DRAFT OECD RECOMMENDATION OF THE COUNCIL ON OPEN GOVERNMENT

A. Introduction

1.　　　Countries are increasingly acknowledging the role of open government as a catalyst for public governance, democracy and inclusive growth. Open government principles are progressively changing the relationship between public officials and citizens in many countries, making it more dynamic, mutually beneficial and based on reciprocal trust. In fact, evidence collected by the OECD in 2015 and 2016 on open government reforms in 54 Members and Partners,[1] revealed that countries recognise the benefits that national open government agendas yield to good governance.

2.　　　Based on more than a decade of evidence-based analysis of open government strategies and initiatives in OECD Members and Partners, the OECD defines open government as *"a citizen-centred culture of governance that utilizes innovative and sustainable tools, policies and practices to promote government transparency, responsiveness and accountability to foster stakeholders' participation in support of democracy and inclusive growth"*. Open government is used more and more as a tool to achieve broader policy objectives, rather than being an end in itself, and is being acknowledged as an endeavour that does not only concern the executive branch. In fact, countries have begun to mainstream open government principles beyond it and are moving towards a truly holistic approach in their efforts to foster a new culture of governance in the legislature, the judiciary, independent institutions as well as sub-national levels of government, thereby moving towards what the OECD defines as an "Open State" (see definition below).

B. Rationale for developing the Recommendation and its proposed scope

3.　　　A scan of existing initiatives at the national and international levels reveals that there is a diversity of definitions, objectives and implementation methodologies that characterise open government strategies and initiatives. This seemingly scattered situation has raised the need for the identification of a country-defined, clear, actionable, evidence-based, common and internationally recognised understanding of what open government strategies and initiatives entail and, more specifically, what should be the characteristics of their governance for open government reforms to be successful. Such guidelines would help to better exploit the transformative nature of open government as summarised in Box 1 below.

Box 1.　The rationale for an OECD Recommendation of the Council on Open Government

In order to create a common understanding, among OECD Members and Partners, on the characteristics and scope of open government strategies, which would facilitate data comparability and exchanges of good practices, and the successful implementation of open government initiatives, the Recommendation aims to:

- Identify the optimal **enabling environment** for an efficient, effective and integrated **governance of open government** by acknowledging that open government strategies and initiatives achieve their full potential when supported by an appropriate enabling environment, including solid policies, institutional and legal frameworks, and adequate human and financial resources;

- Promote that open government strategies and initiatives are **aligned with and contribute to relevant national and sectoral socio-economic policy objectives**;

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[1]　OECD (2016), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris. DOI: http://dx.doi.org/10.1787/9789264268104-en

- Foster **data collection** and **monitoring and evaluation** by identifying common criteria in order to collect comparative data and build relevant process, outcomes and impact indicators to better inform policy-making;

- Ensure that open **government principles are rooted in the public management culture** of all its Members and Partners. Nowadays open government strategies and initiatives are needed more than ever to regain citizens' trust in governments and to allow policymakers to engage with the public in order to better understand and meet their needs, as well as to increase satisfaction with public services. A globally recognised standard on Open Government would ensure that the principles of openness, accountability, transparency and stakeholders' participation are embedded as fundamental building blocks of all public sector policies and reforms.

- National, regional and international initiatives have shown that countries often refer to different concepts when talking about open government. While country-tailored approaches to open government should be primary, an internationally recognised **common narrative on open government** can help to share good practices, build on each other's experiences, and foster opportunities for synergies and collaborative efforts.

4.   During the 54th Session of the Public Governance Committee (PGC) in Paris in November 2016, OECD Members and Partners recognised the need for a common standard on open government, based on sound collection of evidence on processes, outcomes and impact. This call was echoed during the [2016 OECD Global Forum on Public Governance – Open Government: the Global Context and the Way Forward,](#) organized in collaboration with the Government of France and the Open Government Partnership (OGP)[2], which included the participation of 30 Ministers and 50 heads of delegations gathered at the OECD for a Ministerial Roundtable on 8 December 2016.

5.   As a response to this request, it was proposed to develop a draft Recommendation of the Council on Open Government (hereafter the "draft Recommendation"), as reproduced in Annex I, with a view to provide Members and non-Members adhering to it (hereafter the "Adherents") with a comprehensive overview of the main tenets of the governance of open government strategies and initiatives. The purpose of this first global instrument would be to help Adherents improve their implementation of open government strategies and initiatives and their impact on peoples' lives. Given that open government is critical for the achievement of a number of different policy outcomes in diverse domains, the draft Recommendation would also help Adherents improve efforts related to, among others, public sector integrity and anti-corruption, public sector modernization, civic freedom, digital government, procurement, public sector innovation, public financial management and human resources management, and the United Nations Sustainable Development Goals (SDGs). As such, implementation of the draft Recommendation could help Adherents strengthen public governance, democratic practices and inclusive growth, as well as increase citizen trust in government.

C. The OECD at the forefront of data and evidence on the governance of open government

6.   For more than a decade, the OECD has been at the forefront of an evidence-based analysis of open government policies and initiatives in Members and Partners, as well as across the world.
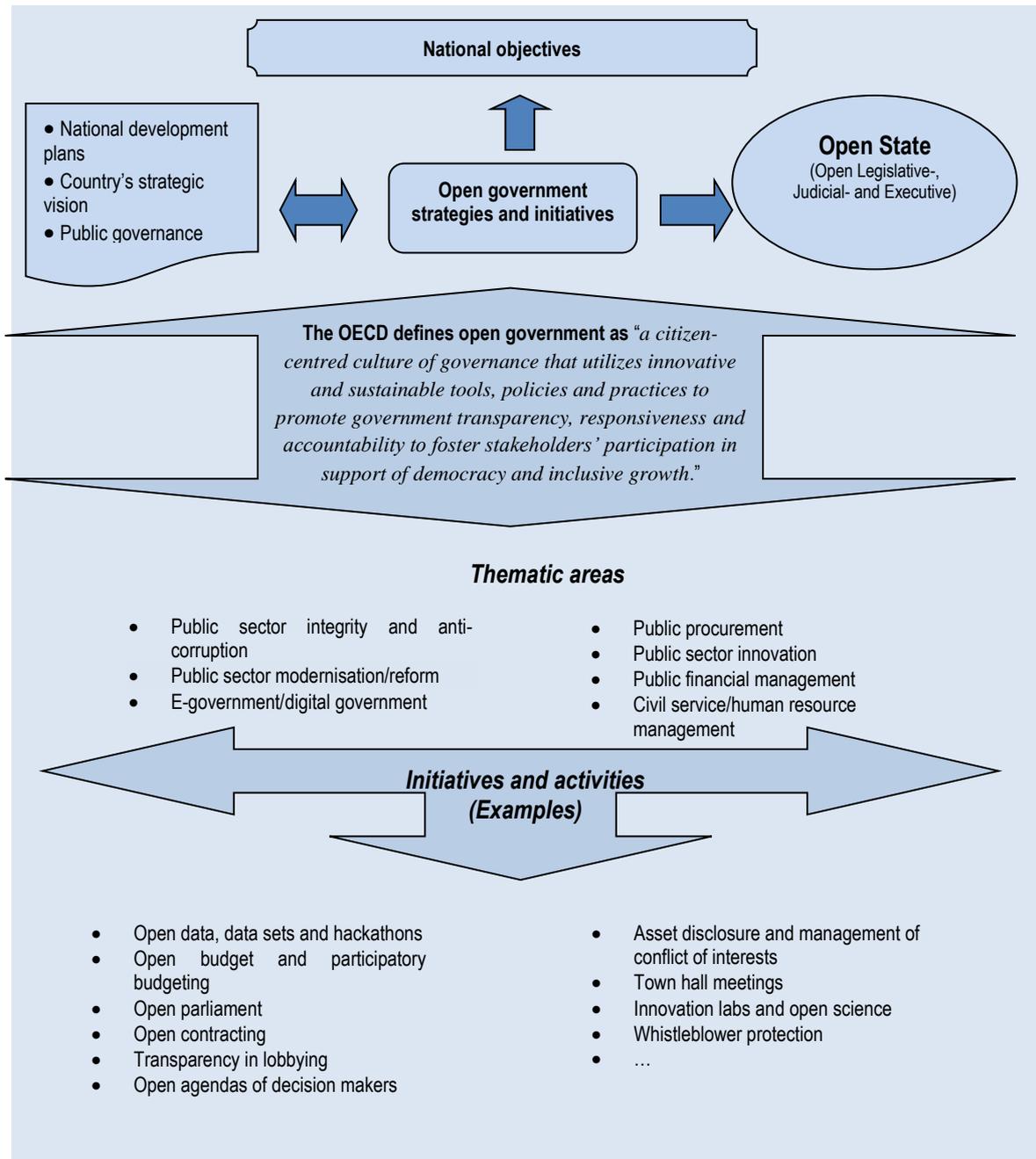
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[2] The OGP is a multilateral initiative launched in 2011 that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. Member countries commit to deliver a country action plan developed with public consultation, and commit to independent reporting on their progress going forward. Currently, the Partnership holds 70 participating countries and thousands of civil society organizations. For more information: http://www.opengovpartnership.org/

7.	In December 2016, the OECD launched the Report on *Open Government: The global context and the way forward.* The 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 OECD Open Government Reviews. In addition to all OECD Members which answered the Survey, eleven non-Members from Latin America (in addition to the two OECD Members from Latin America that responded - Chile and Mexico) submitted their answers, as well as Indonesia, Jordan, Lithuania, Morocco, Philippines, Romania and Tunisia. The diversity of the responding countries allowed the authors of the Report to draw indications on global trends as well as regional differences and to have a solid base of evidence for the analysis of open government strategies and initiatives worldwide. The OECD Survey is a direct response to the request to collect better data on the design and implementation of open government strategies and initiatives of OECD Members and Partners that participated in the OECD Open Government Forum, held in Paris on 30 September 2014. The Report provides a holistic, in-depth and global analysis of open government strategies and initiatives and identifies good practices used to encourage transparency and participation, as well as how such practices can be used to improve the quality of public services, as set out in Figure 1 below. The Report was launched during the Open Government Partnership Summit in Paris on 8 December and during the 2016 OECD Global Forum on Public Governance – Open Government: the Global Context and the Way Forward, where more than 30 Ministers and 50 heads of delegations acknowledged and commented upon its findings.

Figure 1. Open government framework

Framework for an open government strategy

National objectives

• National development plans
• Country's strategic vision
• Public governance

Open government strategies and initiatives

Open State
(Open Legislative-, Judicial- and Executive)

The OECD defines open government as "*a citizen-centred culture of governance that utilizes innovative and sustainable tools, policies and practices to promote government transparency, responsiveness and accountability to foster stakeholders' participation in support of democracy and inclusive growth.*"

Thematic areas

- Public sector integrity and anti-corruption
- Public sector modernisation/reform
- E-government/digital government

- Public procurement
- Public sector innovation
- Public financial management
- Civil service/human resource management

Initiatives and activities (Examples)

- Open data, data sets and hackathons
- Open budget and participatory budgeting
- Open parliament
- Open contracting
- Transparency in lobbying
- Open agendas of decision makers

- Asset disclosure and management of conflict of interests
- Town hall meetings
- Innovation labs and open science
- Whistleblower protection
- …

Source: OECD Secretariat

8.   Open Government Reviews are one of the main tools through which the OECD provides its qualitative analysis. These are customized reviews that provide governments with in-depth analysis of their open government policies coupled with actionable recommendations to help them embed the principles and practices of open government in their policy making cycles and to evaluate their impact. To date, the OECD has published eight open government reviews: Costa Rica (2016); Indonesia (2016), Kazakhstan

(2016), Lithuania (2015); Morocco (2015); Tunisia (2015); Latin America (2014) and Myanmar (2014). The OECD has also provided more condensed analyses of countries' open government policies as part of numerous Public Governance Reviews and Scans, such as for Peru (2016), Northern Ireland (2016) and Romania (2016).

9. In addition to these comparative research and analysis tools, the OECD promotes open government principles via:

- **Regional Networks on Open and Innovative Government,** which provide regular fora for exchange and peer dialogue, currently held in the MENA, South East Asia and Latin America;

- **Technical assistance and capacity building activities** to support OECD Members and Partners to design and implement open government reforms and, in collaboration with the **OGP**, to help countries in becoming eligible, drafting and implementing OGP action plans, and evaluating their impact;

- **Dialogue with civil society** and the **private sector**;

- **High-level fora** that bring government representatives, civil society, the OECD Secretariat and other international organisations together to discuss global trends and challenges in open government.

10. Together, these activities have provided a wealth of knowledge on good practices and lessons learned that has informed the draft Recommendation, which also greatly benefitted from previous OECD work as condensed in the two reports *Focus on Citizens (2009)* and *Citizens as Partners (2001)*, which contained the "Guiding Principles for Open and Inclusive Policy Making". These guiding principles have successfully provided support to OECD Members and Partners for almost 20 years on how to design and implement information, communication and engagement activities to promote an open and participatory approach to policymaking. As their importance was underlined by OECD Members and Partners during the 54th session of the PGC[3], it was proposed that they be updated and embedded in the draft Recommendation.

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[3] OECD (2009), *Focus on Citizens: Public Engagement for Better Policy and Services*, OECD Publishing, Paris. DOI: http://dx.doi.org/10.1787/9789264048874-en

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THE COUNCIL,

HAVING REGARD to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Recommendation of the Council on Public Integrity [C(2017)5], the Recommendation of the Council on Water [C(2016)174/FINAL], the Recommendation of the Council on Public Procurement [C(2015)2], the Recommendation of the Council on Gender Equality in Public Life [C(2015)164], the Recommendation of the Council on Budgetary Governance [C(2015)1], the Recommendation of the Council on Digital Government Strategies [C(2014)88], The Recommendation of the Council on Regulatory Policy and Governance [C(2012)37]], The Recommendation of the Council on Principles for Public Governance of Public-Private Partnerships [C(2012)86], and the Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information [C(2008)36];

RECOGNISING that open government is critical to building citizen trust and engagement, and is a key contributor to the achievement of a number of different policy outcomes in diverse domains including: public sector integrity and anti-corruption, public sector modernization, civic freedom, digital government, public procurement, public sector innovation, public financial management and human resource management, as well as all major socio-economic targets within the framework of the United Nations Sustainable Development Goals;

RECOGNISING that open and inclusive policy-making and stakeholders' participation increases government accountability, broadens people's empowerment and influence on decisions, builds civic capacity, strengthens social tissue, improves the evidence base for policy-making, reduces implementation costs, and taps wider networks for innovation in policy-making and service delivery;

RECOGNISING the need for a clear, actionable, evidence-based, commonly agreed and comparable framework for open government, as well as its related process, outcome and impact indicators, that takes into account the diverse institutional and legal setting of the Adherents;

CONSIDERING that open government strategies and initiatives are a shared responsibility for all branches and levels of government, in line with national legal and institutional frameworks, and that therefore this Recommendation is relevant to all of them;

I. **AGREES** that, for the purpose of the present Recommendation, the following definitions are used:

- **Open Government**: a citizen-centred culture of governance that utilizes innovative and sustainable tools, policies and practices to promote government transparency, responsiveness and accountability to foster stakeholders' participation in support of democracy and inclusive growth;

- **Open State**: when all public institutions of the executive, parliament, and the judiciary, independent public institutions, and all levels of government join forces and collaborate with civil society, academia, the media, and the private sector to design and implement a reform agenda to make public governance more transparent, accountable and participatory;

- **Open government strategy:** a strategy that defines the open government agenda of the central government and/or of any of its sub-national levels, as well as of a single institution or for a thematic area, which includes key open government initiatives together with short, medium and long term goals and indicators;

- **Open government initiatives:** actions undertaken by the government, or by a single public institution, to achieve specific objectives in the area of open government, ranging from the drafting of laws to specific practices such as online consultations;

- **Stakeholders' participation:** all the ways in which stakeholders (i.e. citizens, private sector, and civil society organisations) can be involved in policymaking and service design and delivery, including:

  - **Information:** a one-way relationship in which government produces and delivers information to stakeholders. It covers both "passive" provision of information, upon demand, and "active" measures by government to disseminate information. This relationship could also encompass information that citizens provide to governments.

  - **Consultation**: a two-way relationship in which people provide feedback to government. It is based on the prior definition by government of the issue on which stakeholders' views are being sought and requires the provision of information to them.

  - **Engagement:** a relationship based on partnership with government, in which stakeholders are given the opportunity and the necessary resources (information, data, digital tools etc.) to actively engage in defining the process and content of policy making and service design and delivery. It acknowledges the right of stakeholders to take part in setting the government's agenda, proposing and weighing different options, and shaping the dialogue. Although the responsibility for the final decision generally rests with government, stakeholders hold the government responsible through the political process.

II.   **RECOMMENDS** that Members and non-Members having adhered to the Recommendation (hereafter the "Adherents") develop and adopt open government strategies and initiatives that follow the principles of transparency, responsiveness, accountability and participation with a view to designing and delivering public policies and services in an open and inclusive manner.

To this end, Adherents should:

1.   Take measures, in all branches and at all levels of the government, including politicians, senior public managers and public officials, to ensure commitment to develop and implement open government strategies and initiatives in collaboration with all relevant stakeholders in order to ensure their success and overcome obstacles related to resistance to change;

2. Ensure the existence, where necessary, of a robust open government legal and regulatory framework - including laws on access to and free flow of information, open data, freedom of speech and assembly, independence and pluralism of the media, and transparency - and its successful implementation, including through standardised procedures - such as guidelines and manuals - , while establishing adequate oversight mechanisms;

3. Proactively make available clear, complete, timely, reliable and relevant public sector information and data developed in consultation with civil society stakeholders that is easy to find, understand, use and reuse and is disseminated using a multi-channel approach ;

4. Provide public officials with adequate human, financial, and technical resources, including the necessary skills and professional incentives, to design and implement successful open government strategies and initiatives, while promoting a supportive organisational culture;

5. Coordinate, through the necessary institutional mechanisms, open government policies and initiatives - horizontally within and vertically across - all levels of government to ensure that they are aligned with and contribute to relevant national socio-economic objectives;

6. Develop and implement monitoring and evaluation mechanisms for open government strategies and initiatives by:

    1. Selecting institutional actors to be in charge of collecting consistent, up-to-date and reliable information and data on the implementation of open government strategies and initiatives;

    2. Identifying sound and comparable indicators to measure processes, outcomes, and impacts;

    3. Fostering a culture of monitoring and evaluation among public officials by increasing their capacity to conduct such exercises, in collaboration with civil society, the private sector and academia.

7. Actively communicate about open government strategies and initiatives that are carried out as well as about their outcomes and impact in a transparent, accurate and timely manner in order to ensure that they are well-known, to favour stakeholders' uptake, as well as to close the feedback loop and to stimulate buy-in both within and outside government;

8. Grant all stakeholders equal and fair opportunities to be informed and consulted, and to actively engage in policymaking and service design and delivery, at a minimal cost, avoiding duplication to minimise consultation fatigue, with adequate time, dedicating specific efforts to reach out to the most relevant, vulnerable, underrepresented, or marginalised segments of society, while avoiding policy capture by interest groups;

9. Explore innovative ways to effectively engage with stakeholders through experimentation to source ideas and co-produce solutions and seizing the opportunities provided by digital government tools to support the achievement of open government goals, including through the use of open government data;

10. Promote, with a view to progressively moving from the concept of open government toward that of open state, the implementation of the principles of transparency, accountability, and participation across all public institutions of the executive, parliament and the judiciary, independent public institutions and all levels of government, while recognizing their

respective role, prerogatives and overall independence, in order to exploit synergies, favour cooperation, build on each other's strengths, and share good practices, for example through the development of an open state strategy and the creation of adequate coordination mechanisms.

III.   **INVITES** the Secretary General to disseminate this Recommendation.

IV.   **INVITES** Adherents to disseminate this Recommendation at all levels of government.

V.   **INVITES** non-Adherents to take due account of, and adhere to, this Recommendation.

VI.   **INSTRUCTS** the Public Governance Committee to monitor the implementation of this Recommendation, including through the development and use of process and impact indicators, open government reviews and comparative studies, and to report thereon to the Council no later than three years following its adoption and regularly thereafter.