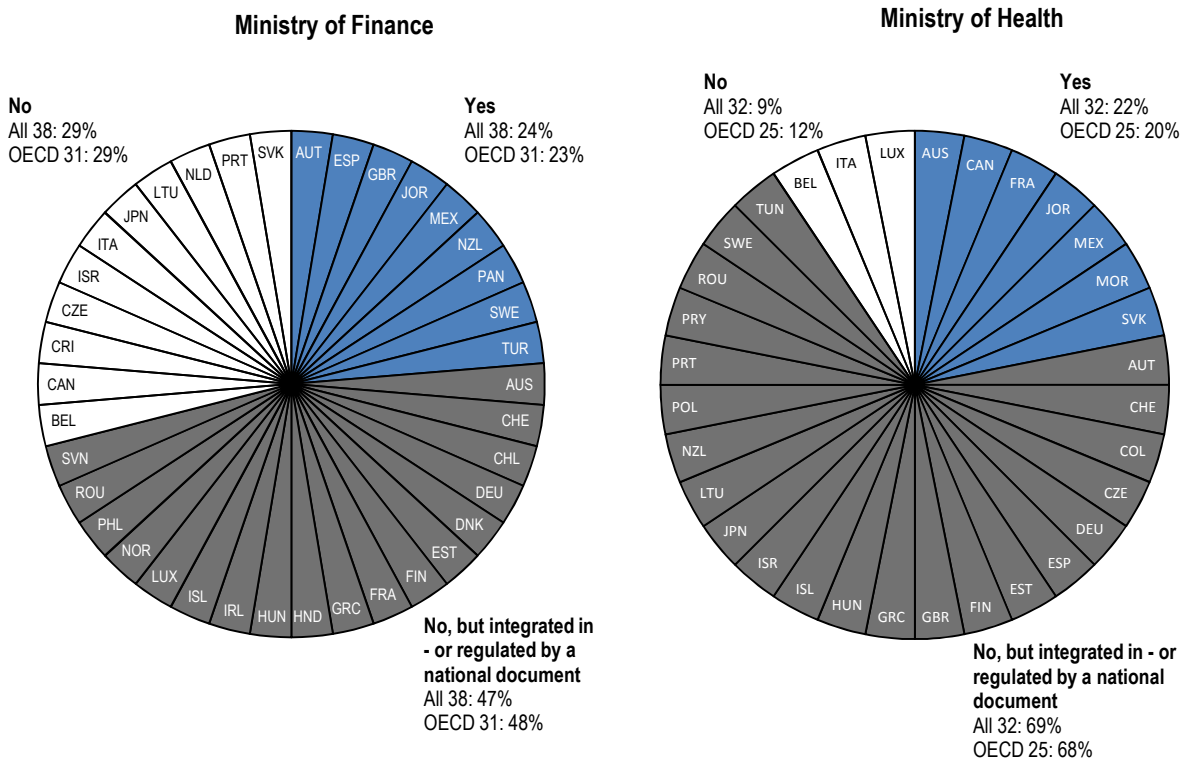
### Box 5.19. **Korea's overarching document on CPPC**

The Government of the Republic of Korea is working on strengthening its legal and institutional foundation to foster participatory decision making. In March 2015, the Government revised the Administrative Procedure Act, which serves as the framework act concerning civic participation. The revision of the Act established a legal foundation for web- and mobile-based policy debates, taking into consideration the emerging communication channels (web or smartphones), which are characterised by their nature of two-way and real-time communication. Web- and mobile-based policy debates were adopted during the previous administration (between 2003 and 2007), but they did not have any legal foundation then.

*Source*: OECD (2016d), The Governance of Inclusive Growth: An Overview of Country Initiatives, OECD Publishing, Paris.

In 24% of all respondent finance ministries (23% in OECD countries) and 22% in all respondent health ministries (and 20% in OECD countries) reported having an overarching document on CPPC. Some 69% of health ministries in all countries as well as 68% in OECD countries and 47% of all finance ministries (48% in OECD countries) stated that they did not have such a document, but that CPPC initiatives in their ministries were included in or regulated by a national document that within the framework of a broader topic includes specific guidance on how to promote citizen participation. The evidence shows a lack of clarity about the concept/idea of an overarching document on citizen participation in the policy cycle. Evidence from Figure 5.20 suggests that while in 55% of all 53 countries surveyed (54% in OECD countries) no such document existed, 91% of all health ministries (88% in OECD countries) reported that they were aware of such a national document.

Figure 5.20. **Availability of an overarching document focusing on citizen participation in the policy cycle at the sector level**




*Note*: Ministry of Finance n= 38 (OECD 31), Ministry of Health n=32 (OECD 25).

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Hence, it seems like there is a need to develop a more integrated understanding of the concept of an overarching document on CPPC and further reinforce communication channels between those responsible for citizen participation at the national/ whole-of-government level (where they exist) and sectoral ministries. At the national level, an overarching document can provide a common set of standards for the whole of government. This national overarching document can be complemented with specific sectoral documents on CPPC, which provide more specific guidelines for a certain sector (such as health) and build on the national framework.

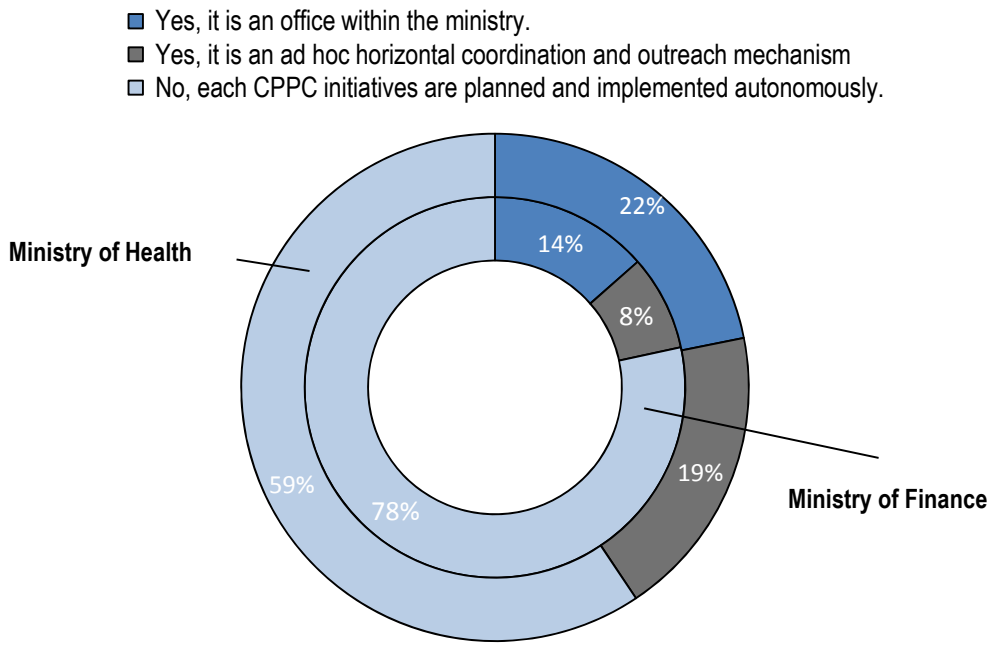
### *An adequate institutional framework and the capacities for citizen participation*

In addition to an adequate legal/policy framework provided by an overarching document on CPPC, developing an adequate institutional framework and strengthening the capacity of government officials, public administrators, citizens and civil society representatives is necessary to plan and implement successful and sustainable forms of citizen participation to ensure their success.

### *An office/committee in charge of the overall co-ordination of CPPC initiatives*

An office/committee in charge of the overall co-ordination of CPPC initiatives is an important element of an adequate institutional framework, as it can ensure that different actors use a coherent approach to participation initiatives, facilitate the sharing of good practices and provide assistance and help public servants when needed. In most countries, there is still a lack of an office/committee (or other type of horizontal co-ordination mechanism) that is responsible for overall co-ordination of their participation initiatives. In 78% of all finance ministries (87% in OECD countries) and in 59% of all health ministries (68% in OECD countries) each CPPC initiative is planned and implemented autonomously (Figure 5.21).

Figure 5.21. **Availability of an office or committee in charge of the co-ordination of CPPC initiatives at the sector level**



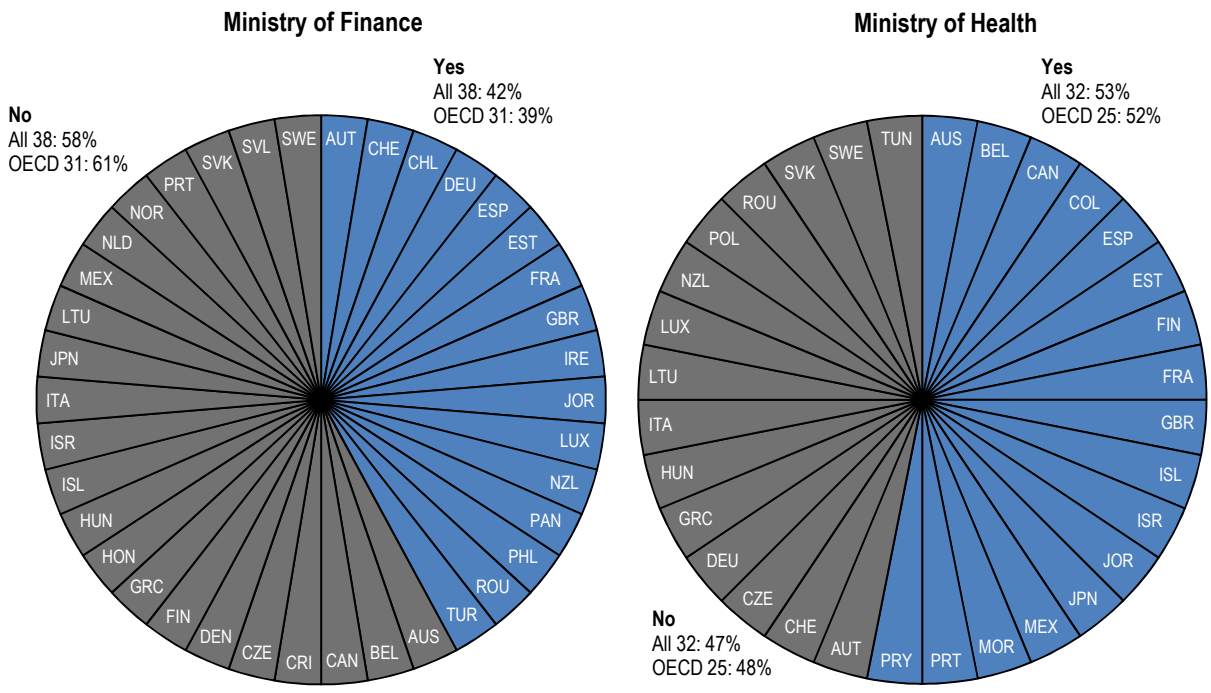

*Note*: Ministry of Finance n= 37 (OECD 31); Ministry of Health n=32 (OECD 25). Italy's Ministry of Finance did not provide an answer to this question.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

### *Creating capacity for citizen participation within the civil service*

Building an administrative culture to support stakeholder participation requires reinforcing core public service values throughout the public administration (OECD, 2015a), as discussed in Chapter 2. Values that promote citizen participation need to be trained, communicated, discussed, and reinforced, including through their inclusion in codes of conduct and competency frameworks, and their use in the hiring and evaluation decisions (ibid.). However, in 58% of all respondent finance ministries (61% in OECD countries) and in 47% of all respondent health ministries (48% in OECD countries) there are at present no initiatives to increase the capacity to implement CPPC activities among public servants (Figure 5.22). As discussed in more detail in Chapter 2, open government and citizen participation reforms can only be successfully implemented when civil servants are aware of the benefits that such participation and opening up would bring. This awareness raising could for example be part of training and capacity building sessions for civil servants, as discussed in the following and exemplified in Finland (Box 5.20).

Figure 5.22. **Availability of initiatives to increase the ministries' civil servants' capacity to implement CPPC initiatives**




*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

### Box 5.20. **Enhancing dialogue skills for civil servants in Finland**

Effective communication is an important aspect to strengthen the relationship between governments and citizens further. Finland acknowledged the significance of sound dialogue skills for civil servants and included commitments on further improving these skills in its first OGP Action Plan (2013-14). The following six concrete aims were formulated:

1. Standard language titles and resumes will be drafted of the Government proposals.
2. Visualisation of decisions with a special focus on expenditures of the state budget.
3. Training will be organised for civil servants in use of clear language and plain language including committing to use of terms already known.
4. The comprehensibility of the texts produced by public administration will be tested together with citizens and service users.
5. Standardising and clarifying the terms and concepts used in public administration and service production.
6. The comprehensibility of customer letters and decisions will be enhanced, especially when using standard texts.

These commitments were taken up again in the second OGP Action Plan, which contains a commitment on "clear administration" among three others. The main objectives that contribute to a more tangible and easy-to- understand bureaucracy are set out as:

1. Clear structures and processes in addition to customer orientation are targeted in major reforms.
2. Structures and processes are described so, that citizens know which authority should be contacted in different issues.
3. The official parlance is correct, clear and easy to understand.
4. Information on issues under preparation is available and can easily be found.
5. Administration takes feedback and takes account of it when developing its ways of working.

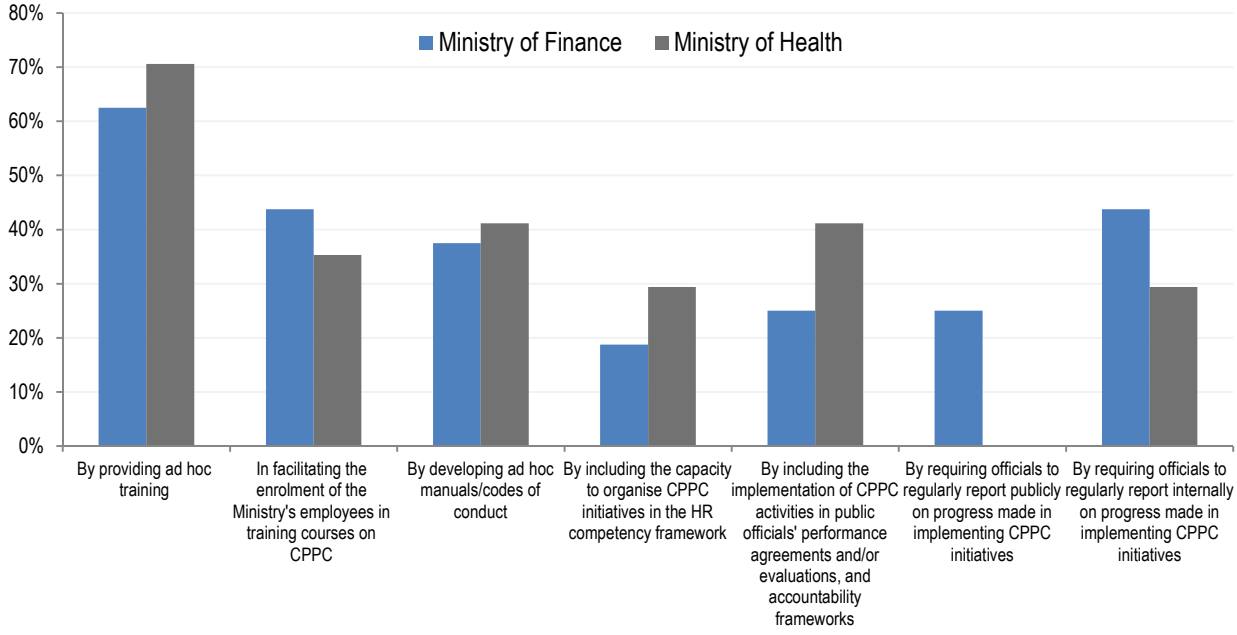
The example of Finland provides an example of good practice on facilitating the communication, engagement and collaboration between citizens and civil servants, which has the potential to positively influence the perception of the entire government. Open government, if understood as a culture of governance, requires an emphasis on today's and the coming generations of civil servants to acknowledge the more active role of citizens throughout the entire policy cycle through approaches like the ones in Finland.

*Source*: Government of Finland (2013), "First Open Government Action Plan 2013-2014"; Government of Finland (2015), "Second Open Government Action Plan", www.opengovpartnership.org/country/finland/action-plan (accessed 1 September 2016).

In addition, effective stakeholder engagement requires changing the administrative culture. This involves embedding a culture of inclusion in policy making in the administration from the leadership to the employees, and giving government officials access to appropriate skills, guidance and training (OECD, 2015a). Most ministries provide some kind of support to their employees to promote a successful implementation of CPPC initiatives among them via ad hoc trainings (Figure 5.23). Some 44% of finance ministries (42% in OECD countries) and 35% of health ministries (31% in OECD

countries) facilitate the enrolment of their employees via training courses on CPPC – an initiative that should be pursued. Only a limited number of ministries (e.g. the finance ministries in France, New Zealand and Panama) require officials to regularly report publicly on progress made in implementing CPPC initiatives.

Figure 5.23. **Promoting the successful implementation of CPPC initiatives among employees**

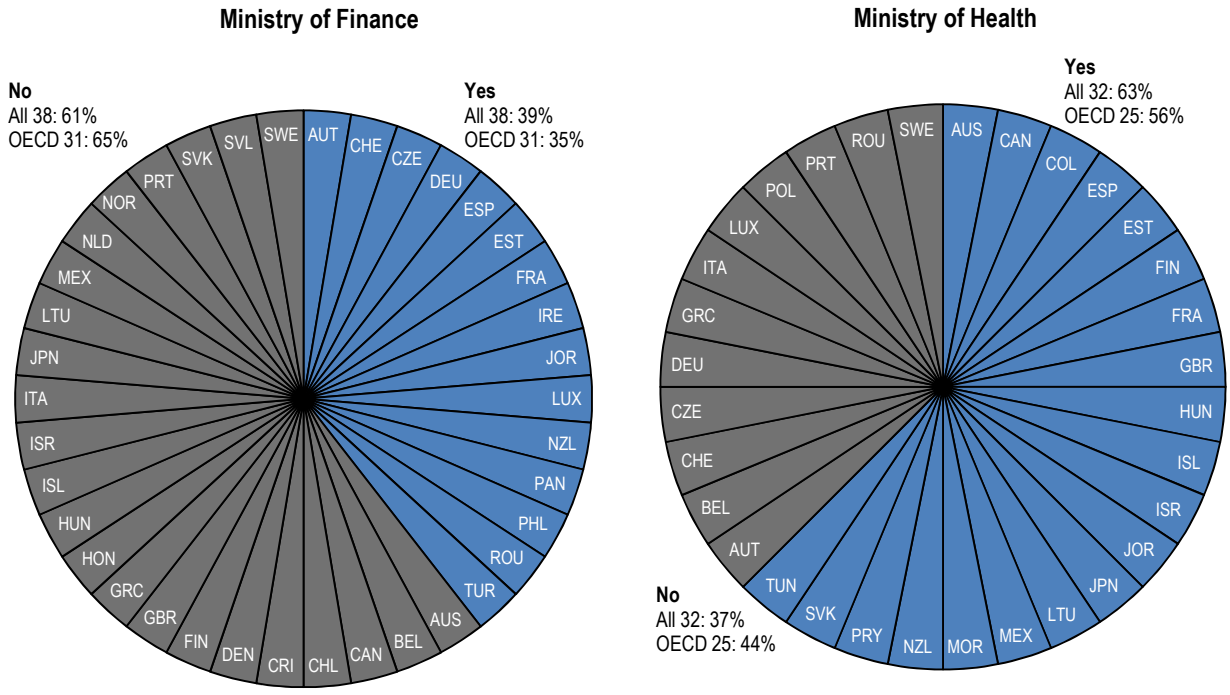



*Note*: Ministry of Finance n=16 (OECD 12), Ministry of Health n=17 (OECD 13). Only countries which answered to have initiatives to increase the capacity to implement CPPC activities were asked this question.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

It is not only important to inform citizens about existing participation initiatives, governments also have to make an effort to increase awareness about CPPC among their employees. However, in 61% of all respondent finance ministries and 38% of respondent health ministries, there are no initiatives to increase awareness of CPPC activities among public servants. An office in charge of citizen participation can provide the necessary guidance in order to increase awareness (Figure 5.24).

Figure 5.24. **Availability of awareness-increasing initiatives for ministries' civil servants in charge of CPPC**

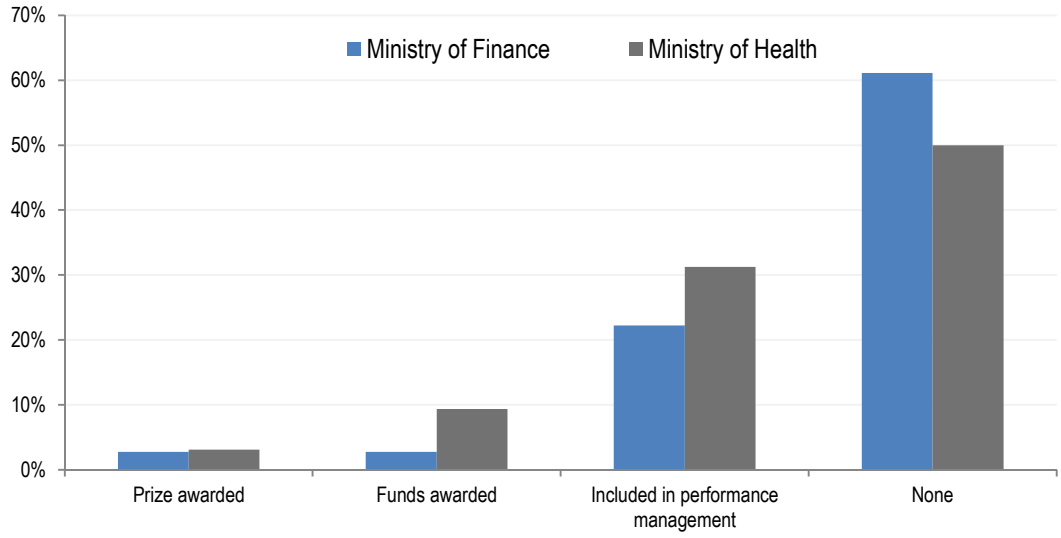



*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

### *Creating incentives for public servants to favour CPPC*

The provision of incentives for both public servants to design citizen participation initiatives and for citizens to take advantage of them is another important element of a solid enabling environment for citizen participation in the policy cycle. A lack of incentives can prevent the effective and efficient implementation of citizen participation initiatives in public matters. To date, in 61% of all respondent finance ministries (57% in OECD countries) and in 50% of all respondent health ministries as well as in OECD countries, no incentives have been put in place to favour the participation of citizens in the policy cycle (Figure 5.25).

Figure 5.25. **Incentives provided for public servants to favour the participation of citizens in the policy cycle**




*Note:* Ministry of Finance n=36 (OECD 31), Ministry of Health n=32 (OECD 25). Panama's Ministry of Finance answered "unknown" and Slovakia's Ministry of Finance did not provide an answer to this question.

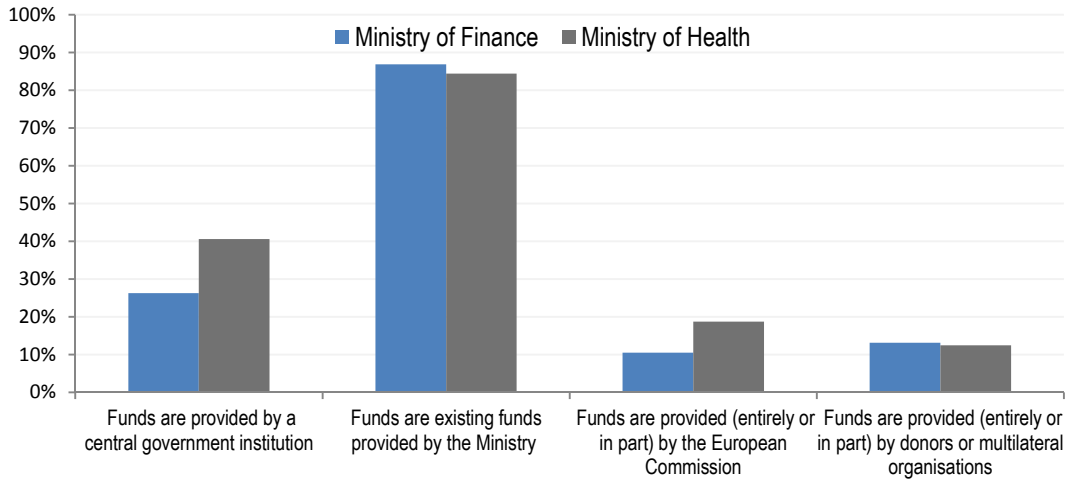
Source: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Nevertheless, some ministries do have incentives included in the performance management. The Netherlands for example has a prize-awarded incentive, and the Czech Republic has developed a fund-awards system. Both initiatives could serve as an example for other countries that currently have no incentive mechanism in place.

### *The cost of participation initiatives: Ensuring the necessary funding*

In order to be successful, citizen participation initiatives also have to be adequately funded. Large-scale participation initiatives can require significant amounts of time and money. Given that ministries' resources are often limited, the funding situation might limit the scope and scale of citizen participation initiatives and only allow for the use of certain inexpensive, but less effective, tools. In most countries funds for citizen participation initiatives are existing funds provided by the ministry in question (this is the case in 87% of all respondent finance ministries (87% in OECD countries) and 84% of all respondent health ministries and 88% in OECD countries) (Figure 5.26). Some 26% of all finance ministries (and 29% of OECD countries) and 41% of all health ministries (40% in OECD countries) also receive funds from a central government institution. The donor community (bilateral donors, EU or multilateral organisations) provide additional resources in 24% (16% in OECD countries) (finance ministries) and 32% (20% in OECD countries) (health ministries) of the cases. A more in-depth assessment of the necessities for adequate funding provided for open government and CPPC initiatives can be found in Chapter 2.

Figure 5.26. **Source of funding for CPPC initiatives**




*Note*: Ministry of Finance n=38 (OECD 31), Ministry of Health n=32 (OECD 25).

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

While these responses shed light on the source of the funds used to finance participation initiatives, given countries' poor existing evaluation of CPPC, more research is needed to evaluate the costs associated with them. To date, knowledge about the costs (and benefits) of citizen participation remains limited as the number of monitoring and evaluation practices in the countries, as discussed in more detail in Chapter 3 and below, is rare.

As discussed by the OECD (2016a), a key issue to be considered when looking at the costs and benefits of participation is the one of temporality. When it comes to the process, costs are often short term (e.g. operational costs), while benefits can only be seen in the long term. Moreover, the results of CPPC initiatives have to be understood not only in terms of process, but also in terms of the actual impact of the outcomes of participation (e.g. assessing the suitability of accepting the eventual delays caused by an extended public consultation versus the increased quality of the resulting policy or initiative) (OECD, 2016a). Therefore, governments should keep in mind that the sustainability of participation initiatives will not only depend on the net difference between aggregate costs and benefits, but also on how they are distributed between public officials and stakeholders, between stakeholders themselves, (and on their willingness to bear them) and on accepting trade-offs to manage their dual temporality (OECD, 2016a).

### *Evaluation of citizen participation initiatives*

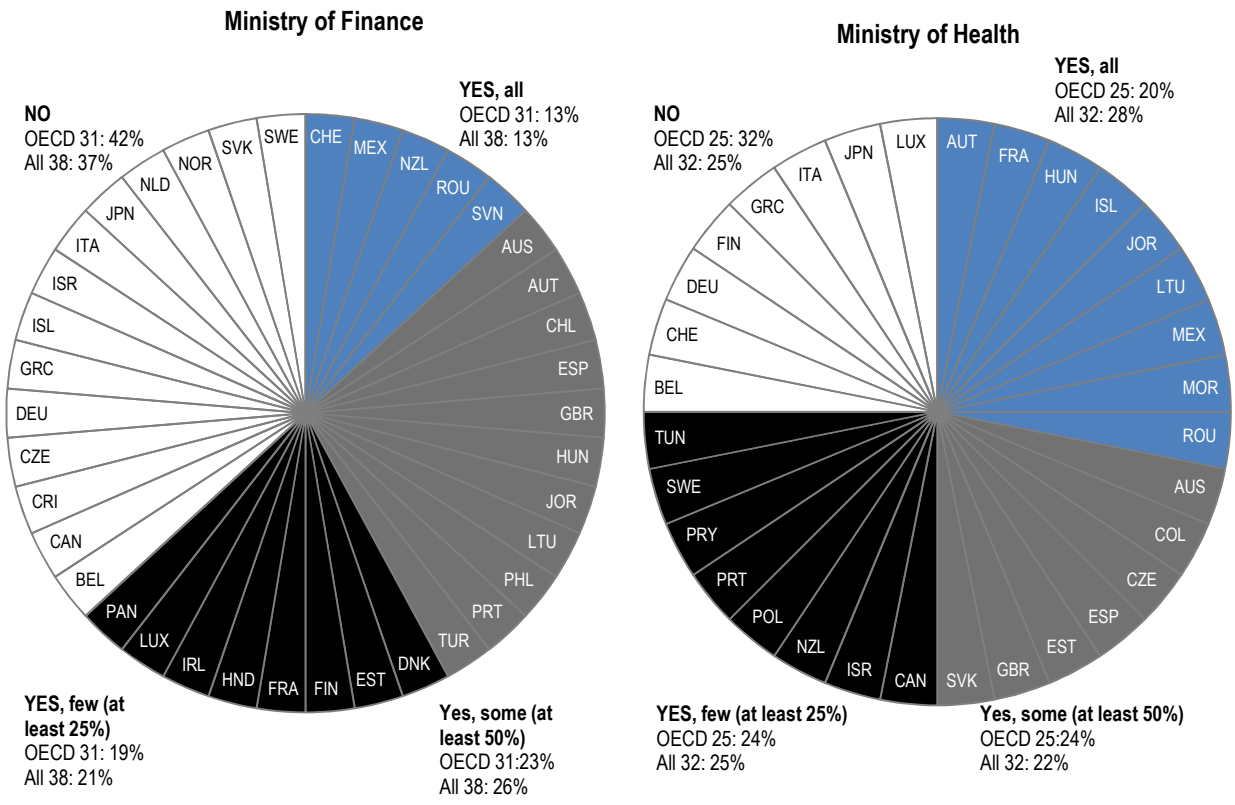
Evaluation serves the dual function of providing a basis for improving the quality of policy and programming, and a means to verify achievements against intended results. Evaluation further provides governments with the means to learn from experience, to improve service delivery and to legitimise participation initiatives and be accountable for the costs incurred.

Hence, systematic evaluation of participation efforts is needed to continuously adapt the tools and approaches and to build a solid business case for participation (OECD,

2015a). The OECD report, *Evaluating Public Participation in Policy Making* (OECD, 2005b), recognises that there is a striking imbalance between the amount of time, money and energy that governments in OECD countries invest in engaging citizens and civil society in public decision making and the amount of attention they pay to evaluating the effectiveness and impact of such efforts. Much attention has been devoted to developing participation tools, rather than on measuring their effectiveness (OECD, 2015a). As a result, there seems to be a significant evaluation gap in public participation (OECD, 2001).

In fact, 37% of all respondent finance ministries (42% in OECD countries) do not evaluate citizen participation initiatives; 21% evaluate at least 25% of their initiatives (19% in OECD countries); 26% evaluate at least 50% of their initiatives (23% in OECD countries), while only 13% say that they evaluate all CPPC initiatives (13% in OECD countries). Similar figures resulted from the health ministries, although the overall share of CPPC initiatives that were evaluated reached 75% in all countries and 58% in OECD countries (Figure 5.27).

Figure 5.27. **Evaluation of CPPC initiatives at the sector level**



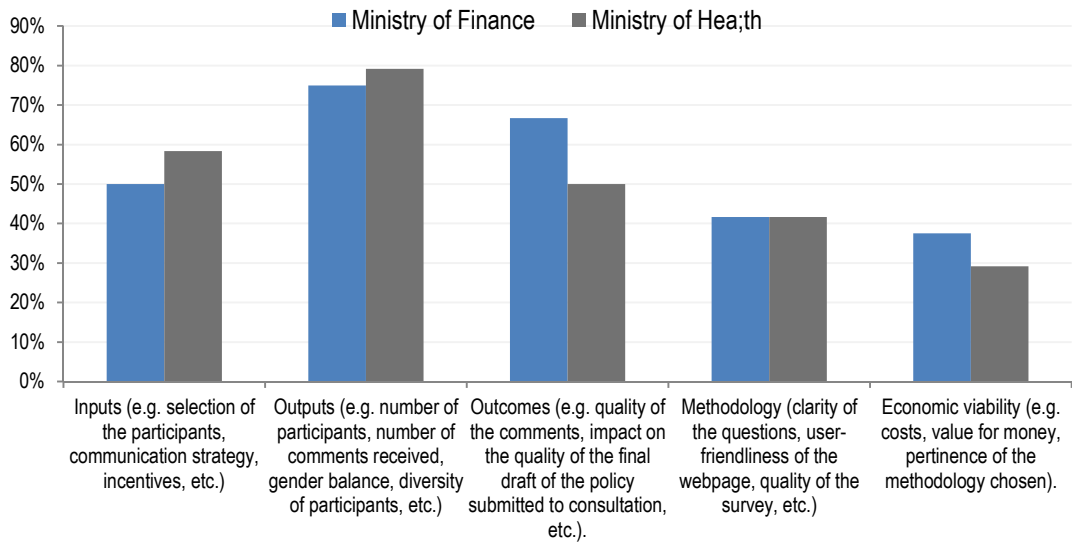

*Note:* The United Kingdom's Ministry of Finance answered "Yes, some" and "Yes, few" to this question.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Where finance and health ministries conduct evaluations, they mainly evaluate the outputs of citizen participation initiatives (e.g. number of participants, number of comments received, gender balance, diversity of participants, etc.). It has to be acknowledged that – of those who evaluate – already 67% of all respondent finance ministries (78% in OECD countries) and 50% of all respondent health ministries (65% in OECD countries) report evaluating "outcomes" (e.g. quality of the comments, impact on the quality of the final draft of the policy submitted for consultation, etc.).

Despite this important development, assessing the impact of participation efforts presents one of the most important research gaps when it comes to evaluation practices. Moreover, to date, only a limited number of ministries evaluate the economic viability of participation initiatives (38% of all finance ministries, 39% in OECD countries) and 29% of health ministries (29% in OECD countries) (Figure 5.28).

Figure 5.28. **Areas of CPPC initiatives being evaluated by ministries**

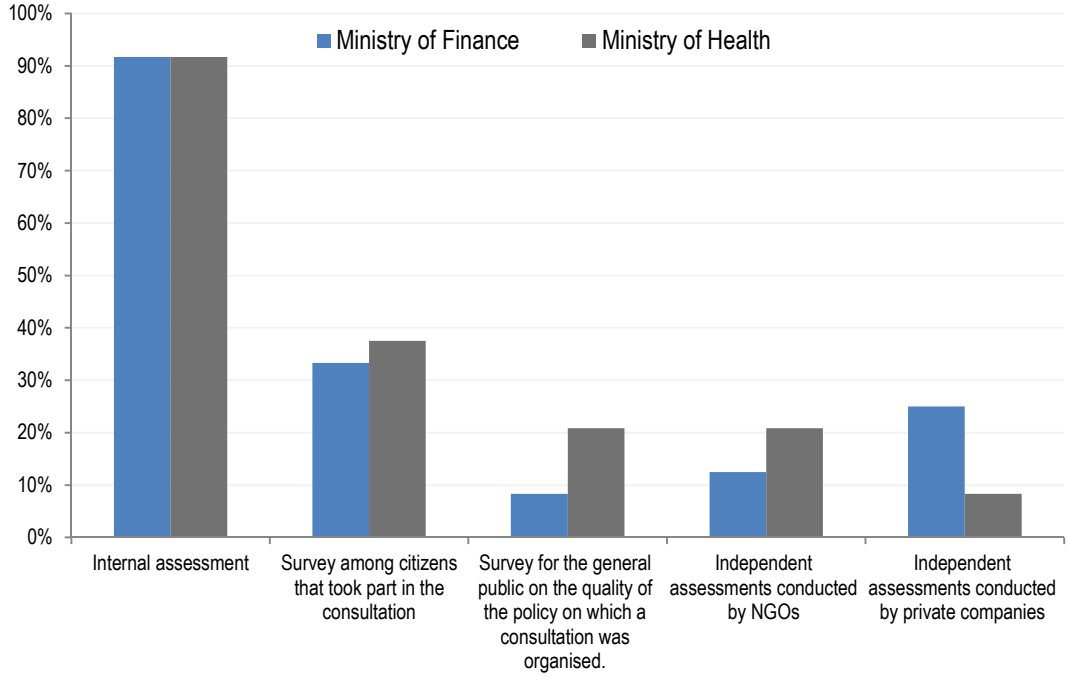



*Note*: Ministry of Finance n=24 (OECD 18), Ministry of Health n=24 (OECD 17). Only countries which answered to evaluate CPPC initiatives were asked this question.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Most importantly, most evaluations are done via internal assessments in 92% of all respondent finance ministries (94% in OECD countries) and 92% of all respondent health ministries (83% in OECD countries) (Figure 5.29). Only 13% of all finance ministries (17% in OECD countries) and 21% of all health ministries (11% in OECD countries) report that evaluations are conducted independently by NGOs, while 25% of all finance ministries (28% in OECD countries) and 8% of all health ministries (11% in OECD countries) are evaluated independently by the private sector, as for example by the finance ministries in Finland, Hungary and the Philippines.

Figure 5.29. **Tools used by ministries to evaluate CPPC initiatives**

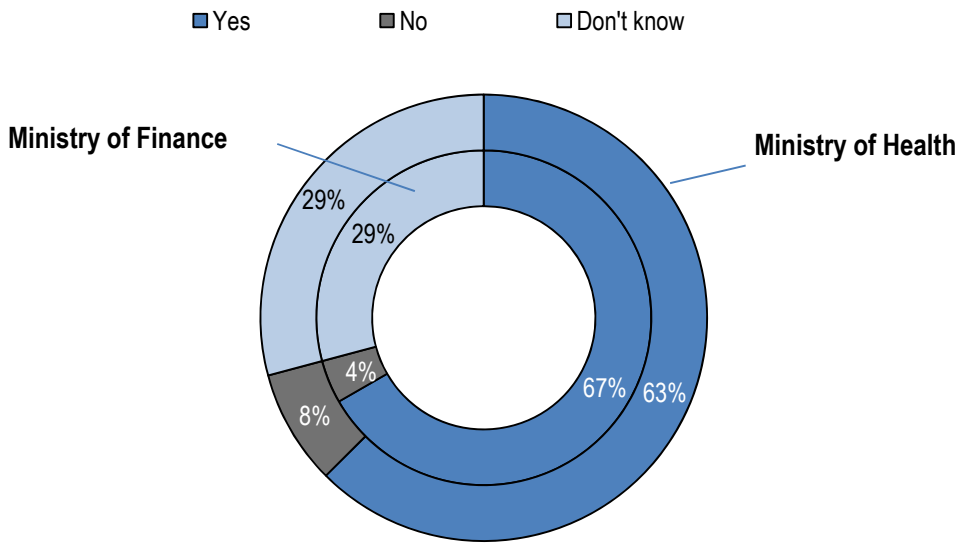



*Note:* Ministry of Finance n=24 (OECD 18), Ministry of Health n=24 (OECD 17). Only countries which answered to evaluate CPPC initiatives were asked this question.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

It is positive to note that ministries seem to be using the results of the evaluations they conduct in order to improve future CPPC. Some 67% of all respondent finance ministries (67% in OECD countries) and 63% of all respondent health ministries (65% in OECD countries) that conduct evaluations make use of the information received while only around 5% of both ministries do not take advantage of it. Strikingly, 29% of respondents from finance ministries and 29% of respondents from health ministries (29% in OECD countries) "don't know" if results are used (Figure 5.30).

Figure 5.30. **Using results of evaluations to improve future CPPC initiatives**




*Note*: Ministry of Finance n=24 (OECD 18), Ministry of Health n=24 (OECD 17). Only countries which answered to evaluate CPPC initiatives were asked this question.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

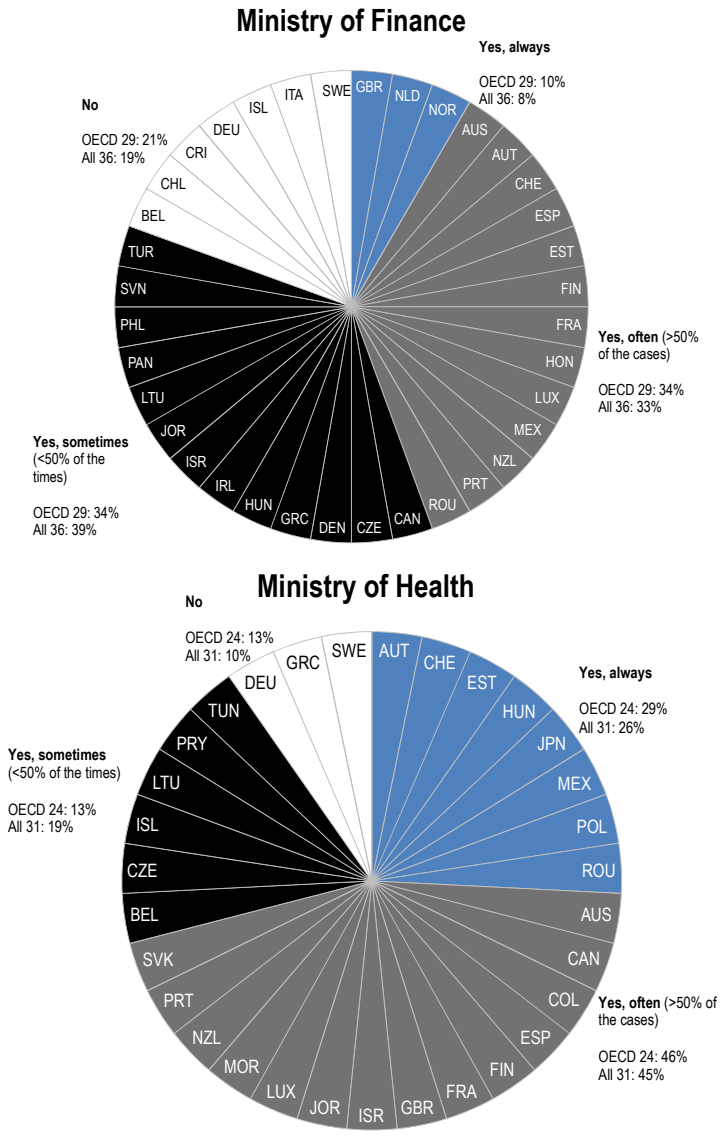
Further efforts are needed to evaluate participation practices, and when possible to assess their impact, both at the level of output and process measures and the improvement of outcomes (OECD, 2016a). Systemic evaluation would help adapt the tools and approaches to participation to different contexts. It would also help address some institutional barriers to participation by helping to build a business case for participation initiatives (OECD, 2016a).

### *Mechanisms to provide information to citizens about the outcomes of participation initiatives*

In addition to evaluating participation initiatives, governments should communicate the results/impact of initiatives to the wider public. This includes providing feedback to citizens on the comments received and on how they were (or were not) incorporated into policy proposals (OECD, 2015a). Failure to offer feedback may decrease willingness to repeat such experiences. Demonstrating to stakeholders that participation is inclusive and worthwhile helps prevent backlash and consultation fatigue (OECD, 2015a).

To date, citizens are still rarely informed about the outcomes of the participation initiatives of finance and health ministries in which they were involved. This might create a disincentive for future participation. Only the finance ministries in the Netherlands, Norway and the United Kingdom expressed that they always inform citizens about the outcome of the CPPC initiatives, while 58% of all 36 finance ministries surveyed and 50% in OECD countries stated that they do not inform citizens or only inform them sometimes (in less than 50% of cases). Respondent health ministries inform citizens on a more frequent basis. For these ministries, the numbers rank at 29% in all 31 countries and 26% of 24 OECD health ministries, respectively (Figure 5.31).

Figure 5.31. **Systematically informing citizens about the outcome of the CPPC initiatives in which they took part**

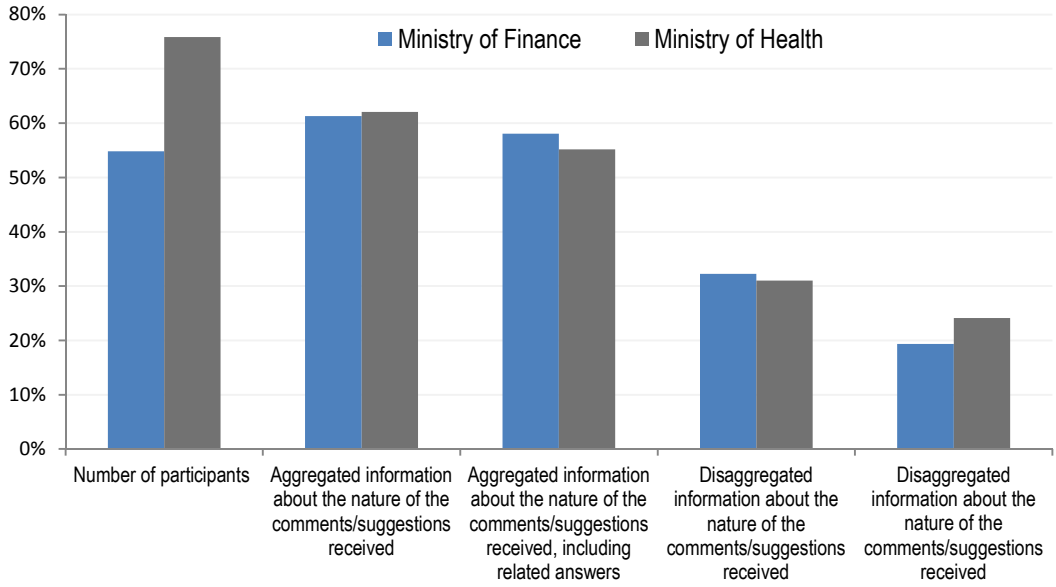



*Note*: Japan's and Slovakia's Ministries of Finance did not provide an answer to this question. Neither did Italy's Ministry of Health.

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

When informing citizens about the outcome of the CPPC initiatives in which they take part, the information that is most widely shared by health ministries is the number of participants (76% of all countries and 82% in OECD countries), followed by aggregated information about the nature of the comments/suggestions received (62% of all countries and 68% in OECD countries) and aggregated information about the nature of the comments/suggestions received, including related answers (55%). Finance ministries most widely share aggregated information (61%), followed by the number of participants (55%) (Figure 5.32). Both ministries rarely share disaggregated information with the public.

Figure 5.32. **Type of information that is publically shared when citizens are informed about the outcome of the CPPC initiatives they participated in**




*Note*: Ministry of Finance n=31 (OECD 26), Ministry of Health n=29 (OECD 22). Only countries' ministries which answered to inform citizens about CPPC initiatives were asked this question.

Source: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

## Conclusion

Citizen participation in the policy cycle is increasingly recognised as an important tool to improve the quality of public policies and services, increase compliance, enhance transparency and regain people's trust in public institutions. New, innovative forms of citizen participation are emerging all across the world, many of which already include elements of engagement such as co-creation and co-production. This chapter mapped and assessed countries' successful approaches of participation initiatives. It can be concluded that a significant number of good practices at the different stages of the policy cycle can be found across OECD countries.

This chapter provides countries with guidelines on what "doing citizen participation right" involves as well as a selection of good practices based on international experience that could inspire the design of future initiatives. It also identifies the key elements of a solid foundation for citizen participation especially in legal, institutional and policy frameworks in order for citizen participation throughout the entire policy cycle to become more effective.

The main findings of the chapter can be summarised as follows:

- Many finance and health ministries still lack strategies to engage stakeholders at all stages of the policy cycle. For now, citizens are mostly involved in drafting policies and in providing feedback on how public services work. Great potential remains, for instance, to involve citizens in evaluating the impact of policies, which would enhance the quality of future initiatives.

- Many governments are already making efforts to go beyond the "usual suspects", involving, for instance, youth, the elderly and minorities, which should be continued and further strengthened.
- In order to overcome the perceived lack of interest and/or a lack of information about possibilities to engage the general public, it is important to make all due efforts to inform stakeholders about the different approaches that exist to actively engage. Ministries could contemplate better targeted information campaigns to create citizen awareness.
- Participation initiatives that use social media are not yet used widely by ministries. Social media and the Internet more generally can empower less organised and less established groups and give them relatively inexpensive but powerful means to rally ad hoc support around common causes.
- Citizens are still rarely informed about the outcomes of the participation initiatives they were involved in, which might create a disincentive for future participation. Ministries should scale up their information efforts and provide adequate feedback to citizens.
- To date, more than half of the countries involved in the OECD Survey on Open Government Co-ordination still lack an overarching document of citizen participation in the policy cycle. All countries should develop such an overarching document in order to provide the whole of government, as well as key stakeholders, with a common set of standards and guidelines, as discussed in more detail in Chapter 2. The variety of approaches that are currently being undertaken could be mainstreamed by such a document in order to exploit shared areas in which participation takes place. During the elaboration of such a document, the central government could collect good and effective practices.
- Many countries lack an adequate institutional framework for CPPC and findings from the OECD Survey on Open Government reveal the lack of human and financial resources and capacities, according to a number of countries. Most ministries do not have an office in charge of the overall co-ordination of CPPC initiatives and many do not organise awareness-raising initiatives for civil servants in charge of CPPC, which can prevent the creation of an administrative culture to support engagement. Countries should focus on the institutionalisation of CPPC initiatives and should invest more in the training of public servants. The concrete approaches to do so are discussed as well in Chapter 2.
- Many ministries still do not evaluate initiatives and a significant evaluation gap remains. Further efforts are needed to evaluate engagement practices, and whenever possible to assess their impact, both at the level of output and process measures, as well as to improve outcomes.

While many countries are making, and have made, important progress in the design and implementation of participation initiatives, the results of this chapter indicate that the full potential of participation is not yet being maximised. Great potential remains to apply other countries' lessons learned, exchange good and bad practices in order to develop more solid frameworks for CPPC for the benefit of the quality of public policies and to regain citizen trust in public institutions.

**Key findings**

- Citizen participation in its different forms (ranging from simple access to information, to consultation and engagement) is a key part of an open government and should take place at all stages of the policy cycle.
- When designing and implementing a citizen participation initiative, countries need to be clear about their objectives, define the correct scale, identify the appropriate stakeholders, choose the right mechanisms and tools, and inform stakeholders about the possibilities to engage as well as about the eventual outcomes.
- Countries must also develop a solid foundation for participation initiatives by building an adequate institutional framework and providing the capacities needed by civil servants to implement them.
- This may include the identification or creation of an office in charge of the overall co-ordination of participation initiatives, an overarching policy document to define their characteristics, and the provision of incentives for public officials to organise them and for citizens to take part in them.
- Greater efforts need to be made to evaluate citizen participation initiatives and analyse their costs and benefits, under which conditions they provide the best added value and, last but not least, their limitations in terms of representativeness and contribution to the democratic life of the institutions that implement them.

# Notes

1 . Citizen participation in the policy cycle (CPPC): By "policy cycle" it is intended: 1) the identification of policy priorities; 2) the drafting of the actual policy document; 3) the policy implementation; and 4) the evaluation of its impacts. By "CPPC", it is intended that any activity that foresees the involvement of citizens (including civil society organisations and organisations representing the private sector) in the four above-mentioned building blocks of the policy cycle.

2. Sweden's response to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

3. "Usual suspects" refers to "the well-endowed specific interest groups and/or professionalised civil society organisations that already have access to decision makers as input for evidence-based decision making" (Corella, 2011).

4. United Kingdom's response to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

5. Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

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# *Chapter 6.*

# Open government: The way forward

*This chapter assesses areas of growing importance for open government reforms worldwide. It highlights the contribution that the open government principles of transparency, accountability and participation give to achieve the United Nations Sustainable Development Goals (SDGs). Moreover, it analyses pioneering endeavours to move open government initiatives beyond the executive branch, towards a holistic open state approach that embraces open government reforms in the judicial and legislative branches, as well as in independent institutions such as the Ombudsman and at all levels of government. Given its rising importance in recent years, this chapter assesses the current approaches, good practices and remaining challenges that an inclusion of sub-national institutions will yield for governments around the globe. The last section discusses the opportunities that a supportive media ecosystem has to offer in advancing the national open government agenda.*

The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

## Introduction

The concluding part of the report addresses the future of the open government agenda. For instance, open government mainstreams a set of interconnected policies areas and initiatives that rely heavily on the capacity of governments to develop multi-dimensional and multi-sector initiatives. This is exactly the approach used for the Sustainable Development Goals (SDGs). It shows that this kind of methodology is relevant for the global development agenda where open government is recognised not only as a goal, but also as the right way to design and implement the achievement of the SDGs. Furthermore, an increasing number of countries are moving towards what the OECD has termed, an "Open State". It consists of promoting a broader collaboration between all key actors of the national open government agenda, including the legislative and the judiciary branches, independent institutions, and sub-national governments. While acknowledging each institution's independence, the objective is to create synergies to improve the impact of their initiatives and to fully reap the benefits of open government. In this regard, sub-national governments that have for many years carried out the most iconic examples of open government practices are now gaining in importance, when defining and implementing the open government strategy and the power of their role cannot be underestimated. Finally, providing a proper information and media ecosystem that includes both the governance of media (for example, the laws and practices governing professional media organisations, the provisions for freedom of expression and access to information, regulatory institutions, etc.) and the actors (such as media companies, journalists and citizens who provide information through social media). This equally applicable for independent and free traditional and new media (printed and on line) allow media to fulfil the role of watchdogs and advocates of open government reforms and to contribute to good governance, democracy and inclusive growth.

## Open government: A tool for an effective implementation of the United Nations Sustainable Development Goals (SDGs)

The approval of the United Nations' Sustainable Development Goals (SDGs) in September 2015 provided an important occasion to explore how countries' multi-lateral reform and development initiatives, such as those in the areas of open government, can support and advance the ambitious aims of the SDGs. Linking the SDGs to broad public administration reforms will be particularly important given their complexity; consisting of 17 goals and 169 targets, they cover a wide range of topics that will help shape countries' priorities for public governance reform in the coming years.

The SDGs deepen and expand upon the Millennium Development Goals and set out an ambitious agenda that aspires to be universal, integrated, and transformational (Box 6.1). By being designed to apply to all countries regardless of development levels, countries will set their own national targets according to their circumstances, capacities and priorities. Finally, the goals are designed to be transformational, which will require the mobilisation of a wide range of stakeholders, including civil society organisations and the private sector.

Box 6.1. **2030 Agenda - Sustainable Development Goals: Reinforcing open government**

- Goal 1: End poverty in all its forms everywhere.
- Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture.
- Goal 3: Ensure healthy lives and promote well-being for all at all ages.
- Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.
- Goal 5: Achieve gender equality and empower all women and girls.
- Goal 6: Ensure availability and sustainable management of water and sanitation for all.
- Goal 7: Ensure access to affordable, reliable, sustainable and clean energy for all.
- Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.
- Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialisation and foster innovation.
- Goal 10: Reduce inequality within and among countries.
- Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable.
- Goal 12: Ensure sustainable consumption and production patterns.
- Goal 13: Take urgent action to combat climate change and its impacts.
- Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development.
- Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.
- Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.
- Goal 17: Strengthen the means of implementation and revitalise the global partnership for sustainable development.

*Source*: United Nations Development Programme (n. d.), "Sustainable Development Goals", webpage, www.undp.org/content/undp/en/home/sustainable-development-goals.html (accessed 21 October 2016).

The aims of the SDGs therefore reinforce the need for cross-cutting and effective governance. Goal 16, in particular, reflects this consideration by promoting inclusive societies for sustainable development and seeking to build effective, accountable and inclusive institutions at all levels – many of the same goals that open government principles seek to achieve. Open government strategies and principles are particularly relevant to a number of the substantive targets that fall under Goal 16, such as those that concern the development of effective, accountable and transparent institutions (16.6), the

promotion of responsive, inclusive, participatory decision making (16.7) and the expansion of access to information (16.10).

### *Open government principles and the SDGs*

By promoting the principles of accountability, participation and transparency, open government strategies and practices can inform both the *substance* of SDGs implementation (by directly contributing to the achievement of the goals) as well as to the *process* by which countries pursue the SDGs throughout the policy cycle (namely, during their design, implementation, monitoring and evaluation). Engaging citizens, civil society organisations and the private sector as partners in the policy cycle helps ensure that their needs are identified and responded to, thereby leading to higher user satisfaction.

For example, by ensuring that all interested parties have a chance to contribute to policy design, governments can reinforce the legitimacy of the decision-making process and its final results and reduce the likelihood and costs of non-compliance. Furthermore, collaborating with citizens at every stage of policy and service planning and delivery is critical to ensuring sustainable quality improvements that respond in more targeted ways to nuanced public needs. Given the problems arising from poorly designed and implemented policies and the relatively short timeframe to achieve the broad and ambitious goals laid out by the SDGs, governments should keep in mind that not engaging with citizens can create higher costs through policy failure in the short term, as well as loss of trust, legitimacy and policy effectiveness in the long term (OECD, 2001).

Beyond the design and adoption of policies, citizens are also an essential component in the implementation of public policies, which cannot be done effectively without public understanding and support. This is where processes such as co-production, in which citizens engage in partnerships with service professionals in the design and delivery of a public service, can be particularly useful. Finally, the monitoring, evaluation and reporting phases allow governments to understand the extent to which their policies were successful, thereby helping to create new policies or redesign existing activities. The SDGs will require significant investment in statistical capacity, new types of data measurement and reporting instruments and closer co-ordination between governments and citizens to ensure data relevance (OECD, 2015d).

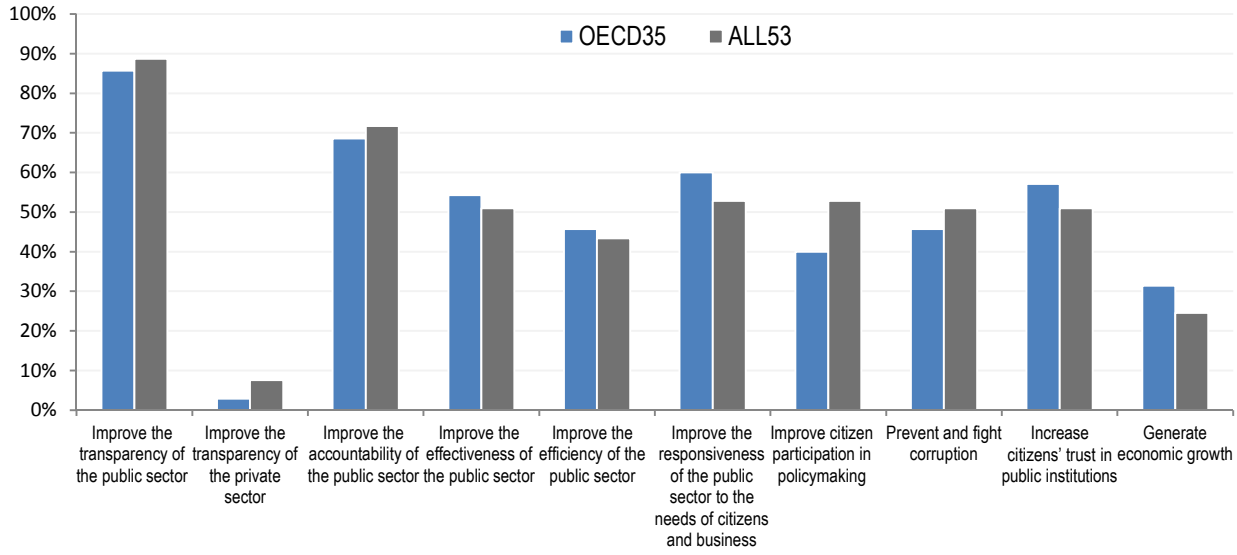
The potential for mutual reinforcement between open government principles and the SDGs is further borne out by the data collected via the 2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle (hereafter "OECD Survey"), which suggests that many of the goals that countries are pursuing through their open government initiatives will also support their efforts to implement the SDGs.

#### *Accountability*

Open and inclusive policy making supports accountability by broadening citizens' influence on decisions and helping to prevent governments from concealing their activities and decision-making processes. This helps ensure that policies reflect public needs and helps guarantee that governments use resources appropriately. For example, involving citizens in aligning financial incentives and monitoring financial flows can improve efficiency and accountability, especially in the case of services designed and delivered by users themselves (OECD, 2011).

The importance that countries place on the increasing accountability via open government reforms is shown by OECD data. Notably, 72% of all survey respondents, and 69% of OECD countries (Figure 6.1), claimed that a key goal of their open government initiatives was to improve the accountability of the public sector, responding directly to the objectives laid out in Target 16.6.

Figure 6.1. **Objectives that countries aim to achieve through open government initiatives**




*Note:* n= 53 countries (OECD 35).

*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

The role that open government initiatives play in increasing accountability and preventing corruption is particularly relevant, for example, in infrastructure and procurement activities, such as those reflected in Goal 9. Open and inclusive government policies can also help ensure that the public sector responds to the needs of potentially marginalised communities. By bringing these populations into the policy-making cycle and ensuring that their needs are responded to, open government initiatives can lead to more inclusive public governance for all segments of society, and in the process respond to the targets that seek to, for example, ensure that all men and women have equal rights to economic resources, access to basic services, etc. (Target 1.4) and ensure equal access to education and vocational training (Target 4.5).

### *Transparency*

Ensuring transparency and access to public sector information, and that the public is able to use public information effectively, is a cornerstone of open government initiatives. Increasing transparency and access to information will simultaneously support a number of the SDGs, including those concerning increasing access to technology (Target 9.c); ensuring access to information for sustainable development (Target 12.8); and increasing the availability of development data (Target 17.18).

Notably, the OECD Survey found that 89% of all survey respondents (86% of OECD countries) claimed that one of the key objectives they hope to achieve by implementing open government initiatives is to improve the transparency of the public sector, thereby directly supporting Target 16.10. The promotion of transparency, open data and access to information and the link with the SDGs is also being pursued internationally by newly formed organisations, such as the Global Partnership for Sustainable Development Data (Box 6.2), which seeks to apply the benefits of transparency and openness to the successful realisation of the promise of the SDGs.

Box 6.2. **Global Partnership for Sustainable Development Data**

Launched in 2015, the Global Partnership for Sustainable Development Data aims to strengthen the case for open data as a mechanism to fulfil the United Nations' Sustainable Development Goals for 2030. It is a multi-stakeholder group composed of governments, private, social, academic and international organisations. The partnership aims to increase the availability and two-way reuse of high-quality data in order to help governments make better decisions towards the achievement of the SDGs, and increase data-driven initiatives that could contribute to fighting poverty, inequality and climate change. It focuses primarily on:

- supporting multi-stakeholder data initiatives that connect the data revolution in achieving the SDGs
- focusing on building a capacity to generate, share and use available data at local levels
- contributing to filling data gaps, using original data as well as new data in achieving the SDGs
- helping to develop and build support for international principles tying together the data, including sharing and leveraging the current, privately held data
- organising local, regional and global data events to advance increasing connectivity, collaboration and innovation towards achieving and measuring the SDGs.

*Source*: Global Partnership for Sustainable Development Data (n. d.), "The Global Partnership in Action", www.data4sdgs.org (accessed 27 September 2016).

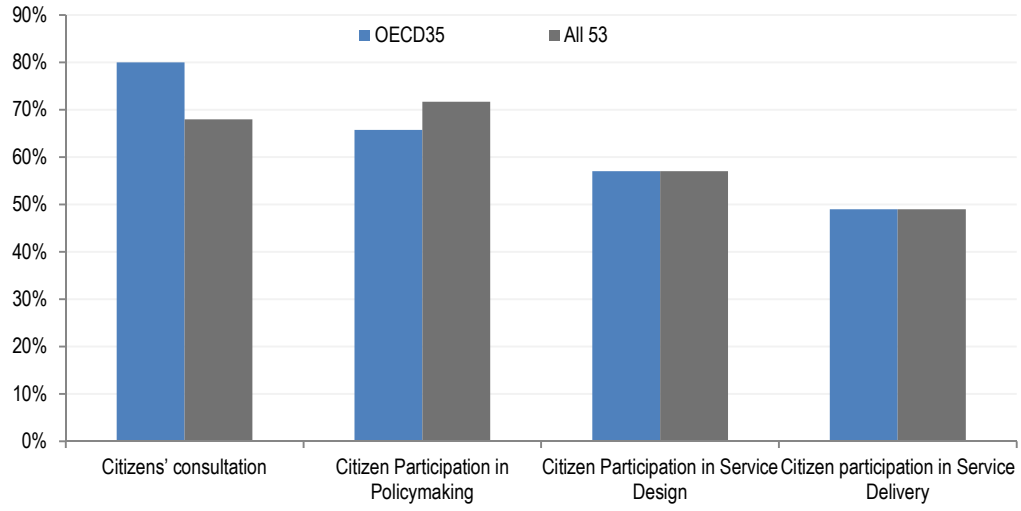
### *Participation*

Many countries are already pursuing activities to increase participation, another key component of Goal 16, and specifically of Target 16.7. For example, 72% of all respondent countries (66% OECD countries) have launched initiatives to involve citizens in policy making, and 68% have implemented citizen consultation initiatives (rising to 80% in OECD countries). In addition, 57% of all countries surveyed (same result in OECD countries) launched initiatives to involve citizens in service design, and half of them provide for initiatives on citizen participation in service delivery (Figure 6.2).

Together, these initiatives provide governments with feedback and new ideas and allow stakeholders to offer inputs, thereby enhancing both the quality and capacity of policies to achieve the intended outcome. As countries move beyond consultation toward more advanced forms of participation, as discussed in Chapters 4 and 5, citizens and businesses have the opportunity to be involved in the co-design and co-delivery of public services. These practices improve the responsiveness, inclusiveness and participatory nature of public sector activities, and respond specifically to a number of the Targets, including those that seek to increase women's participation in public decision making

(Target 5.5); increase involvement of communities in improving water and sanitation management (Target 6.b); promote social, economic and political inclusion (Target 10.2); enhance inclusion in settlement planning and management (Target 11.3); and build public-private and civil society partnership (Target 17.17).

Figure 6.2. **Open government initiatives with a focus on public engagement**




*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

## *SDGs and the Open Government Partnership*

The link between open government principles and the SDGs has also been recognised by the Open Government Partnership Joint Declaration on Open Government for the Implementation of the 2030 Agenda for Sustainable Development (Box 6.3). It calls for endorsing countries to promote the Open Government Partnership as a platform for voluntary co-operation and peer exchange and learning across the policy cycle, as well as to draw on the experience of its participating governments and civil society organisations to encourage transparent, accountable, participatory and technology-enabled implementation of the 2030 Agenda for Sustainable Development. It also commits signatories to use OGP National Action Plans to adopt commitments that serve as effective tools to promote transparent and accountable implementation of the 2030 Agenda for Sustainable Development (OGP, 2015).

Box 6.3. **OGP Joint Declaration on Open Government for the Implementation of the 2030 Agenda for Sustainable Development (excerpt)**

"As participants in the Open Government Partnership, committed to the principles enshrined in the Open Government Declaration, the Universal Declaration of Human Rights, the United Nations Convention Against Corruption and other relevant international instruments related to effective and inclusive institutions and human rights, we: (…)

1. Promote the rule of law consistent with international standards at the national, regional and international level through transparency, openness, accountability, access to justice and effective and inclusive institutions. This is consistent with Goal 16 of the 2030 Agenda for Sustainable Development.

Box 6.3. **OGP Joint Declaration on Open Government for the Implementation of the 2030 Agenda for Sustainable Development (excerpt)** *(continued)*

2. Promote public access to timely and disaggregated information and open data on government activities related to the implementation and financing of the 2030 Agenda for Sustainable Development, in line with national legislation and international commitments. We support development of the International Open Data Charter and intend to explore its implementation in our countries.

3. Support citizen participation in the implementation of all the goals and targets in the 2030 Agenda for Sustainable Development, including decision-making, policy formulation, follow-up and evaluation processes.

4. Uphold the principles of open government, as described in the Open Government Declaration, when defining international, regional and national indicators for measuring the implementation of the 2030 Agenda for Sustainable Development, taking into account national circumstances and development priorities. We will identify and share lessons learned and good practices to strengthen country capacity for implementation.

5. Use our Open Government Partnership National Action Plans to adopt commitments that serve as effective tools to promote transparent and accountable implementation of the 2030 Agenda for Sustainable Development."

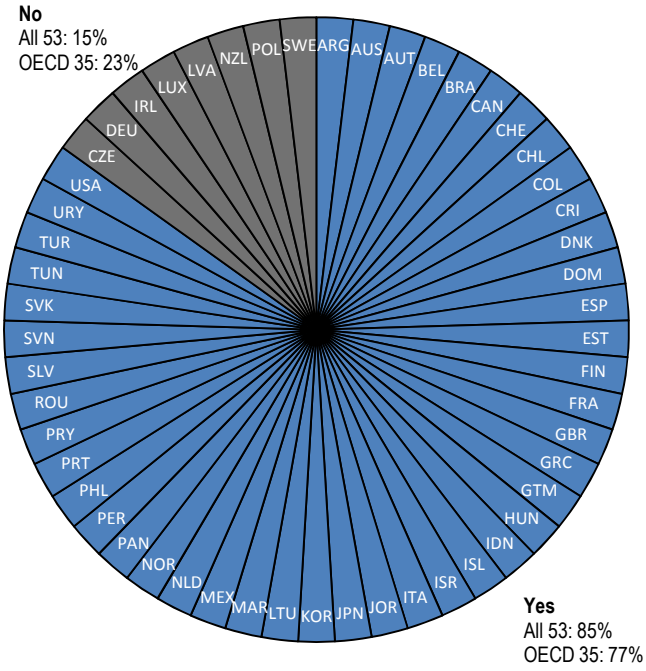
*Source*: Open Government Partnership (2015), "Joint Declaration on Open Government for the Implementation of the 2013 Agenda for Sustainable Development", OGP, www.opengovpartnership.org/sites/default/files/attachments/OGP_declaration.pdf (accessed 4 August 2016).

### *Role of horizontal co-ordination*

In addition to pursuing parallel goals, the methods countries pursue to implement their open government programmes are also relevant for the SDGs. The breadth of Agenda 2030 and the interconnected nature of the issues it addresses demand a high degree of policy co-ordination and coherence horizontally (across ministries and agencies), as well as vertically (across levels of government).

The complexity and integrated nature of the SDGs also complicates the decision of where to assign responsibility for action, both across ministries at the national government level and between national and sub-national levels. Notably, 85% of all respondent countries (77% of OECD countries) have established an office responsible for horizontal co-ordination of open government initiatives (Figure 6.3). Furthermore, all LAC countries that answered the OECD Survey indicated that they have such an office in place.

Figure 6.3. **Availability of an office responsible for horizontal co-ordination of open government initiatives**




*Source*: Country responses to OECD (2015c), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

Countries will be expected to set their own paths for realising the SDGs, and no meaningful national implementation plan can be developed without an inclusive, government-led process to interpret the SDGs. In these conditions, the Centre of Government is best placed to play this role, as it is often responsible for setting standards, providing guidance to departments and agencies, and monitoring and evaluating outcomes and levels of compliance (de Mello, 2016). The Centre of Government is therefore also well placed to apply the capabilities built by its implementation of other multidimensional initiatives, such as open government, in the service of the SDGs. Similar to the link between the national secretariats in Indonesia for the SDGs and for open government (Box 6.4), supporting institutional collaboration will help ensure that countries' open government agendas also support the SDGs.

Box 6.4. **Centre of Government co-ordination of open government and the SDGs: The case of Indonesia**

**The National Open Government Secretariat:** The secretariat's role in formalising the government's relationship with CSOs and in co-ordinating open government horizontally across agencies and vertically across levels of government provides a good example and useful template for how the Centre of Government can reinforce inclusivity and accountability. This office was established at the end of 2015, so it is too early to determine its effectiveness. Nevertheless, by co-ordinating public policy, supporting open data and information and communication technology (ICT) platforms, co-ordinating monitoring, evaluation and knowledge management, and conducting public outreach and communication, the National Open Government Secretariat is well placed to help Indonesia respond to the SDG goals of developing effective institutions (Target 16.6) and ensuring responsive, inclusive and participatory decision making (Target 16.7).

**The National SDG Secretariat:** In 2016, and with support from the United Nations Development Programme (UNDP), the Government of Indonesia established a national secretariat to co-ordinate the country's SDG implementation. The secretariat is tasked with laying the groundwork for the implementation and mainstreaming of the SDGs into development planning at the national and sub-national level. Similar to the National Open Government Secretariat, the Ministry of National Development Planning (Bappenas) provides general oversight of the SDG Secretariat, thereby facilitating the linkages between the two secretariats. The SDG Secretariat is professionally staffed and will collect best practices, facilitate communications and provide government-wide support to help oversee, facilitate, and monitor the implementation of the SDGs.

Taking advantage of the shared leadership structure of the two secretariats under Bappenas will have additional positive impacts across the 2030 Agenda goals and help ensure coherence in implementation priorities and monitoring and evaluation.

*Source*: OECD (2016e), *Open Government Review of Indonesia*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264265905-en.

## *Looking ahead: Conditions to ensure that open government contributes to achieving the SDGs*

Countries seeking to support their various multilateral initiatives by linking open government and the SDGs could focus on:

- Continuing to develop the links between open government reforms and the design, implementation and monitoring of the SDGs. Where relevant, this could include supporting additional institutional collaboration between open government and SDG co-ordination offices. During consultation events for the development of a national open government strategy or initiatives, furthermore, the sustainable development goals can be linked with relevant SDG goals or targets. This will help ensure coherence between the two initiatives and will facilitate joint monitoring of the progress and results.
- Promoting the use of open data for reporting on SDG achievements (see, for example, Mexico's open data portal designed to track the SDGs). This would not only support the role of CSOs as watchdogs, but it would foster the reuse of public sector information in a way that is relevant for the implementation of the SDGs.

- Increasing the involvement of citizens in the policy cycle of the SDGs to ensure that the initiatives are inclusive and that they fully reflect public needs. This could be achieved by ensuring that CSO actors and government representatives familiar with the country's open government activities and OGP reporting cycles play a role in the design of the national SDG strategy, as well as in the implementation, monitoring and evaluation of the activities.

## Moving from an open government towards an open state

With the emergence of the global open government movement, a new approach to policy-making and service delivery that values the inputs and contributions of all interested stakeholders has emerged breaking the boundaries between the government and citizens, thereby creating a more co-operative approach to public policies. In recent years, many countries actively started to involve civil society organisations, academia, independent state institutions and the private sector, among others in their policy-making processes, both as actors in the design of policies and as important partners in the delivery of public services.

Countries are increasingly acknowledging that open government initiatives should not be seen as an endeavour that the executive takes on in isolation. Findings from the OECD Open Government Reviews, as well as the 2015 OECD Survey, show that some countries are pioneering in mainstreaming open government principles beyond the executive branch and are moving towards a truly holistic approach to their efforts to foster transparency, participation and accountability which also includes the legislature, the judiciary, independent state institutions as well as sub-national governments thereby moving towards what the OECD defines as an "Open State". A small but increasing number of governments have, for instance, been engaging with some of these actors in their Open Government Partnership (OGP) processes. Furthermore, in some countries independent "open judiciary", "open parliament" and "open sub-national government" policies are being designed.

The creation of an open state is an aspiration. In this notion, while implementing independent policies to foster transparency, participation and accountability, the three branches of power, local governments and independent state institutions each join forces with citizens, academia, the private sector and the entire society and develop a common understanding and commitment to more openness. In some countries, the move towards an open state may also include a cohesive and co-ordinated approach amongst all actors in order to spread the benefits of the open government principles. This approach may take the form of co-ordination meetings (for instance in a National Open State Committee) and of dialogue or sharing of good practices and experiences. An open state may also reflect the co-creation and implementation of a comprehensive and integrated open government strategy to promote open government principles across the entire country.

Eventually, the concept of an open state should reflect the prevailing cultural difference in the state structures and ensuring sufficient room for countries to determine their own approach towards its implementation. While, it is clear that the different branches of the state are and should be independent from each other, the open state is about converting transparency, participation and accountability into the guiding principles of the entire country, making them part for the culture of citizens and all public servants.

The representatives of the three branches of the state as well as other key stakeholders could jointly sign some kind of public declaration committing the entire country to move

towards an open state, thereby providing the necessary high-level impetus and a long term strategic vision for the entire country, as done in Costa Rica (Box 6.5). While such a declaration does not have to include concrete commitments, it would build the basis for an approach in which all actors share forces (respecting the limits provided by the separation of powers) and move in the same direction. The declaration might be based on the constitution or even included in it to give it high level legal importance.

Box 6.5. **The Declaration for the Creation of an Open State in Costa Rica**

On 25 November 2015 the President of the Republic and the Presidents of the three powers of the Republic of Costa Rica (which in Costa Rica are the Executive, the Legislative Assembly and the Supreme Court) and the Supreme Electoral Tribunal signed a joined declaration committing Costa Rica to move towards an open state. The declaration states that each branch will build a plan of priority actions to "promote a policy of openness, transparency, accountability, participation and innovation in favour of the citizens", which will be included in the institutional strategic plans and will be evaluated annually. The powers also agreed to strengthen and develop the mechanisms of citizen participation in order to contribute to a closer relationship between civil society and the leaders and to provide access to public information through the use of new technologies.

Costa Rica is the only country in the world to have signed such a promising declaration bringing together all the powers of the state. The declaration has significant potential to guide the country's future open state agenda. In order for it not to remain on paper, the country will now need to underpin its good will with concrete actions. This includes involving the sub-national and local governments, decentralized public institutions, independent state institutions, the business sector, media, academia and civil society to join forces to build an open state in Costa Rica.

*Source*: OECD (2016f), Open Government in Costa Rica, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264265424-en.

### *Benefits and challenges of an open state approach*

In addition to the general benefits of open government reforms, such as increased trust in public institutions and improved quality of public policies and services, specific benefits of an open state approach may include:

- The use of the same definitions and of a common approach to the implementation of policies to encourage openness by the three powers, sub-national governments and independent state institutions would allow for the creation of joint implementation frameworks that manage citizens and CSOs' expectations, and create a more homogenous approach to the public interest, building trust in the entire state.
- Open government reforms consist of a multitude of practices, principles and policies. The open state approach can value the existing multiplicity of open government reforms and create synergies, including through feedback loops, the sharing of good practices and experiences, between the three branches of power and other actors.
- Given the three branches' independence and their need to interact, if all of them are transparent, engaging, fighting corruption, etc., a common commitment to foster the open government principles can ultimately make policies more effective.

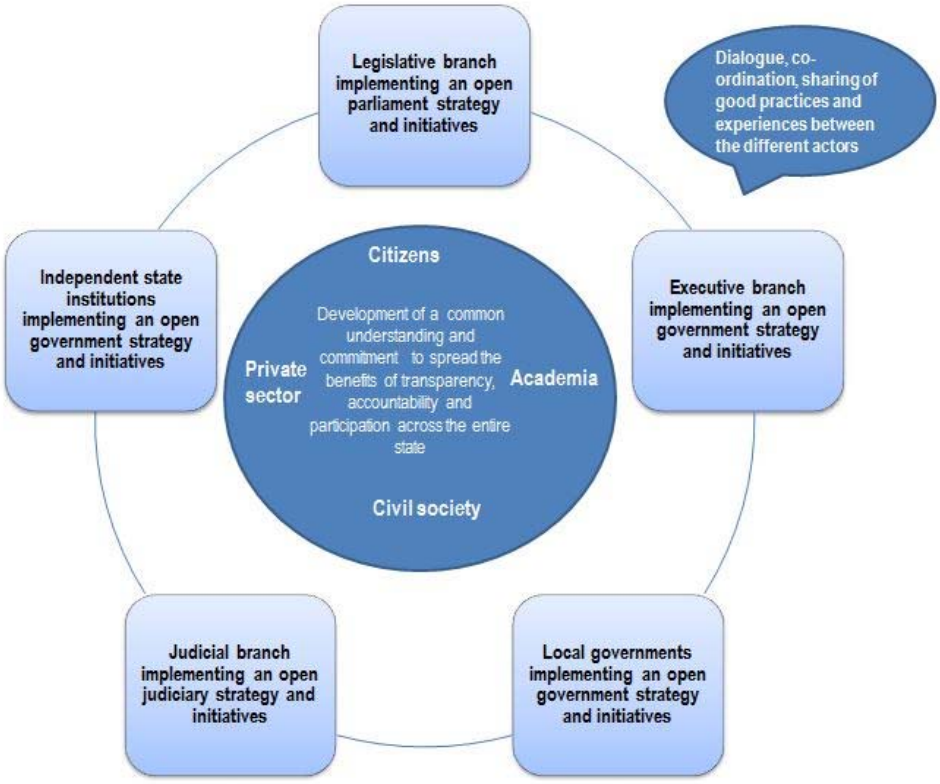
While certainly having the potential to be highly beneficial, the implementation of an open state approach is not without its challenges. These challenges may include:

- The impression of losing independence may prevent the different actors from engaging with each other.
- The different administrative cultures within the branches of power and within different levels of government may impede the use of similar terminologies, methodologies and approaches.
- A lack of trust between the different branches of power and between levels of government may impede co-operation and co-ordination between them.

### *Relevant actors for the creation of an open state*

Democratic system are characterised by a strong separation of powers between the three branches of government. While developing a common understanding and commitment to the creation of an open state and to spreading the benefits of open government principles to the entire state, every branch as well as independent state institutions and sub-national governments could implement their own policies together with civil society, academia, the private sector and other interested stakeholders to contribute to the country's move towards an open state. In some cases, this may involve co-ordination of efforts and the sharing of good practices and experiences between the different actors, as discussed below. Figure 6.4 summarises the OECD "Open State" approach.

Figure 6.4. **The OECD "Open State" approach**




*Source*: Author's own work.

### *Open justice*

Open justice in its broadest sense, refers to "the extension of the philosophy and principles of open government applied to the field of justice and therefore adapted to the characteristic contextual framework of justice, using innovation and the benefits of information and communication technologies (ICTs) as everyday tools" (Jiménez, 2014). The principle of open justice is well-established in some OECD countries highlighting the need for greater transparency, accessibility and trust. Under this concept, the modernisation of justice requires the implementation of the principles of open government in the day-to-day functions of the justice service providers (e.g. judiciary) including putting in place accountability mechanisms, establishing permanent channels of communication with citizens and using open data tools to achieve a more open justice, aligned to citizen's justice needs and pathways.

In a more concrete way, the principle of open judiciary implies "that judicial proceedings should be open to the public, including contents and information from court records and public hearings" (Gob247, 2016). Open judiciary has become the modern answer to bring citizens closer to the judicial system, an area where traditionally there has been a gap between citizens and day-to-day justice practitioners. The idea of openness in the judicial system requires better use of ICTs and available resources to guarantee better administration of justice based on more open procedures (ibid.).

Some countries have already begun integrating the principles of open government in the daily activities of the judiciary (see Box 6.6).

Box 6.6. **Open judiciary in Costa Rica**

When it comes to openness and participation, Costa Rica's judiciary is one of the most advanced worldwide. It has been among the first judicial branches in the world to create its own open judiciary and citizen participation strategy. The judiciary is further involved in the country's OGP process and the presidents of the Supreme Court and of the Supreme Electoral Tribunal have signed Costa Rica's Declaration for the Establishment of an Open State.

The Costa Rican judiciary has started including open government principles in its daily activities. In so doing, it has the following stated objectives:

- bring the judiciary closer to citizens by incorporating electronic services
- promote the exchange of digital information among different institutions to avoid unnecessary procedures and/or simplify procedures for citizens
- make justice accessible for the most vulnerable
- encourage transparency in managing justice
- publish open data through public portals
- save economic resources of citizens and the judicial branch.

The Costa Rican judiciary stands out as one of the only judicial branches in the world to have designed its own citizen participation policy, the Policy for Citizen Participation in the Judicial Power (*Política de Participación Ciudadana en el Poder Judicial*). The judiciary defines citizen participation as "a democratic process, which guarantees a responsible, active and sustainable contribution of the citizens in the design, decision making and the implementation of the policies of the judiciary, in a way which responds to the reality of the population, the common good and the compliance with the aims of the judiciary".

Box 6.6. **Open judiciary in Costa Rica** *(continued)*

Citizen participation is seen as "a transparent intervention, regardless of any personal interests and policies, which includes the participation of different sectors of civil society in the open spaces of the judiciary as forms of executing social control and transparency in the judicial function." (Poder Judicial de Costa Rica, 2015).

*Source*: OECD (2016f), Open Government in Costa Rica, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264265424-en ; Poder Judicial de Costa Rica (2015), "Política de Participación Ciudadana en el Poder Judicial", https://www.poder-judicial.go.cr/participacionciudadana/images/documentos/ppc.pdf.

Countries such as Colombia have also taken steps to include the judiciary in their OGP Action Plans (see Box 6.7). In other countries such as Georgia, the Ministry of Justice is leading the overall OGP national agenda.

Box 6.7. **Colombia's Open Judiciary Commitment**

In 2015, Colombia presented its Second OGP Action Plan, which includes 18 commitments. While some proposed actions such as "strengthen citizen participation" (Commitment 10) can be found in almost all Action Plans, Goal 16 provides a novelty for OGP Action Plans. In the period of 2015-17, Colombia commits itself to "transparency and accountability in the Council of State for better justice service". In previous Action Plans, Colombia and other countries in the region have expressed their commitment to enhance transparency in state institutions, but this case is different.

Together with the Supreme Court and the Constitutional Court, the Council of State (Consejo del Estado) is one of the most powerful legislative organs in Colombia. Consequently, its actions are powerful enough to create spill over effects to other institutions in the country. In the Action Plan, the Council declares the creation of the Commission of Transparency and Accountability. Its purpose is "to provide better justice service to the internal and external users through a management of quality in terms of effectiveness, efficiency and transparency." This ambitious aim is followed by concrete approaches of publishing rulings of the day and making the choice of judge candidates available to the public to tackle partisanship. It also aims to implement the Interamerican Code of Judicial Ethics as well as the drafting of the document "Accountability of the judicial branch". In sum, the multifaceted commitments of the Council of State provide examples of concrete initiatives of transparency and accountability, which will contribute to building further citizen trust and legitimacy in the state's judicial branch.

Other OGP member states should consider the inclusion of their most powerful state institutions, not only in their future OGP Action Plans, but also in their national open government strategies. Once implemented, this includes an important step for governments to move towards a transparent, accountable and inclusive state for the benefit of its citizens.

*Source*: OGP (2015b), "Colombia's 2015-2016 OGP Action Plan", Open Government Partnership, www.opengovpartnership.org/country/colombia/action-plan.

### *Open parliament*

Parliaments have the responsibility to represent the interests of citizens through legislation and oversight (OGP, n. d. a). The transparency and accessibility of parliament are a foundation for encouraging citizen participation in the legislative process and for

enhancing the democratic performance of the state (Topouria, 2016.). Greater openness of the legislative process enables citizens to engage more effectively in the policy-making process by providing citizens with access to information about the laws and policies under consideration, as well as with opportunities to influence legislative deliberations and more actively participation in the political debate. A more open and responsive parliament can further enable citizens and CSOs to follow and monitor voting patterns of parliamentarians.

Taking advantage of advances in ICTs, an increasing number of parliaments across the world are adopting new tools to open their legislative data and increase citizen participation in the legislative process (OGP, n. d. a). At the same time, citizens and civil society organisations have started monitoring and assessing the activities of the parliament or its individual members, often seeking to facilitate and promote public knowledge and participate in parliamentary processes. Therefore, stronger partnerships between parliaments, citizens and CSOs can strengthen citizen participation by better channelling the concerns, opinions and preferences of citizen-voters in political processes and decision making.

The Declaration on Parliamentary Openness is a collection of best practices and principles related to openness and citizen participation in parliamentary work that has been endorsed by over 180 parliamentary monitoring organisations (see Box 6.8).

Box 6.8. **Declaration on Parliamentary Openness**

The Declaration on Parliamentary Openness provides an opportunity for civil society organisations and parliaments to jointly assess legislative information management and other important parliamentary practices, a crucial step in fostering a culture of openness.

Many civil society organisations have increasingly called on parliaments to increase their commitments to open government and open parliament reform. In September 2012, a network of civil society organisations that monitor the work of parliament (parliamentary monitoring organisations, or PMOs) launched a Declaration on Parliamentary Openness.

This document is presently supported by more than 180 organisations from 82 countries. The National Democratic Institute (NDI), together with the Sunlight Foundation and the Latin American Network on Legislative Transparency (*Red Latinoamericana por Transparencia Legislativa*), have helped to curate sharing of good practices and case studies within the PMO community on the OpeningParliament.org website.

The Declaration has contributed to the ongoing discussion between civil society and parliaments on open parliamentary data and has helped lead to strengthened collaboration between civil society and parliaments in a number of countries.

*Source*: OpeningParliament.org (2013), "Declaration on Parliamentary Openness", http://openingparliament.s3.amazonaws.com/docs/declaration/commentary-20120914.pdf (accessed 28 September 2016).

Countries such as France (see Box 6.9), Georgia and Ukraine have adopted ambitious open parliament plans, which seek to institutionalise the relationship between parliament and CSOs and strengthen citizen participation in parliament.

### Box 6.9. **France's National Action Plan on Parliamentary Openness**

France adopted the National Action Plan (hereafter, "Action Plan") on Parliamentary Openness in the framework of the Open Government Partnership (OGP) programme in July 2015. The French National Assembly commits itself to strengthening the transparency of the legislative process and increasing the involvement of citizens in the work of the National Assembly.

Within the Action Plan, France plans to implement modern search systems and "Eliasse" application. The application allows access to the text of amendments, explanatory statements and signatories. By using "Eliasse" citizens can express their opinions and get information about the agendas and current bills of the Assembly.

As announced by President Bartolone in October 2014, the National Assembly wishes to conduct experiments and consultations to promote citizen participation in the work of the Assembly. In February 2015, citizens were able to participate in the first "experiment" of the National Assembly by sharing their recommendations and observations on draft laws.

In addition to the increase of the data openness, attention is also driven towards the improvements of the monitoring of parliamentary activities. Each citizen can contribute to the decision-making process via the National Assembly website. These contributions are analysed by the rapporteur in charge of examining the bill, who can present them as an annex to the bill.

According to the Action Plan, within the framework of strengthening the transparency of the legislative process, more than 800 000 parliamentary documents will be available in digital format by the end of 2015, including reports of committee meetings and plenary sessions and other reports. The aim of these changes is to initiate a true digital revolution.

In June 2015, significant steps were taken to enhance openness of public information. The information since 1997 about the marital status of the members of National Assembly was publicised. Composition of parliamentary bodies, legislative dossiers, governmental and parliamentary bills and information about the National Assembly meetings are published on the web portal. The contact information of the members of the National Assembly also became easily accessible.

*Source*: Institute for Development of Freedom of Information (2015), "France has adopted the National Action Plan on Parliamentary Openness", https://idfi.ge/en/france-action-plan (accessed 28 September 2016).

Other countries, like Chile (Box 6.10) and Tunisia, have developed open parliament commitments and are working on establishing close ties between parliamentarians from across the political spectrum and civil society.

### Box 6.10. **Open parliament in Chile**

In Chile, the "Open Congress" website http://congresoabierto.cl/ allows citizens to get in touch with members of Congress and to consult laws and regulations currently being discussed in Parliament. The website is designed in a user-friendly way and also includes contact details of, and initiatives taken by, all members of Congress as well as studies and a glossary of most commonly used terms. Citizens can search for draft laws, representatives of Congress or any information. The website offers users an overview of the daily topics of discussion in the Chamber of Deputies (*Cámara de Diputados*) and the Senate (*Senado*) with more information on discussion or speeches. The Chilean Congress has further developed an Open Data portal. The portal records includes data on the processing of bills, information about parliamentarians and laws already published. The format of the data allows free use without barriers or restrictions such as copyright, licenses or other control mechanisms.

*Source*: Congress of Chile (n. d.), "Congreso Abierto", http://congresoabierto.cl/ (accessed 28 September 2016).

### *Open sub-national governments*

OECD Open Government Reviews evidence that sub-national government's performance shapes people's perception about the quality of the government as a whole. Their proximity with people and with their needs spurs citizen scrutiny, engagement and participation. Their capacity to pool information about opportunities and challenges facing their community put them in a pivotal role to support business and promote inclusive and sustainable economic development. Sub-national and local government should see open government as a chance (OAS, 2014) as transparency, citizen participation and accountability at the local level can enable the public sector to face the pressing challenges of our time and achieve goals of interest and benefit for local communities. New technologies and well-educated citizens means greater possibilities of co-operation between government and citizens to achieve commonly defined social goals and provides the opportunity to include new capabilities from society in diagnosing problems, designing strategies, implementing them and evaluating results (OAS, 2014). Given the rising importance of sub-national and local governments in advancing the national open government agenda as well as developing their own standing initiatives, this issue is discussed further below.

### *Open government in independent state institutions*

In addition to the three branches of the state, independent state institutions such as Ombudsmen, Anti-Corruption Agencies, Supreme Audit Institutions (e.g. Comptroller Generals or Auditor Generals) can take on important roles in the successful elaboration and implementation of open government strategies. Independent state institutions have a dual function: they propose reforms and hold the government accountable (OECD, 2016a). As a watch-dog of government activity they are in a privileged position to uncover inefficiencies and corruption, enabling them to provide tailored policy recommendations for governance reforms. Accordingly, they can act as an advisor on open government reforms for the other branches of the state while equally holding them accountable for open government strategies. In parallel, independent institutions can apply open government principles to their own functioning, thereby acting as a role model and strengthening their impact. This can range from transparency about activities and resources (i.e. through the publication of the budget) to active engagement of stakeholders. Some Anti-Corruption Agencies have for example established institutionalised mechanisms for regular dialogue with civil society, providing them with better policy evidence-base and strengthening buy-in of civil society for anti-corruption efforts (OECD, 2016d). Participation in the work of Supreme Audit Institutions can entail participation in the appointment of officials, in audit planning, in monitoring compliance with recommendations and in dissemination of information, among others. (Effective Institutions Platform, 2014).

For instance, the traditional and principal role of the Ombudsman is to receive and investigate citizen complaints about abusive acts or decisions by the government (OECD, 2016a). The duties and authority of the Offices of the Ombudsman vary tremendously across the different world regions and can include among other things the protection of human rights, access to information, anti-corruption and prevention of torture (Box 6.11).

Box 6.11. **Categories of Ombudsmen institutions/offices**

**Classical Ombudsman**

The classical function of an Ombudsman Institution (OI) is to investigate complaints against the public administration, make recommendations on actions to be taken by the administration, and try to get these recommendations adopted. OIs following the classical model often have extensive powers to investigate cases submitted to them. They may work towards mediation of conflicts, but if no solution can be reached, they provide recommendations to the relevant administrative unit. The classical OI has no power of coercion and can only employ "soft" pressure to get its recommendations adopted. The OI submits an annual activity report to the parliament to draw the latter's attention to remedied grievances.

Classical OIs are common in Western Europe and some of the Commonwealth countries. Examples include Australia, Belgium, Bulgaria, Denmark, Iceland, Ireland, Israel, Netherlands, Norway and the United Kingdom.

In recent years, OIs with an extended legal mandate to get their recommendations adopted have started to appear. The legal powers vary between countries and may include the powers to: appeal to courts, participate in court proceedings, file applications in administrative proceedings, propose legislative amendments, and recommend disciplinary or criminal proceedings. The classical OI with extended legal powers can be found in all regions of the world, especially among younger institutions. These countries include: Botswana, Croatia, Ethiopia, Estonia, Kazakhstan, Papua New Guinea, Poland, Portugal and Spain.

**Human rights Ombudsman**

OIs in this category have a specific mandate to look into the observance of human rights. In some cases, the OI is restricted only to the handling of human rights issues, while in other cases, the human rights function is added to the classic mandate. The tasks of human rights OI often include: filing of human rights violations, educating and informing the public on human rights, reporting on the general human rights situation in the country, conducting research and analysis on human rights, and monitoring the implementation of human rights within the country.

Human rights OIs are particularly common in Eastern Europe, Central Asia and Latin America. Examples of countries include all Latin American countries, Albania, Armenia, Hungary, Kyrgyzstan, Papua New Guinea, Chinese Taipei and Tanzania. In Azerbaijan, Bolivia, Colombia, El Salvador, Georgia, Uzbekistan and Venezuela, the OI is restricted to only human rights issues.

**Anti-Corruption Ombudsman**

OIs in this category have a specific mandate to curb corruption. These often operate as a combined OI and anti-corruption agency. Their specific functions may include overseeing the conduct of senior public officials, collecting and reviewing assets and income declarations, investigating instances of alleged or suspected corruption, and educating and informing the public regarding issues related to corruption.

Anti-corruption OIs are mostly found in Asia and Africa. Country examples include China, Gambia, Ghana, Korea, Papua New Guinea, Rwanda, Chinese Taipei and Vanuatu.

**Auditing Ombudsman**

A few OIs have a specific auditing mandate, which gives them the power to oversee government bodies and/or conduct audits of the administrative practices and procedures of government bodies, irrespective of whether they have received an individual complaint. OIs with an auditing mandate can be found among the Australian regional ombudsman institutions and in Ethiopia.

*Source*: World Bank (n. d.), "Differences between OIS", webpage, http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPUBLICSECTORANDGOVERNANCE/0,,contentMDK:23543235~pagePK:148956~piPK:216618~theSitePK:286305,00.html (accessed 21 October 2016).

The Ombudsman's role as the guardian of public interest and its ability to intervene in the problems that citizens encounter in their interaction with the public administration places it in a favourable position to promote open government reforms. As discussed in the OECD Public Governance Review of Peru (OECD, 2016b), Ombudsmen provide transparency about government action and misconduct and can channel citizens' voices into the policy-making process. In addition, Ombudsmen promote a pattern of engagement aimed at building consensus, as their working method relies on finding amicable solutions.

### *Possible ways to exploit synergies to promote the open government principles across the entire state*

#### *Creation of a National Open State Committee*

In some cases and if deemed possible by a country, the creation of an Open State Committee can provide an additional element of co-ordination and steering to a country's move towards an open state. The composition of the committee should be as broad as possible, including representatives from the three powers (also from the sub-national level) as well as civil society organisations, academia, the private sector, independent state institutions and interested citizens. This committee could meet regularly and serve as a platform for the exchange of ideas, good practices and experiences. It would make sure that actors share common goals, renew their commitments and develop a shared understanding of what an open state means to them. The head of the committee could rotate between the different participants to avoid a single participant "holding power".

#### *Informal mechanisms to exchange good practices and share experiences*

A key component of an open state approach can be the exchange of good practices and the sharing of experiences between all relevant actors. These exchanges do not necessarily have to take place in a "formal" way (i.e. via a commission/committee, as discussed above). In many cases, informal meetings and dialogue platforms can reach the aim of a co-ordinated and well-informed approach to each branch's policy and initiatives to encourage openness. Civil society organisations have a key role to play in this exchange. They can build bridges between the branches and help build up institutional memory, as seen in Costa Rica's approach to creating institutional contact points (the so-called "*Enlaces Inter-institucionales*"), who meet regularly to discuss achievements and challenges. This could be a good starting point for other countries (Box 6.12).

Box 6.12. **Costa Rica's open government contact points**

The *Enlaces Institucionales* (i.e. open government contact points), established for the design and implementation of the Second OGP Action Plan, are an important first step to ensure inter-institutional co-ordination. An initiative taken by the Centre of Government (CoG), the Enlaces constitute the contact points of: the Deputy Ministry of the Presidency, who is the main responsible for open government initiatives in the country; the different central government ministries; decentralised institutions; some municipalities; the Ombudsman; the judiciary, etc. The government aims to create at least one Enlace in each institution that is involved in the implementation of its open government agenda. The Enlaces have met regularly over the past months and have received capacity-building co-operation from the OGP Support Unit. While the Enlaces do not formally report to the Deputy Ministry of the Presidency, they volunteer to collaborate with it and have the potential to provide the CoG with an effective co-ordination tool, both horizontally and vertically.

*Source*: OECD (2016f), Open Government in Costa Rica, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264265424-en.

### *Looking ahead: Towards a proper implementation of an open state*

More and more countries around the world have started moving from the idea of open government to that of open state. "Open Congress", "Open Justice" and "Open Sub-national Government" initiatives have appeared in recent years and are complementing existing "open government" initiatives, thereby contributing to what the OECD has termed the "Open State". In most countries where openness initiatives exist in the different branches of power and in independent state institutions, these actors are exploring ways to learn from each other and from their counterparts in other states. In some countries, the branches of power and independent state institutions even co-ordinate their initiatives and have created informal mechanisms to share good practices.

Evidence points to the important role that civil society organisations can play in pushing for openness, accountability and increased engagement of the branches of power and of independent state institutions. The same is valid for academia, the private sector and interested citizens. Based on existing good practices identified in the OECD Survey and in OECD Open Government Reviews, this section identified possible ways to exploit synergies between the different existing initiatives and to call on further research to build up solid evidence on countries' open state approaches. This research should ask the following questions:

- To what extent do the open government principles of accountability, transparency and citizen participation have to be applied in a different manner, in the different branches of power and in independent state institutions?
- What are the most effective/efficient ways to co-ordinate openness initiatives between the different branches of power and independent state institutions?
- How can academia and the private sector play a more prominent role in the move towards an open state?

The application of the open government principles of accountability, transparency and citizen participation by all state actors clearly is the future of open government. A holistic open state approach can guarantee that policies and services correspond to citizens' needs, increase trust in public institutions and also ultimately deliver on countries' development agendas.

## Open government at the local level: Bringing public policies closer to citizens

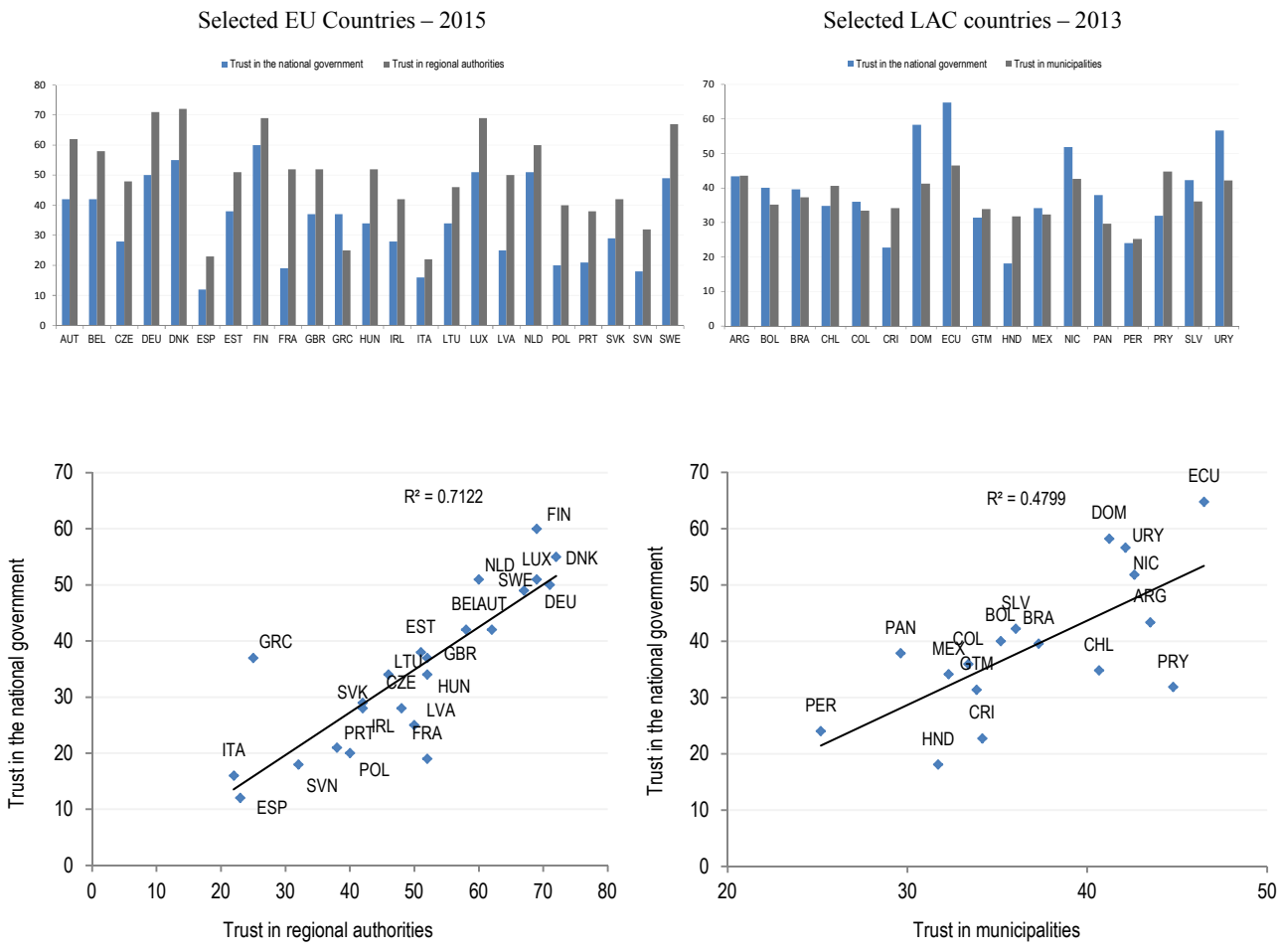
Regions and cities are the place where citizens and policies meet. From participatory budgeting in Porto Alegre (Brazil) to social audits in Andra Pradesh (India) to local Agendas 21 worldwide, the most iconic examples of open government initiatives have been created, not by national governments, but by cities, regions or provinces. This is perhaps not surprising, since local governments are most of the time, responsible for the tangible and basic public services, ranging from road maintenance to education, and from sanitation to policing, forming the most immediate relationships between government and citizens.

Innovative and interactive approaches to involve citizens in policy making have worked in parallel with the decentralisation efforts initiated by many countries from the 1970s and consisted of transferring authority, responsibility, and resources from the national government to lower governmental levels to better respond to citizens' needs and demands (Rodríguez-Pose and Gill, 2002). Despite their evident importance, open government reforms have focused mainly on initiatives at the national level and only in

recent years, governments have started to open up their open government agenda to the sub-national level. In fact, sub-national governments have a key role to play in implementing open government practices and initiatives as they are at the forefront of the state and many of the open government's recommendations and commitments have direct implications at the local level.

This closer interrelation between citizens and local governments is maybe one of the reasons why trust in local governments is often higher than in the national one. As shown in Figure 6.5, in EU countries the level of trust in regional authorities is significantly higher than trust in the national government and trust in national government is strongly related to trust in regional authorities. However, in the LAC region, due to strong presidential systems and the incipient transfers of competencies at the lowest levels of government, there is not a major difference between the levels of trust in national government and in local authorities. Furthermore, the 2014 Gallup polls revealed that in the United States, American citizens continue to trust their local governments more (72%), than their state governments (62%) (McCarthy, 2014), while showing higher levels of trust to the closer level. In fact, for citizens, it is in local politics that they can feel most politically effective and that they have the greatest understanding of political issues (John, 2001).

Figure 6.5. **Trust in national governments and local authorities in EU and LAC selected countries**




*Source*: Author's own work, based on data from Eurobarometer for EU countries and Latinobarometro for LAC countries.

Therefore, the benefits of including local governments in all stages of an open government strategy are numerous; however they need to be accompanied with the necessary political support and human and financial resources. This section will focus on the role that sub-national governments play in shaping people's perceptions about the quality of the government as a whole as their proximity with people and with their needs spurs citizen scrutiny and participation. It will moreover assess how open government initiatives at the local level yield great potential to improve the capacity of local communities to engage with its citizens and benefit from their input, not only in the design of policies, but also in the evaluation phase, as discussed in more detail in Chapters 3 and 5. Subsequently, it touches on the importance of sub-national governments for an effective design and implementation of a national open government strategy. Eventually, it presents the challenges that the local level needs to overcome to ensure a proper implementation of open government initiatives.

Open government at the local level offers a wider potential to actively engage citizens through innovative mechanisms and tools that have been first tested at the local level, including local gatherings, hearings, community councils or meetings on participatory budgeting, among others. The local level counts on examples on innovative, transparent and participatory approaches where citizens are put at the heart of the close inter-relationship between themselves, their elected local representatives and local public administration, as such. Many local governments that aimed at embedding open government principles in their daily activities have started with trying to ensure the representative democracy through participatory consultation processes. This implies determining whom and how to engage in local policy making and "how to ensure an accurate representation of a variety of interests in society" (Pitkin, 1972).

### *Implementing open government practices and initiatives at the sub-national level: All about citizens*

Local government is the tier of the public administration that citizens first look to solve their immediate and concrete needs and problems. It is also at the level where democracy is more evident as citizens have the most effective opportunity to actively and directly participate in decisions made for all of society. Local governance, by virtue of its smaller size and focus on local issues, thus offers greater prospects for the use of direct and representative[1] democracy as well as a more direct participative democracy (Cretu and Cretu, 2014).

To achieve their potential, local governments need the right framework, which encourages local councils and authorities to reform and modernise. In fact, the proximity of policy makers and citizens offers a wide range of open government practices and initiatives that can be more effective if they are implemented at the sub-national level contributing to the overall national open government strategy. In this context, an open local government co-innovates, co-creates and co-designs policies, services, tools and solutions with its citizens. These practices include, among others, exchange of opinions in gatherings, community councils, hearings or town hall meetings (Box 6.13).

### Box 6.13. **Public Hearing: Towards Milan's Smart City Strategy**

Participation is one of the key issues of Milan's political strategy, also with regard to its open government implementation. In this context, the City of Milan has engaged in several stakeholder participation processes in order to develop policies and practices together with the private sector and civil society organisations.

An example is the "Public Hearing: Towards Milan Smart City Strategy" participation process started in April 2013 and still ongoing. It is a consultation procedure that involves big industries, small and medium-sized enterprises (SMEs), universities, financial organisations, citizens, NGOs and community-based organisations. The goal is to produce a local policy (political strategy and administrative master plan) on how to transform Milan into a smart, sustainable and inclusive city. Local stakeholders are engaged in analysing most of the municipality's strategic plans and to identify from them "smart objectives" for the next ten years. Stakeholders were gathered together in a city forum in April 2013 and are now involved in thematic working groups (WGs) on different issues: mobility, environment, economy, people, living, governance and Expo 2015.

This process is co-ordinated by the municipality and by the Chamber of Commerce of Milan and lasted until March 2014. Stakeholders were invited to participate in the WGs by the Smart City team in collaboration with the different administration departments (the Central Department on Mobility and Environment, for the Smart Mobility WG; the Social Affairs Department, for the Smart People WG, etc.). Selection criteria varied from WG to WG. Normally, organisations were invited if they had participated in the public event organised in April 2013 (the event was open to everybody and more than 1 000 actors were invited), had registered for the Smart City newsletter, had a Smart City department or office (especially with regards to the private sector), had been in contact with the local administrations on relevant "smart issues", had expressed their interest in participating in the Public Hearing procedure, and were involved in "smart projects". Furthermore, there are some particular stakeholders who are always invited to all WGs, such as the Lombardy Region, the 2015 Universal EXPO technological partners, *Fondazione Cariplo* (the main Milanese bank foundation), and the local third sector Forum (an umbrella organisation for civil society organisations).

The WGs meet for about three to four hours in locations made available by the municipality or by the Chamber of Commerce. The discussion is moderated by two facilitators specifically selected by the local administration for this purpose. Following the "physical" meeting, a report is sent to the participants that can interact, comment and correct the document by mail.

On the basis of these reports, the municipality and the Chamber of Commerce, assisted by a technical staff of experts, will edit the City strategy that will then have to be adopted by the local government (*giunta comunale*). The council member (*assessore*) responsible for Innovation, Research, Labour, Smart Cities and Digital Agenda, is in charge of the Public Hearing procedure for the City of Milan and has already presented a deliberation to start this procedure, which was adopted by the local government in February 2013.

At the end of the process a City strategy and a new governance model on Milan Smart City will be announced and presented to all citizens. The final goal will then be to break down the political strategy in administrative "smart" objectives for the different departments to adopt and follow.

*Source*: Office of the Mayor of Milan (2013), Interview with Caterina Sarfatti, International Affairs, Italy.

Local elected councils have an important role to fulfil in drafting and implementing a national open government strategy as they are the best placed actors to know the limitations, needs and opportunities which prevail at their level of government. Furthermore, monitoring the success of local policies, such as urban planning or budget

expenditures for public buildings (e.g. schools), is easier for citizens at the local level as they can easily see how promises transform into real outcomes or not and hold elected representatives accountable. Some countries are already including citizens in decisions on budget expenditures at the national and local level, as presented in more detail later in the chapter in Box 6.14.

Box 6.14. **Introducing citizen engagement elements into the budget process**

The 2015 OECD Recommendation on Budgetary Governance explicitly calls on governments to "ensure that budget documents and data are open, transparent and accessible" and to "provide for an inclusive, participative and realistic debate on budgetary choices".

Over recent years, the trend towards participative budgeting has extended internationally and has been taken up with success in a number of OECD countries. In practice, progress at the national level has been limited to date, with more activities and innovations emerging at the level of cities and municipalities. A notable example is Paris, France where participative budgeting has developed significantly since its introduction in 2014, including in terms of the scale of the budget subject to participation (over EUR 100 million a year) and the mechanisms adopted for submitting, selecting and prioritising projects. Among the reasons for the trend in participative budgeting is the scope for improved policy outcomes, including:

- enhanced civic engagement and positive impacts on political culture and competences of citizens
- opportunities for greater engagement among disadvantaged and marginalised groups within society
- fundamental social improvements in some cases (with, for example, evidence of better-focused municipal spending on health care and lower infant mortality rates in, for example, Brazilian municipalities)
- support for a broad-based agenda of modernisation and transparency within public administration.

Through the so-called *budget participatif*, citizens in Paris can vote among several proposed projects and are asked to select the investments that they consider most valuable in a context where a limited budget does not permit the implementation of all proposals.

Since 2014, the municipality of Paris gives its citizens the opportunity to decide upon the use of 5% of its investment budget, which amounts to half a billion euros in 2014-20. The aim is to involve citizens in municipal politics to foster social cohesion and to better get to know their preferences. It builds upon the principles of open government and promotes a stronger relationship between citizens, their representatives and public institutions.

In the 2015 edition of the *Budget participatif*, participation was deepened by providing citizens with the opportunity to propose projects that would then be voted upon (Mairie de Paris, 2015). The project tries to harness the creative ideas of Parisians, and the process is as follows: 1) Parisians propose their ideas for investment projects on a website; 2) the municipality evaluates the feasibility of the proposals; and 3) project proposals are submitted to a vote by Parisians.

The OECD is working closely with partners and stakeholders, including the Global Initiative on Fiscal Transparency (GIFT) and the International Budget Partnership (IBP) to build upon valuable experiences at local level and assess how they can have relevance at the national level.

*Source*: OECD (2015c), "Recommendation of the Council on Budgetary Governance", OECD, www.oecd.org/gov/budgeting/Recommendation-of-the-Council-on-Budgetary-Governance.pdf; Mairie de Paris (2015), "Budget participatif", webpage, https://budgetparticipatif.paris.fr/bp/le-budget-participatif-.html.

The benefits that each of the open government principles can offer to policy makers at the sub-national level are presented below.

**Transparency** is understood as the disclosure and subsequent accessibility of relevant government data and information. At the local level, transparency becomes an indicator of the extent to which governments are able to deliver on their responsibilities and commitments and are transparent about their own performance and the service delivery process. Transparency also denotes free access to governmental political and economic activities and decisions from local governments and its public authorities. Major problems due to the lack of transparency at the local level are usually related to the information available on line from local governments such as budgeting, public debates and meetings as well as information related to public services delivered by public companies. This lack of information can affect more the poorest and marginalised stakeholders in many ways, especially by enhancing their exclusion and limiting their access to local resources and opportunities as the lack of information for all can lead to a disproportionate spending on the priorities of the middle-classes and the wealthy (for instance, large infrastructure projects), rather than projects to solve more basic and urgent needs (e.g., extension of water supply to under-served neighbourhoods). The example of Miraflores, Peru (Box 6.15) provides a tool that can solve this issue.

Box 6.15. **Participatory budgeting in Miraflores, Peru**

The Transparency Portal of the suburban district of Lima, the Municipality of Miraflores (www.miraflores.gob.pe/_transparencia.asp) offers an effective tool that connects the local government with its citizens. This approach not only touches upon the open government principles of transparency and accountability, but also provides information on the main activity of the municipality and ensures a direct interaction with its citizens in the area of participatory budgeting.

Since 2009, the city organised participatory meetings on an annual basis to prioritise the investment of public resources through a process of dialogue and consensus seeking. This approach seeks to better reflect the desires and visions by citizens on how public resources can best be spent. The process begins with an open meeting for representatives of civil society, the general public and private entities based in Miraflores, in which everyone who would like to participate will be registered. Each of these participants will be familiarised with the approach and steps of the mechanism, followed by workshops on the identification of problems and prioritisation of outputs of the desired projects that shall be implemented by the municipality. After a technical feasibility study, the draft projects will be ranked according to their desired implementation date by a voting system among the members. Subsequently, all citizens have the possibility to cast their vote and the most popular projects will be formalised by the municipality and included in the forthcoming budget.

*Source*: Organization of American States (2014), "Gobierno Municipal Abierto en América Latina - De la Proximidad Administrativa a la Acción Colaborativa", www.oas.org/es/sap/dgpe/pub/OEA-Gobierno_Municipal_Abierto.pdf.

Furthermore, the local level is characterised by a high level of heterogeneity as the size, financial resources as well as the capacity and capability of their workforce differs significantly. This can create distortions between municipalities as creating and operating online platforms to publish information is expensive. To solve this issue, provincial and departmental governments have created innovative ways to regroup all the municipalities

and provide to them the same level of access to this tool as done by the Province of Biscay in Spain (Box 6.16).

Box 6.16. **Opening Municipalities in the Province of Biscay, Spain**

The provincial Council of Biscay in Spain has developed an innovative approach that regroups all the province's municipalities and grants citizens a decisive role in improving local policies and contributing to the quality of services in the region. Based on the concept that "a modern institution has to be close and accessible to its citizens" the council commits itself to "continue working on spaces of co-operation and social participation in order to be able to be systematically accountable, transparent and efficient."

To this end, the provincial Council of Biscay developed an easy-to-use website (http://zabaltzen.balmaseda.net/es/portada/) as well as a smartphone application, called "*Udala zabaltzen*" [Opening Municipalities], which allows citizens to report flaws in infrastructure, for example potholes or sanitation facilities in improvable conditions. The website and app offer citizens the possibility to provide a detailed localisation of the reported problem, which facilitates a swift transfer of this information to the office responsible. Each of the reported required improvements is updated as soon as the problem is solved, which exposes the provincial council, the municipality and the office in charge to public scrutiny.

As one of the first local administrations, the province of Biscay moved from e-government to open government, which according to the provincial Council of Biscay's definition is based on the three pillars of transparency, participation and collaboration. Among the features available on its website, citizens have the possibility to exchange opinions directly with the mayor of each municipality and make their needs and suggestions heard in a direct exchange. On some occasions, the provincial council has opened online surveys to all citizens to identify the need for new infrastructure facilities or other potential improvements. In order to enhance transparency and accountability on the local level, the province moreover publishes information on public procurement.

*Note*: "*Udala zabaltzen*" translates into "Opening Municipalities".

*Source*: BiscayTik (n. d.), "Diputación Foral de Bizkaia", www.bizkaia.eus/home2/archivos/DPTO1/goazen2030/Bizkaia2030_CAST.pdf (accessed 21 October 2016).

**Participation** becomes even more important at the local level. Actively engaging citizens and other stakeholders contributes to the well-targeted use of limited local government resources and better public service design and delivery, for example through consulting citizens to identify their needs or explain their views on sensitive issues, such as urban planning. For citizen participation to be effective, local governments need to share their agendas with citizens, and show commitment that policy proposals generated jointly will have an impact on the policy cycle. At the same time, active participation

requires that citizens accept their increased responsibility for policy making. Open policy-making process via open consultations at local level is one of the most important steps towards building a local open government, since it is much easier to ensure proper participation of all community members in a rather small community (town or even city). Local governments "come" closer to its citizens and the potential of the level of engagement of both sides is much higher. Another great advantage that a local open government would bring through such an approach would be generating a much clearer understanding and ownership of the problems on which citizens are consulted. One example for this approach can be found in the Local Citizens Councils, which is a common practice in most Latin American countries. Those councils usually only have as a mandate to advise the elected council on specific issues such as planning, housing or selected policy areas (education, social affair) whereas the implementation of the plans and policies depends on the initiative of the municipality. Evidence from Latin America illustrates the importance of the capacity and will of the actors involved in the councils, especially the local governments' open attitude towards citizen participation (ELLA, n.d.) (Box 6.17).

Box 6.17. **Latin America's Local Citizen Councils**

Since the 1980s, governments in Latin America have developed a new relationship with their citizens, in which they can participate more actively in the decision making process. They have achieved this, in part, by creating local citizen councils.

Although local councils take on different names and forms across the region, they do share common features. Generally, they gather different sectors of civil society, such as academics, civil or community-based organisations and the private sector, and join them with local political authorities in a single body, where they collaboratively make public policies or design development programmes. They also typically share a common goal of strengthening democracy and the quality and responsiveness of public policies at the local level.

In some cases, the creation of local councils is mandated by the constitution (the case of Peru's Constitution -Title IV, Chapter XIV on Decentralisation) or a national law (e.g Mexico and its National Water Law mandating the creation of Basin Councils), while in others, they have emerged at the initiative of local governments and citizens (e.g in Colombia with the Medellin's Youth Municipal Councils).

In general, local councils in Latin America are formed by elected representatives of various social, political, and sometimes economic sectors showing the importance of the capacity and will of the actors involved in the councils, especially the local governments' open attitude towards citizen participation.

Local councils in Latin America follow two basic models in terms of the variety of thematic areas they tackle. On the one hand, local councils can debate and decide on comprehensive development plans that therefore cut across many sector-specific concerns as the Peruvian Participatory Development Plan (*Plan de Desarrollo Concertado*). In other countries, local councils are created to deal with specific thematic areas, such as social policy, environmental preservation, urban governance or public service provision as Local Health Management Councils in Paraguay.

*Source*: ELLA (n.d.), Increasing Citizen Participation in Local Governance: Latin America's local citizen councils, Policy Brief, http://ella.practicalaction.org/wp-content/uploads/files/120716_GOV_CitPar_%20BRIEF2_0.pdf (accessed 21 October 2016).

At the local level, accountability is often seen in terms of service delivery. The main concern of citizens is how the local government deals with concrete issues, directly affecting their daily lives; from the performance of the local school to the functioning of public transport or waste management. Implementation of specific accountability tools at the local level remains an important challenge, as it requires a broad range of political, institutional and social pre-conditions to assure that locally elected officials, civil servants and other stakeholders can be held accountable and do not abuse their power. In this sense, demanding direct accountability is easier at the local level, as it is easier to gather citizens and for them to ask questions regarding funds or regulations, which makes of local governance a tool for citizen action.

In addition, although decentralisation processes can help strengthen accountability by bringing government closer to the people, it can also present corruption risks as local officials may have greater vested interests based on family, friendship and business ties, which can influence decision making. Most of the time, wages for policy makers at the local level can be low in comparison to the national level and institutions designed to hold local public officials to account do not always reflect the local dimension, making them inadequate. When key public actors (or those acting on behalf of public actors) at the local level fulfil their mandates according to strict ethical and moral codes, and conduct themselves honestly, corruption has little room to take root.[2] But when corruption occurs locally, the impact on citizens' lives may be the most damaging (Transparency International, 2009). In sum, when transparency, accountability and participation are put at the heart of the local governance system, the risks of corruption are reduced. Citizens can participate in, and influence, policy design and implementation, and hold local officials to account for their decisions. Local government officials act effectively in the public interest and are open about their activities and take responsibility for them.

As decentralisation reforms (at different stages) become more widespread across the world, local governments' autonomy increases but also the space allowing public officials' discretionary decision making power, creating room for cases of conflict of interest, nepotism and corruption. Hence, it is important to ensure effective accountability mechanisms from the supply side (public accountability) and demand side (citizen accountability) to reach higher local governance outcomes as shown in Figure 6.6.

Governments are responsible for serving the needs of the citizens they represent as best they can, in such a way that they are meaningful to each citizen. Local governments are increasingly aware of the need to adjust their services according to the needs and demands of citizens, yet the execution of this required change remains slow in some municipalities. This leaves ample room for significant improvement in areas such as transparency and accountability; the lack of progress in these areas can reduce citizens' trust in public services.

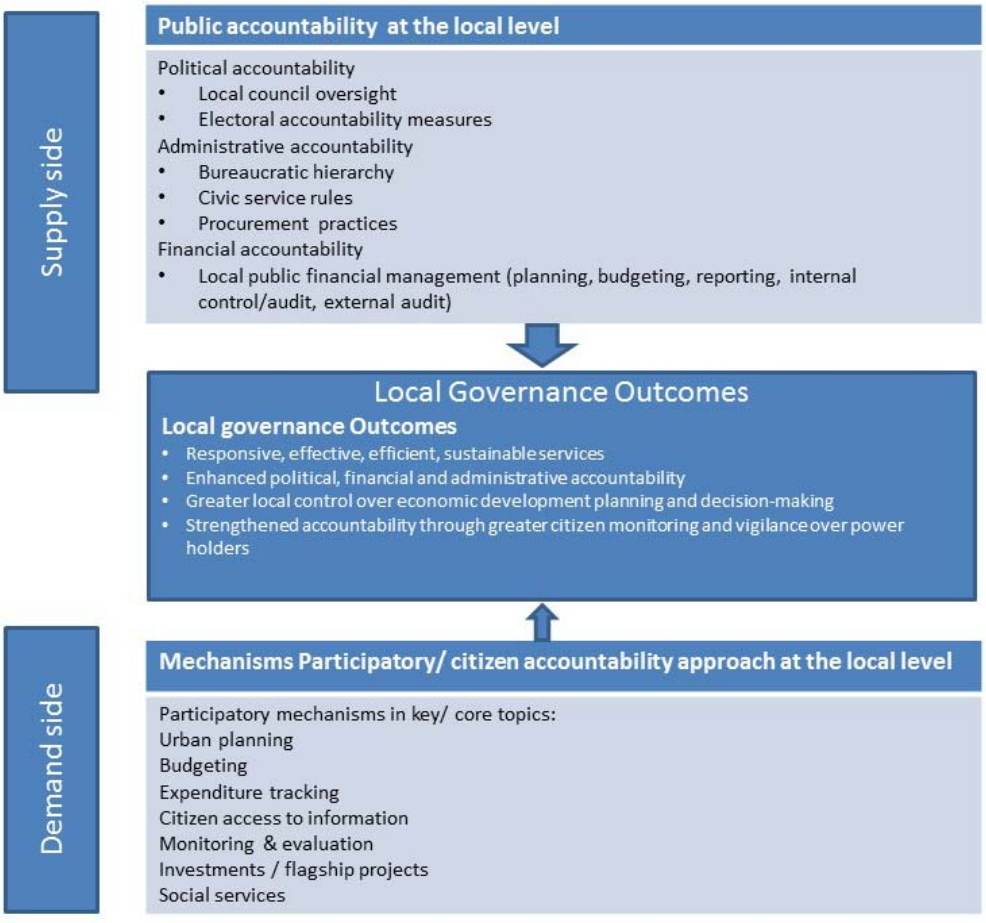
### *Shaping the open government policy from the local level*

Even though national governments have only recently opened their national open government agenda to initiatives from the local level, successful engagement and accountability practices to promote inclusive growth have been in place for decades, albeit not linked to the term open government.

In fact, municipalities and their representatives are meant to play a key role in open government reforms as they tend to be in more frequent exchanges with their citizens and their needs as well as their wishes and visions of local and national policies. This position makes of local government a perfect ally to participate in the elaboration of a national

open government strategy (Chapter 1). In the initial phase of the elaboration of the policy, with a bottom-up approach, local governments can ensure that the aims of the policy reflect the reality and challenges on the ground, which can favour proper implementation and finally attain the national policy goals.

Figure 6.6. **Framework for local government accountability from an open government approach**



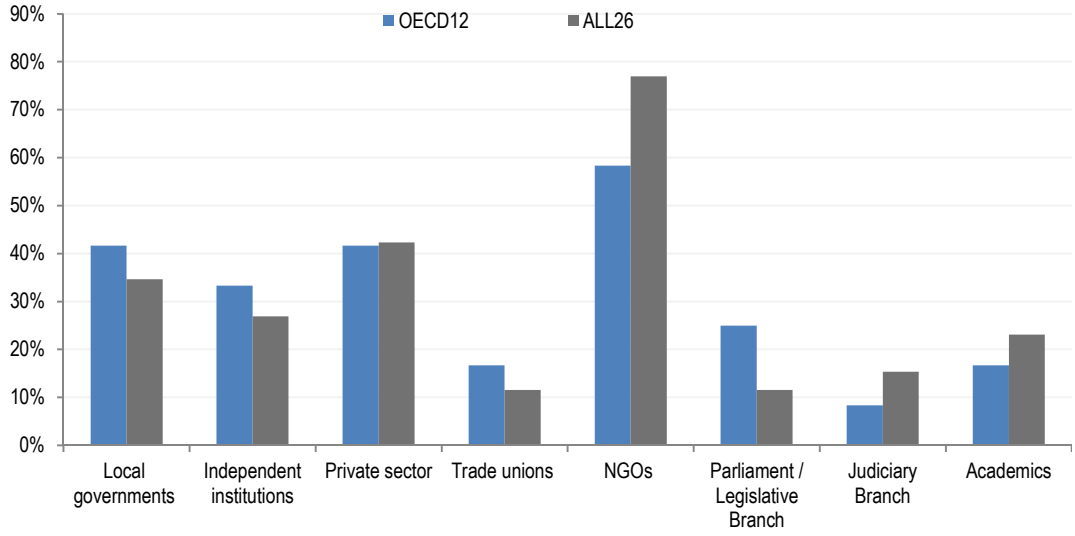

*Source*: Author's own work based on Serdar, Y., B. Yakup and Serrano-Berthet (2008), "Local government discretion and accountability: A diagnostic framework for local governance", *Local Governance and Accountability Series*, Paper No. 113, July 2008, World Bank, http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1193949504055/LocalGovernmentDiscretionandAccountability.pdf.

Despite their importance, few countries such as Peru or Switzerland have indicated that representatives from the local government were involved in the elaboration of the national open government strategy.[3] In addition, few countries have also included local governments in the co-ordination mechanisms for open government strategy. While nearly half of OECD countries (42%; 35% in all countries) have included local governments, in Latin America this figure is considerably lower, at 20% (Figure 6.7).

Furthermore, when looking at the participation of other members of this mechanism to co-ordinate open government at the national level, a limited number of local

governments are part of. This reflects the limited role of sub-national actors when they are key players in the implementation phase. Furthermore, bringing the national and sub-national governments together in such a mechanism would expose policy makers at the national level to innovative approaches that have been implemented traditionally at the local level. As such, this mechanism could offer a forum to share good practices among regions, provinces and cities and at the same time offer mutual learning between sub-national and national levels on open government initiatives.

Figure 6.7. **Representation of local governments in the mechanism to co-ordinate open government**




*Note*: Only countries that answered that co-ordination of open government initiatives happens through the creation of an ad hoc mechanism such as an Open Government Committee are included in the figure.

*Source*: Country responses to OECD (2015b), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

The inclusion of the sub-national level in open government reforms has been increasing; a number of OGP National Action Plans (NAPs) already contain sub-national government commitments. According to the Open Government Partnership's (n. d. b) website, 38 out of the 70 member countries (as of September 2016) have already included commitments related to the sub-national level in one of their NAPs. Some of the commitments more explicitly target enhanced transparency, accountability and citizen participation in the municipalities, as in the case of Denmark's 2014 NAP commitment entitled, "Free Municipality Pilot Project", which aims to facilitate a smarter, more resource-efficient and less bureaucratic municipality. Others use an open data focus on the local level as in the case of Ireland's local government portal in its 2014 OGP NAP.[4] Colombia's inclusion of the local level in its OGP National Action Plan is presented in more detail in Box 6.18.

Box 6.18. **Open government at the local level in Colombia's Second OGP Action Plan**

In 2015, Colombia presented its second OGP Action Plan for the period 2015-17. The plan entails 18 commitments and provides 2 novelties. Not only did the country work towards enhancing transparency and accountability in the judiciary, it also extends open government reforms to the sub-national level. As laid down in Commitment 9, the province of Antioquia commits itself to developing a transparent and responsible government. The department (*departamento*) already leads in the Transparency Index of "Transparency for Colombia" and the Governor of Antioquia promised to further advance the open government agenda in his department.

Specifically, the department aims to adhere to the principles of the OGP by holding accountability hearings in all 125 municipalities of Antioquia. In these hearings, in which a total of 12 000 citizens shall participate throughout the 2 years, the municipalities will report on the compliance with the departmental development plan, the results of the Transparency Fairs on contracting, as well as the results of Public Agreements signed by the mayors of the municipalities of Antioquia.

*Source*: OGP (2015b), "Colombia's 2015-2016 OGP Action Plan", Open Government Partnership, www.opengovpartnership.org/country/colombia/action-plan.

While including the local dimension in the National Plan is an essential step to grasping the benefits of innovative actions on open government, witnessing and fostering the pioneering efforts at the local level on open data, contract transparency, participatory budgeting, and civic engagement are core enablers to make open government happen at all levels.

### *Looking ahead: Challenges to be overcome by sub-national governments to ensure better results from open government agendas*

As evidenced by OECD Open Government Reviews, determining potential challenges for an effective mainstreaming of a national open government strategy across all levels of governments helps policy makers to bear in mind various challenges for sub-national governments, which include among others:

- **Limited awareness of benefits of open government**: As for the national level, at the local level one of the most frequent challenges for open government reforms to thrive is the lack of, or insufficient awareness and communication of the benefits of open government reforms among public officials. As confirmed by the OECD Open Government Reviews pressure by civil society, awareness campaigns and workshops to sensitise civil servants to the various benefits discussed in this report could potentially mitigate this challenge.
- **Low levels of involvement of sub-national governments in national decision-making processes**: As discussed above, local governments are increasingly included in mechanisms to co-ordinate open government, even though they compete with other groups over influence on the national open government agenda. Endeavours to move towards an open state (discussed in this chapter), which comprises an open judiciary, open legislative in addition to an open government across all levels of governments would tackle these assumed low levels of involvement.
- **Limited resources at the local level**: Many OECD member countries and non-member economies are facing budget restraints, which impede their daily tasks of providing services in their municipalities. Convincing mayors and other decision

makers at the local level to allocate parts of the budget to initiatives aiming at enhancing transparency, accountability and citizen participation will thus be challenging, though very important. In addition, human resources or in adequate ICT infrastructure might pose an obstacle to the successful performance of sub-national governments in implementing the open government policy.

- **Low levels of coherence and complementarity** across different proposed activities among the different levels of administration, it is important to connect the national and local agendas (vertical multi-level co-ordination) (Box 6.19).

Box 6.19. **Consultation between national and sub-national governments**

**Belgium** has probably the most advanced and therefore most complicated system for consultations between the levels of government. This reflects Belgium's constitutional arrangements with no primacy for the federal level, and the high level of conflicts between the different federated entities. The collaboration between the levels of government has been institutionalised by creating a Consultation Committee and Inter-ministerial Conferences. The first is composed of members from each government and treats ad hoc cases; the latter is used to for the preparation and development of joint policies for a certain policy field. There are also Collaboration Protocols for situations when competencies are shared and when the proper execution of competencies necessitates cross-government collaboration.

In **Chile**, the Undersecretariat for Regional Development consults with the National Association of Regional Councillors and the Association of Chilean Municipalities on matters of a more political nature, such as the transfer of responsibilities and the dynamics of regional government. A National System of Municipal Information provides a comprehensive source of information about the management of the country's 345 municipalities and includes data on budgets, human resources and services that have been transferred to municipal administration as well as a number of management indicators.

In **Mexico**, the National Professionalisation Forums (Foros Nacionales de Profesionalización) organised by the National Institute for Federalism and Municipal Development (Instituto Nacional para el Federalismo y el Desarrollo Municipal), which started in 2001, is a place where participants discuss technical issues regarding the professionalisation of municipal public servants and the implementation of a career service in municipal governments. In these forums participants have the opportunity to exchange experiences, and proposals. The forum organises regular national meetings, regional and/or local workshops, and encourages co-operation between local governments via electronic means, etc. Moreover, the National Conference of Municipalities of Mexico (Conferencia Nacional de Municipios de México) is another channel of lesson-drawing and to put forward proposals for improving public management. It is integrated by municipalities from the three main political forces in the country.

In **Spain,** the Basic Statute of the Public Employee imposes compulsory co-operation between public administrations at the three government levels. The main co-operation body is the Sectoral Conference, which groups representatives from the State, the Autonomous Communities, Ceuta and Melilla and works with the highest representatives from each area. Below the Conference, there are other bodies that work from a technical approach. These bodies reach their agreements on public administration issues by consensus. The National Commission for Local Administrations (CNAL) is the standing body for collaboration between the central and local governments. The CNAL issues a report in the case of state draft laws and regulations regarding local governments and their administration. The other body of co-operation between central, regional and local governments is the Sectoral Conference for Local Affairs.

*Source*: OECD (2013), *OECD Territorial Reviews: Puebla-Tlaxcala, Mexico 2013*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264203464-8-en; OECD (2014), *Spain: From Administrative Reform to Continuous Improvement*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264210592-en.

In sum, local governments have the potential to contribute to the quality of a national open government policy due to their proximity to the needs and desires of their citizens. Governments could consider further engaging representatives from all levels of governments in the design and implementation of policy.

## Open government and the media

The open government principles play an important role in improving the design and delivery of public policies and services. A critical component in achieving the principles, furthermore, rests on supporting a media "ecosystem" – based on freedom of expression, freedom of information and strong, independent and diverse media organisations. These organisations should be able to disseminate information, advocate for public needs, and scrutinise and hold leaders accountable.

An information and media ecosystem includes both the governance of media (for example, the laws and practices governing professional media organisations, the provisions for freedom of expression and access to information, regulatory institutions, etc.) and the actors (such as media companies, journalists and citizens who provide information through social media). Another component to the "ecosystem" is the media landscape more broadly, including media ownership and financing models, the relationship between government and media, and the media organisations' relationships with civil society. This report uses the term "media" to refer to professional media organisations from various formats (radio, print, television and online), topic areas (women and youth or community media) and institutional structures (such as state-owned or public broadcasters, private media and community media).

### *The link between open government reforms and the media*

With regard to open government reforms, a media ecosystem that supports transparency and freedom of information is both a means to achieve the broader open government goals of transparency, accountability and participation as well as the goal of open government reforms in themselves. In well-functioning democracies, the government provides reliable, credible and timely information to the public, as citizens have the right to know the policies and activities of their governments (OECD, 1996). Beyond a government's provision of information, however, the media plays an important role in disseminating information and analysis to the public.

The advent of new technologies has allowed for the advent of citizen journalism, in which the public participates in the collection, dissemination, and analysis of news and information, particularly through social media, to play an increasingly important role in establishing media ecosystems that promote openness and freedom of information. Increasing citizen participation provides an alternative to traditional media and expands the means by which information is collected and disseminated, as well as new opportunities for direct contact between the government and its citizens. Nevertheless, more traditional media organisations continue to occupy an important place, not only in distributing and making government information comprehensible, but also in scrutinising government actions. Through these actions, a well-functioning media ecosystem can support good governance and democracy, primarily by helping to promote the following open government principles:

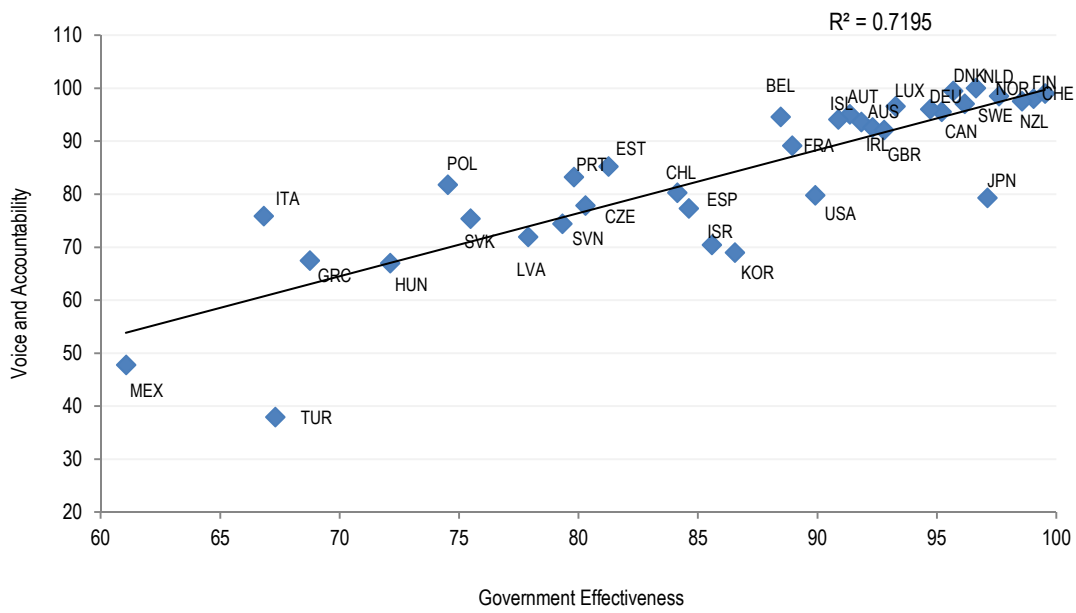
- **Transparency**: By collecting and disseminating information about governments' performance, for example by reporting official statements or investigating

unknown subjects, traditional and social media promote the transparency of the public sector and enable citizens and private actors to make informed political or economic decisions. In addition, journalists are among the most common users of access to information (ATI) provisions and freedom of information laws, thereby playing a key role in overcoming the challenges posed by lack of government compliance or by complex procedures.

- **Accountability**: Newspapers, television, the Internet and social media are important outlets through which journalists play a watchdog role in fighting both systemic and petty corruption and in holding leaders to account in relation to their constituencies. Enabling this function with appropriate policies and laws is an essential task of any government interested in promoting the values of good and democratic governance.
- **Participation**: In an environment in which citizens are free to voice their concerns in public or through traditional or social media, it is easier for governments to become aware of their opinions on policies and public services. Based on this direct exchange, policy makers are able to design and implement the policies according to the citizen's needs.

Various findings have highlighted the role that a strong media environment plays in improving public governance and open government. The World Bank's "Voice and accountability" scores – which capture the perceptions of the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media – are positively correlated to governance effectiveness (Figure 6.8). While the data does not necessarily imply causation or specify the direction of support, the findings do support a premise underlining open government principles that increasing citizen voice and accountability ultimately supports the quality of government.

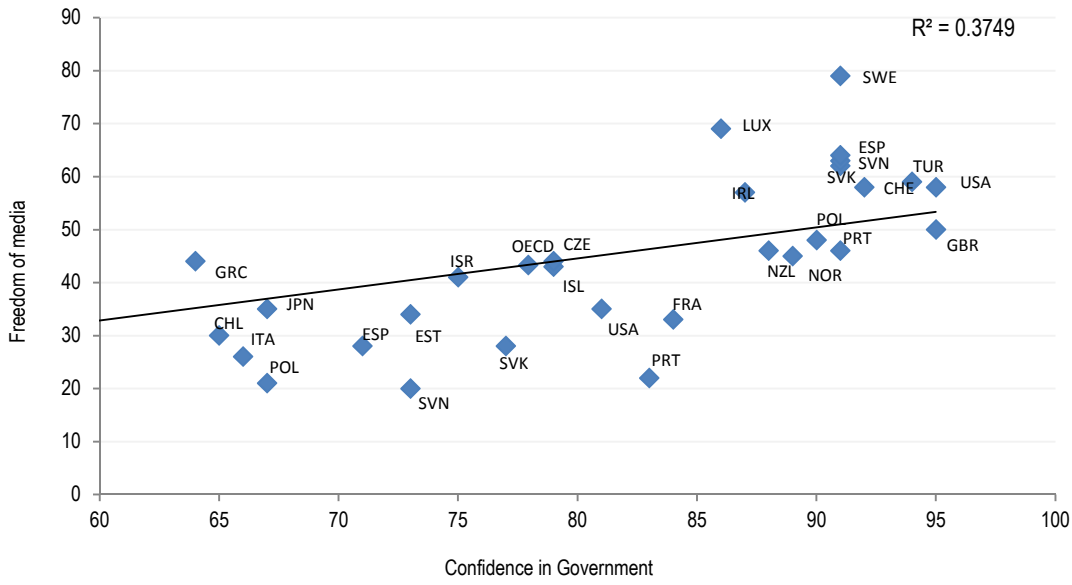
Figure 6.8. **Relationship between voice and accountability and government effectiveness for OECD countries**




*Source:* World Bank (2015), *World Governance Indicators* (database), World Bank, Washington, DC.

Furthermore, Gallup's World Poll data suggest a positive relationship between media freedom and confidence in government, which is particularly notable when media freedom scores are greater than 50% (Figure 6.9). Similar to the relationship between voice and accountability scores and government effectiveness, as discussed above, this data suggest that increased freedom and transparency may ultimately support the public's confidence in the government.

Figure 6.9. **Relationship between freedom of media and confidence in national government for OECD countries**

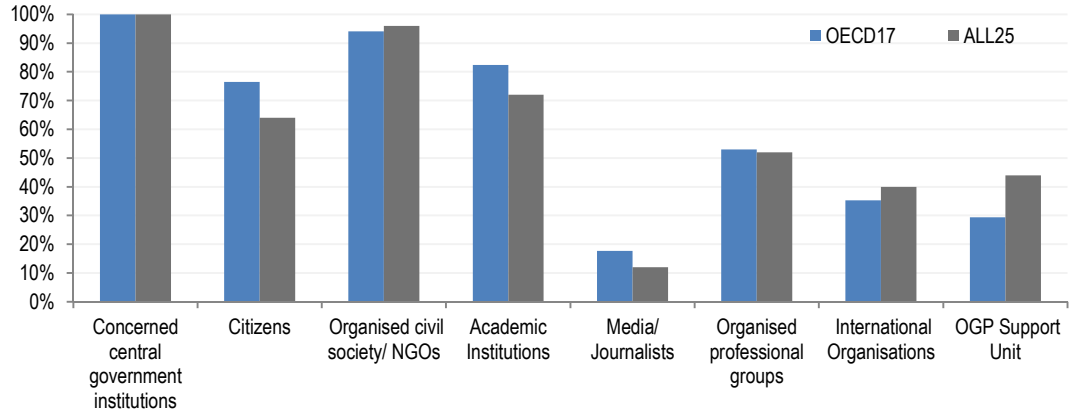



*Source:* Gallup (2015), "Gallup World Poll", www.gallup.com/services/170945/world-poll.aspx.

## *Enabling media to support open government*

Beyond the general link between open government principles and the media, it is important to understand the specific mechanisms by which governments can either directly support efforts to increase openness via the media, or hinder the media's role in promoting and facilitating freedom of information and expression. These include access to information legislation, restrictions on freedom of speech, and the extent of the government's involvement in media oversight and news provision. It is also important to recognise that government regulations and laws that do not specifically concern media organisations or activities can nevertheless play a critical role in whether and how a media ecosystem can support openness and transparency. Results from the OECD Survey however show that the active role of the media remains limited in developing the open government strategy (Figure 6.10). In comparison to the other actors involved, they are the least involved stakeholders in the process (12% in all countries, 18% in OECD countries). Only Mexico, the Netherlands and Spain answered that they involve them in the development of the open government strategy.[5]

Figure 6.10. **Scarce involvement of media and journalists in the development of an open government strategy**

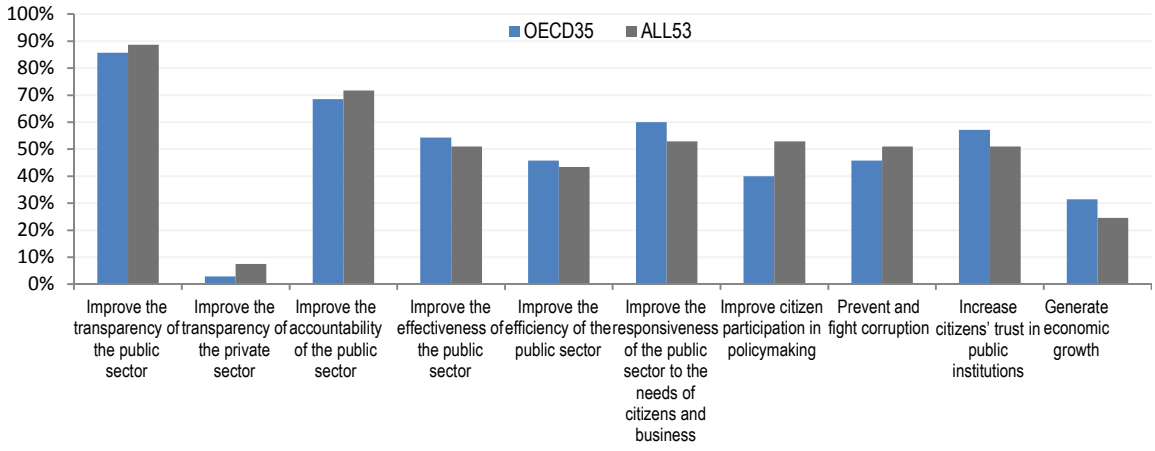



*Note*: Only countries that answered that they possessed an open government strategy were asked this question.

*Source*: Country responses to OECD (2015b), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

One of the key elements that supports a healthy media ecosystem is government transparency and access to information. Notably, 89% of the countries that responded to the OECD Survey (86% of OECD countries) (Figure 6.11) claimed that one of the key objectives they hope to achieve by implementing open government initiatives is to improve the transparency of the public sector. It should be noted, however, that very few countries hope to improve the transparency of the private sector through their open government initiatives. This highlights the extent to which governments can view a media ecosystem as both a means and a goal to supporting transparency. The critical link between access to information and media is particularly evident in Lithuania, for example, where the Office of the Inspector of Journalist Ethics is responsible for public information and can make recommendations on laws regarding access to information.

Figure 6.11. **Main policy objectives countries aim to achieve with open government initiatives**




*Source*: Country responses to OECD (2015b), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

As discussed in the OECD Open Government Reviews and in Chapter 2, however, many countries still face implementation challenges even where they have drafted and passed ATI laws, which can in turn undermine a country's media ecosystem. While there is no legal restriction concerning who can file requests for information in 71% of OECD countries (OECD, 2011), governments have nonetheless found ways to restrict access to information, through limiting who can access information, allowing government offices wide discretion in determining which documents can be made public, not providing easily accessible physical or online resources, etc. The OECD Reviews highlight the potential to improve the implementation of access to information and, by extension, the ability of the media to support open government priorities. Examples for this include Tunisia, Indonesia and Morocco and are described in more detail in Box 6.20.

Box 6.20. **Linking open government and the media in Tunisia, Indonesia and Morocco**

Following the 2010-11 revolution, **Tunisia** adopted several laws that supported the role of the media, such as the decree law on Freedom of the Press (No. 2011-115 of 2 November 2011), as well as Article 31 of the Constitution on freedom of opinion, expression, thought, information, and publication. As noted in the Tunisia Open Government Review, to consolidate these gains, the government could consider further revising the provisions to address treatment of online media in the law on Freedom of the Press and accelerating the establishment of an independent authority to support the right of access to information. Both of these actions are consistent with OECD best practices, international standards, and OGP principles, as well as demanded by civil society (OECD, 2016c).

In **Indonesia**, the mechanism through which government offices disseminate information is primarily via the Pejabat Pengelola Informasi & Dokumentasi [Documentation and Information Management Offices, or PPID] offices, which are to be established at all government ministries and throughout all levels of government. The law on Access to Information also establishes the support mechanisms to design implementation procedures, settle disputes and report on the implementation of the law to the president and the parliament. Nevertheless, even though the government implemented the access to information (ATI) law in 2010, as of March 2015, less than 50% of the PPID units had been established across all levels of government. Without PPID offices, the public's access to information is limited, as there is no other designated government unit designed to handle requests for information (OECD, 2016e).

In **Morocco**, while the new constitution enforces principles such as access to information, freedom of the press and of association, transparency and integrity, Morocco has yet to pass an ATI law that meets international standards. Specifically, the law would benefit from improvement in the areas of eligibility criteria of filing a request, inclusion (i.e. legal entities cannot access this right), delays (which are longer than the average for OECD countries), exceptions (which are too broad and could usefully be clarified) and the disincentives to reuse information. Giving citizens the right to access documents electronically, adopting open format standards and waiving the need to provide a justification for the requests of documents would further align the current law to global best practices (OECD, 2015d).

*Note:* At the time of drafting the Report in September 2016, Morocco's Access to information Law has not been passed by the Parliament.

*Source*: OECD (2016c), *Open Government in Tunisia*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264227118-en; OECD (2016e), *Open Government Review of Indonesia*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264265905-en; OECD (2015d), *Open Government in Morocco*, OECD Public Governance Reviews, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264226685-en.

Recognising the right of both citizens and the media to have access to public information at all levels of government (including the executive, legislative and judicial

branches, as well as sub-nationally), as did Costa Rica in its Declaration on an Open State (OECD, 2016f), is a critical step to supporting a conducive media environment. The declaration states that each branch will build a plan of priority actions to "promote a policy of openness, transparency, accountability, participation and innovation in favour of the citizens", which will be included in the institutional strategic plans and will be evaluated annually (OECD, 2016f). The policy of openness and access to information is a key element that allows the media to play its investigative and public information roles effectively, and thus contribute to the principles of open government. It should also be noted that, in addition to the legal and procedural hurdles that governments can use to reduce transparency, the OECD has identified other, more technical issues that may limit access to information. For example, a major obstacle to more sophisticated analysis of information, by journalists or the public at large remains governments' use of reporting formats that do not allow data to be easily reused. While this limitation is not exclusively burdensome on journalists, given the media's reliance on access to public information, it is useful to keep in mind all of the ways in which governments can inhibit the ability of the media to support broader open government priorities. Germany's Federal Press Conference provides an example of a case where representatives from different sections of the media can hold the government accountable on their actions as well as improve government transparency (Box 6.21), which can be used to help advance open government principles in other countries.

### Box 6.21. **Germany's Federal Press Conference**

Journalists and media outlets have a vital role to play in holding governments accountable and providing scrutiny to the issues under discussion in- and outside the parliament. To this end, it is usually the governments' task to offer occasions in which journalists can pose their questions and retrieve information in a direct exchange with policy makers or their spokesperson. Examples include the company of, in most cases, handpicked journalists on foreign visits by ministers or invitations for press conferences on the occasion of major events, launching of reports or announcement of a new agenda. In Germany, however, the German Federal Press Conference has inversed these roles and is now hosting the politicians on a regular basis to hold them accountable to their actions.

Each week, on Mondays, Wednesdays and Fridays, the 14 ministries in Germany are invited to send one of their spokespeople to the German Federal Press Conference. The unorthodox approach is that it is not the *Bundesregierung* [federal government] hosting the event, but the German Association of Journalists, which has been organising the event since 1949. Peer pressure and the growing tradition have led to the regular attendance of the speakers, who are asked to stay until all questions by all journalists have been answered. If they are unable to respond to a question due to the lack of information available, most spokespersons send additional information following the press conference. It is also the hosting organisation of the journalists that closes the regular event. At least once a year, Chancellor Merkel or the main representatives and ministers of the political parties attend the Press Conference themselves. On a different occasion, which also takes place once a year, citizens are invited to attend the Press Conference and ask their personal questions to the Chancellor themselves.

Ever since 2004, the German government publishes the transcripts from the entire press conference on their website (Bundesregierung.de). Other journalists have picked up on this and regularly upload the entire press conferences to their YouTube channels. Both approaches allow citizens, and other journalists who are not members of the Association to receive information first hand from the spokesperson of the ministries and the government and thus contribute to a better informed civil society.

*Source*: BPK (Bundespressekonferenz) [Federal Press Conference] (n. d.), www.bundespressekonferenz.de/ webpage (accessed 19 September 2016).

The OECD has identified a number of additional areas that will require further investigation as it works with countries to support the media's role in strengthening open government. In addition to the existence and extent of access to information laws, countries implement and apply laws to restrict the media directly, for example through laws on state secrets, defamation, libel, sedition, and laws the prohibit publishing offensive information or offending heads of state, etc. Governments can also inhibit the ability of journalists and citizens to investigate and discuss issues of public relevance, as well as implement restrictions on the ability of public servants to speak freely to media outlets, limit the conditions under which licences for media outlets are granted, and draft strong censorship policies and powers to shut down media outlets.

In addition to laws regulating freedom of information that deal directly with media activities, a country's media policy framework can also affect media pluralism and diversity, media financing and ownership. For example, this can include regulations on private, public and community media that can affect political influence and media financing and ownership. The institutional structures overseeing the media ecosystem must be analysed as well, which include the existence, scope and quality of state and public broadcasters (and the role of the government in appointing its board members) and the mandate and power of the media oversight body (including the role of government in appointing board members of the media oversight body).

Finally, the culture and environment in which the media operates affect the ways in which they are able to support open government principles. These considerations include journalism culture and ethics, media literacy, as well as ownership patterns of major media outlets; the relationship between the government and the media and the extent of political pressure and interference; media organisations' relationships with CSOs, particularly related to open government; and the existence and importance of citizen journalism and social media. The characteristics of the media ecosystem – including the strength of access to information, broader limitations on freedom of speech, regulatory environment and financial and organisational structure of the media organisations – determine the degree that media can support the open government principles.

In some countries, the media ecosystem remains however susceptible to serving special interests, such as those of the state or businesses that may seek to promote secrecy or anti-competitive behaviour. It is therefore important to note that media organisations' financial and management structures can serve as an enabler of open government reforms or a hindrance; even in free media environments, the concentration of media in the hands of a small number of owners can decrease media pluralism. Given the complexity and diversity of issues that can affect the media environment, there is a wide range of issues that can inhibit the media's role in both serving as a tool to increase openness and in representing the ideals of open government more broadly.

### *Using social media to foster accountability, transparency and engaging with citizens*

The regular use of social media by politicians, journalists and citizens has expanded avenues through which the media ecosystem can harness direct interactions between professional media organisations, the government and the public. This approach has the potential to improve the perceptions of governments and regain trust in public institutions. Social media has moreover contributed to an alteration of the perception of different elements of democracy, especially in the realm of participation and political inclusion (Noveck, 2009). Electoral campaigners rely equally on the persuasive power of

social media as organisers of political movements or public policy makers to improve service delivery. These are however only some aspects in which social media can act as a tool to accelerate the movement towards governments' openness. The different social media channels can inform the public about ongoing and future open government initiatives and practices, as well as create buy-in from the public to support a national open government policy.

Social media offers journalists and citizens the possibility to hold the government accountable and expose claims for increased transparency to a wider audience. Nevertheless, while policy makers are responsible for creating an enabling media ecosystem, most of the politicians themselves acknowledge the benefits that these innovative social media channels have to offer. These channels can thus offer a forum for politicians, journalists and citizens alike to engage in discussion. For politicians, social media serves as another approach to governments to be accountable to its citizens beyond laws on access to information or open government directives. Publishing relevant government data and subsequently informing citizens about its existence and usefulness can thus be supported by social media channels used by governments. In contrast to even the recent past, politicians and civil servants are able to reach out to citizens more easily, including those who have not shown great enthusiasm or interest in the work of their government previously. Reading about the work of the government in a tweet, Facebook posting or opinion on blogs might attract those citizens more than through traditional channels. In addition to presidents or heads of states themselves, government institutions, including Mexico's presidency, are very active on social media with 68 tweets on average per day, according to the 2015 Twiplomacy Study (2015). These institutions as well as world leaders have used the online live streaming portal Periscope to inform citizen about important speeches and events such as the 7th Summit of the Americas in 2015 (ibid.).

Senior diplomats themselves have embraced the potential of social media to communicate with citizens, as stated by the High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini, "Twitter has proven to be a revolutionary social network even in politics. It is an extraordinary channel of diplomacy and communication" (Twiplomacy, 2015). The quick nature of information sharing through online channels has in part replaced official press releases. Before the majority of news outlets or official press releases confirmed the re-election of the President of the United States, Barack Obama's (@POTUS) simple tweet "Four more years" sent on 6 November 2012 announced his successful bid for his continued presidency. It became the most re-tweeted message of the time and to date has been shared by more than 800 000 people and "liked" by more than 400 000 users. At that time, social networks including Twitter saw an average of 327 452 tweets a minute on the election results (*The Telegraph*, 2012). Hillary Clinton announced her candidacy to succeed Barack Obama solely via YouTube and Twitter in April 2015 (Twiplomacy, 2015). Apart from these extraordinary events, politicians and government institutions frequently use social media channels to voice their opinion on developments or express their condolences following natural disasters or terror attacks, for example.

Political, ethnical or religious groups who perceive that they are excluded from public participation or feel that their voices are neglected in the policy cycle have shown that social media channels prove a powerful tool to reclaim attention. Online campaigns that attracted worldwide attention include the pro-democracy protests in Hong Kong, using the hashtag #OccupyCentral; or the anti-corruption protests in Guatemala, which successfully called for the resignation (#RenunciaYa) of the Vice-President of Guatemala, using a variety of social media channels. These examples show that the

general public or other institutions independent from the state can unite and form a critical mass that can hold the government accountable and push for good governance.

### *Looking ahead: The potential for the media to advance the open government agenda*

Based on information gathered in OECD Open Government Reviews as well as from OGP National Action Plans, governments have not yet dedicated much effort – beyond activities related to transparency and access to information – to building the link between open government activities and the media ecosystem. Encouragingly, however, there is a growing number of countries focusing explicitly on media in their OGP National Action Plans, which provides a template for how other countries can incorporate this focus in their open government reforms efforts, as well as give a sense of how this work can be expanded. For example, Croatia committed to reform its Media Act to combat censorship and to enhance media ownership and financial transparency of media companies (OGP, n. d. c); Montenegro followed up on its efforts to decriminalise libel by continuing to combat crimes against journalists (OGP, n. d. d); and Jordan is seeking to clarify the roles and responsibilities of government offices so that they can work more effectively with the media sector (OGP, n. d. e).

Given the media's role in helping to enact the open government priorities of transparency, accountability and participation, the OECD sees the support of national media ecosystems as a key element to helping countries achieve their open government priorities. While some of the relevant topics, such as access to information, are already included in OECD open government reviews, an explicit focus on the media ecosystem – including the actors, legal, policy and institutional environment, as well as the funding and organisational structures of media organisations – can help ensure that open government reforms contribute actively to supporting a healthy media ecosystem that promotes a country's open government reforms' goals.

Moving forward, it will be important to use the data collected and challenges identified regarding creating an environment conducive to open government to expand the OECD's support to member and non-member countries to include an analysis of which characteristics of a media ecosystem support transparency, accountability and participation. The OECD recognises that further work needs to be done to support the relationship between the media environment, good governance goals and inclusive growth by working with governments, media actors and civil society organisations to increase citizens' capacity to be informed and express their opinions.

## Key Findings

- The concluding part of the report addresses the future of the open government agenda. For instance, as a set of interconnected policies areas and initiatives, which rely on the capacity of governments to develop and implement multi-dimensional and multi-sector initiatives, open government strategies have paved the way and built national skills that will help ensure the successful design and implementation of the UN Sustainable Development Goals. Beyond the governance focus in Goal 16, notably, the open government principles of transparency, accountability and participation could benefit and help to achieve all the SDGs. Countries should move towards a holistic approach to co-ordinate the efforts of the legislature, judiciary, independent state institutions, as well as sub-national governments to foster transparency, participation and accountability. While acknowledging each institution's independence, all relevant state actors could join forces with civil society, academia, the private sector and other interested stakeholders to build more cohesive initiatives. In some cases, this can involve co-ordination of efforts in an institutionalised office to facilitate the sharing of good practices and experiences between the different actors.

- Due to their proximity with citizens, smaller size and focus on tangible issues, local governments play a crucial role in shaping people's perception about the quality of government. Their position makes sub-national governments a perfect ally to participate in shaping the priorities of the national open government agenda. In addition, sub-national governments offer a wider potential to engage citizens actively through various mechanisms and tools. However, the challenges they face for implementing open government are numerous, including limited awareness of the benefits of open government, limited resources and low levels of involvement in national decision-making processes.

- Finally, this report recognises the importance of independent and free (traditional and new) media in the promotion of the open government principles of transparency and accountability, and the relatively small role the media plays in setting national open government agendas. A media ecosystem that supports transparency, accountability and freedom of information is both a means for achieving broader open government goals as well as an objective in itself. Governments should therefore integrate a greater role for the media in their national open government strategies by acknowledging and sustaining their efforts to promote open government principles and practices, and their capacity to partner with citizens.

# Notes

1. Direct democracy is engagement by the citizen on virtually all matters before the community. In representative democracy, citizens choose among candidates or political parties who make authoritative decisions for the entire community (International IDEA, n. d.).
2. See, for instance, the United Kingdom's initiative on "Fighting fraud and corruption locally: 2016 to 2019" at www.gov.uk/government/publications/fighting-fraud-and-corruption-locally-2016-to-2019.
3. Country responses to OECD (2015a), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.
4. The Dominican Republic's Action Plan includes a commitment on local government, while Korea is extending its open budget commitment to municipalities, and Mexico's budget transparency commitment includes transfers of assets from the federal government to states. In their first OGP NAP, only 28 countries targeted the sub-national level, which hints at a growing importance of the sub-national level in the open government agenda in countries.
5. Country responses to OECD (2015a), "2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle", OECD, Paris.

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# Annex: Methodology

This global report is based on more than a decade of work conducted by the OECD on open and inclusive policy making, the results of the OECD Open Government Reviews and most importantly, the 2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle (hereafter, the "OECD Survey"). The OECD Survey is a direct response to the request to collect better data on the design and implementation of a single open government strategy and initiatives of OECD member countries and non-member economies that participated in the OECD Open Government Forum, held in Paris on 30 September 2014.

The survey was divided in two parts:

1. Open government co-ordination.
2. Citizen participation in the policy cycle (CPPC).

In the first part of the survey (Open government co-ordination), respondents were asked to provide information and data on a single open government strategy and initiatives implemented by the central government. It was sent to the main institution responsible for open government in the country and answered mainly by civil servants at director level. In the second part of the survey (Citizens participation in the policy cycle), respondents were asked to provide information and data about policies and practices that aimed at involving citizens (including civil society organisations – non-governmental organisations [NGOs] – and representatives of the private sector) in the policy cycle. In order to collect comparable data from all countries, the second part of the survey was answered by the ministries of finance and the ministries of health.

## Responses to the OECD Survey

In April and May 2015, a draft survey of both parts was submitted to the delegates of the Public Governance Committee for comments and input. The quality of the OECD Survey benefitted from the input received by various delegates, which were incorporated in the final version of the survey.

This report, *Open Government: The global context and the way forward*, is based on the data received by 54 countries (including all 35 OECD member countries). More specifically, 53 countries replied to the first part of the OECD Survey, and 38 countries' ministries of finance and 32 ministries of health replied to the second part of the survey on CPPC. Thirteen countries from Latin America (including the two OECD member countries Chile and Mexico) submitted their answers, as well Indonesia, Jordan, Lithuania, Morocco, Philippines, Romania and Tunisia. The global diversity of the responding countries allowed the authors of this report to draw conclusions on regional differences and provide a solid evidence base for the analysis of open government reforms.

## Composition of the OECD Survey

### *Part 1: Open government co-ordination*

The OECD Survey was structured into eight main areas:

1. the existence of an **open government strategy/policy**
2. **monitoring and evaluation**
3. open government **co-ordination**
4. internal and external **communication** of open government initiatives
5. **funding** and management of funds related to open government
6. **human resources** and capacity building among civil servants
7. **challenges** in co-ordinating and implementing open government
8. availability of an **overarching document on citizen participation in the policy cycle.**

All tolled, the OECD Survey contained 39 questions, including sub-questions.

### *Part 2: Citizen participation in the policy cycle*

The two ministries (finance, health) received the same questionnaire, containing 30 questions and focusing on the following areas:

1. availability of an overarching **CPPC document**
2. **implementation** of this document or CPPC initiatives
3. **communication** on CPPC initiatives
4. **monitoring and evaluation**
5. internal **co-ordination** of CPPC initiatives
6. **funding**
7. **human resources** and awareness-raising for CPPC
8. **challenges** to implement and engage stakeholders.

## The process of data collection

The initial step of the data collection was facilitated by the delegates from the Public Governance Committee, who identified a point of contact in the central government and the ministries. During the process of reviewing the received data, the OECD inquired on additional information on approaches, clarifications and potential good practices from nearly all the countries that answered the OECD Survey. After collecting most of the data, the countries were asked for a final validation, due to various changes requested by the countries in the aftermath of submitting the survey.

## The limitations of the OECD Survey

The overall aim of the OECD Survey was to collect comprehensive evidence on open government initiatives and strategies as well as citizen participation and identify common trends, approaches and challenges. To this end, the questions of the OECD Survey were

almost exclusively designed to be responded to in a quantifying manner, such as yes/no options or pre-established options to choose from. Whenever possible, the OECD Survey offered additional space for countries to explain their cases and make additional remarks. Not all of these remarks could be included in the report, though were well noted by the OECD and incorporated in the analysis and interpretation of the data.

It is acknowledged that complex processes such as monitoring and evaluation or human resources cannot be grasped in its entirety by the limited amount of questions asked. Due to the approach of covering a number of relevant issues surrounding open government, future, more detailed surveys will be conducted to allow for an even more in-depth analysis of some of the topics covered in this report.

Throughout the report, data is presented according to countries, which have been abbreviated according to the official ISO country codes.

Table A.1. **ISO codes of countries referred to in this report**

| | | | | | |
|---|---|---|---|---|---|
| 1 | Argentina | ARG | 28 | Jordan | JOR |
| 2 | Australia | AUS | 29 | Korea | KOR |
| 3 | Austria | AUT | 30 | Latvia | LVA |
| 4 | Belgium | BEL | 31 | Lithuania | LTU |
| 5 | Brazil | BRA | 32 | Luxembourg | LUX |
| 6 | Canada | CAN | 33 | Mexico | MEX |
| 7 | Chile | CHL | 34 | Morocco | MAR |
| 8 | Colombia | COL | 35 | Netherlands | NLD |
| 9 | Costa Rica | CRI | 36 | New Zealand | NZL |
| 10 | Czech Republic | CZE | 37 | Norway | NOR |
| 11 | Denmark | DNK | 38 | Panama | PAN |
| 12 | Dominican Republic | DOM | 39 | Paraguay | PRY |
| 13 | El Salvador | SLV | 40 | Peru | PER |
| 14 | Estonia | EST | 41 | Philippines | PHL |
| 15 | Finland | FIN | 42 | Poland | POL |
| 16 | France | FRA | 43 | Portugal | PRT |
| 17 | Germany | DEU | 44 | Romania | ROU |
| 18 | Greece | GRC | 45 | Slovak Republic | SVK |
| 19 | Guatemala | GTM | 46 | Slovenia | SVN |
| 20 | Honduras | HND | 47 | Spain | ESP |
| 21 | Hungary | HUN | 48 | Sweden | SWE |
| 22 | Iceland | ISL | 49 | Switzerland | CHE |
| 23 | Indonesia | IDN | 50 | Tunisia | TUN |
| 24 | Ireland | IRL | 51 | Turkey | TUR |
| 25 | Israel | ISR | 52 | United Kingdom | GBR |
| 26 | Italy | ITA | 53 | United States | USA |
| 27 | Japan | JPN | 54 | Uruguay | URY |

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# Open Government

## THE GLOBAL CONTEXT AND THE WAY FORWARD

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