# Open government in OECD countries: An overview of good practices

OECD countries have long been implementing initiatives to foster the OG principles, which in some cases are included in their constitutions. This chapter provides an overview of the legal, policy and institutional frameworks underpinning open government in OECD countries, as well as linkages with digital technologies and data, and looks at stakeholder engagement practices. It then proposes some innovative practices and the way forward, with a specific focus on open government at local level, and highlights some key challenges that countries still face, before providing a number of concrete examples of good practices from OECD members and partners.

# Overview of open government in OECD countries

The OECD and its members have been at the forefront of the global open government movement since its inception. Its pioneering role resulted in the OECD Recommendation of the Council on Open Government (2017), the first international legal instrument in the area. It was the fruit of years of international collaboration and exchange of experiences, extensive research and data-collection, and in-country policy analysis.

OECD countries have long been implementing initiatives that aim to foster openness. However, in recent years, national open government agendas have increasingly become broader and have included a wider range of initiatives. The first generation of open government initiatives, such as those aiming to strengthen the legal framework for open government, are being pursued with new emphasis while a range of new sectorial second generation initiatives – often inspired by public sector innovations and digitalisation – have been designed. As a result, countries' open government agendas now include initiatives that range from creating open government innovation labs to promoting open science and aid transparency (OECD, 2020<sub>[1]</sub>).

Yet, robust and appropriate legal, policy, institutional and implementation frameworks are still among the key enablers of open government, as they ensure that reforms are rooted in solid foundations and provide long-lasting effects.

### Legal framework

A significant number of national **constitutions** of OECD member countries include provisions on open government-related principles, thus demonstrating the longstanding roles such principles have played in some countries. In particular, most constitutions mention the right to access public information and include provisions on citizen participation and on the protection of civic space (e.g. freedom of assembly, freedom of the press etc.), which form the foundation of an open government ecosystem. For example, the constitution of Norway (article 100) states that "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". Similarly, the Swedish constitution (Instrument of Government, Chapter 2) states that citizens possess the right to freely seek information, organise and hold demonstrations and found and join political parties. In another example, the 1917 Mexican Constitution specifies that "the state shall guarantee the right to information" (Article 6).

The 2020 OECD survey on open government shows that 75% of member countries' constitutions include provisions on the handling of citizens' complaints (e.g., on public services) within government entities or through an independent public institution, 68% on citizen and/or stakeholder participation in policy-making and/or service delivery, and 64% on petitions or other forms of citizen initiatives.

Besides constitutions, open government principles are often part of the **legal framework** of OECD countries. In particular, all OECD countries now have laws on access to public information, which is one of the key provisions of open government, and most texts include both the proactive and reactive disclosure of information. Access to information laws often apply not only to central governments but also to subnational levels of government (such as provinces or regions), and in some countries they also apply to the other branches of power (legislative and judiciary) and to private entities managing public funds.

As part of their open government legal framework, some OECD countries have specific laws on citizen participation, such as the Colombian law for the promotion and protection of the right to democratic participation from 2015<sup>1</sup>, or legal requirements to involve stakeholders in law- or policy-making besides laws regulating democratic tools such as elections, petitions and referenda. OECD countries also usually have laws on accountability and integrity, which are two of the key open government principles. Said laws pertain to, for instance, conflicts of interest, financial disclosure, lobbying, whistle-blower protection and

foreign bribery, or accountability (e.g., Canada's Federal Accountability Act from 2006<sup>2</sup>. Other legislation most OECD countries have enacted, and which can potentially contribute to open government, include laws on decentralisation, digital technologies and the roles and functions of state institutions (Parliament, Ombudsman, etc). Open government principles of involving citizens are also often found in sectoral legislation on infrastructure, environment and social sectors as well as in budget laws.

Besides laws, some OECD governments have used acts such as **executive decrees** and directives to promote their open government agendas. This is the case, for example, of the Open Government Directive issued by the Office of Management and Budget of the United States in 2009<sup>3</sup> and of Canada's Directive on Open Government from 2014<sup>4</sup>. In other cases, OECD countries have made declarations that, although not legally binding, represent high-level political commitment. This is the case for Colombia's Declaration for an Open State (2017)<sup>5</sup>, signed by the country's president, and Costa Rica's Framework Agreement to Foster an Open State (2017)<sup>6</sup>, signed by the heads of state, the parliament, the judiciary and the electoral tribunal. In addition, many OECD countries have a civil service law, code of conduct or comparable legal documents outlining civil servants' obligations. These documents often make reference to transparency (78% of the time), integrity (78%) and accountability (74% according to the 2020 OECD survey on open government).

# Policy frameworks

Moving from the legal to the policy framework, most OECD countries have a number of **policy documents** indicating the government's intention to pursue and implement the open government principles of transparency, accountability, integrity and participation. In some cases, such principles are mentioned in high-level, long-term government strategies or programmes: the Lithuania 2030<sup>7</sup> strategy features openness as one of its three pillars, Germany's 2018 Coalition Agreement<sup>8</sup> includes a number of initiatives to foster transparency and stakeholder participation while the Mexican National Development Plan 2019-2024<sup>9</sup> includes the promotion of participatory democracy.

OECD countries also tend to promote open government principles either within cross-cutting **strategies** to reform their public administration or by adopting specific strategies on single principles. An example of the former is New Zealand's Strategy for a Digital Public Service (2019)<sup>10</sup>, which aims to contribute to an "open, accountable public service". In addition, Ireland's Open Data Strategy 2017-2022<sup>11</sup> states that "opening up government data will empower citizens, foster innovation and reform public services". The 27 OECD countries that are members of the Open Government Partnership also use OGP national action plans (NAPs)<sup>12</sup> as a tool to promote open government commitments, policies and concrete actions.

Finally, some countries such as Canada and Finland have been working on a full-fledged "national open government strategy", intended as a whole-of-government, long-term document providing a common and consistent vision to the country's open government agenda<sup>13</sup>. Such open government strategies can be also found at sub-national level, as it is the case for the Province of Alberta in Canada (see Box 3.1).

# Box 3.1. The Open Government Strategy of the Province of Alberta (Canada)

The Open Government Strategy of the Province of Alberta in Canada is structured as follows:

- Vision: the main objective of the strategy. "A public service openly engaged with the citizens of Alberta"
- Mission statement: an explanation of the identified vision and the province's definition of open government. "To create a stronger, transparent relationship between the public service and citizens by providing access to government data and information, listening, and openly engaging with citizens while strengthening the collaborative culture within the Government of Alberta".
- Drivers: five key elements that motivated the province to design the strategy, such as "A growing demand for increased public access to government information including insight into the decision making process".
- Goals: four key objectives (citizen participation, collaboration, availability of information, accountability) and related sub-objectives, including "the public service working together with citizens to make government more responsive to meeting the evolving needs of Albertans."
- Outcomes: five main intended results including explanations and related measures of success.
   The outcomes are: increased transparency, improved engagement, citizen-centred government, better decision making and increased collaboration and coordination.
- Principles: three principles that guide the implementation of the strategy. These are 1) open-by-design, 2) innovation from quality data and 3) improved governance.
- Activity streams: three "streams" of effort identified by the government, each of them including a list of concrete commitments and corresponding ministry accountabilities. The three streams are 1) open data, 2) open information and 3) open engagement. Each activity stream is linked to the drivers and outcomes mentioned earlier.

Source: Province of Alberta (n.d.), Open Government Strategy, <a href="https://open.alberta.ca/dataset/3beca82e-c14a-41d0-b6a3-33dd20b80256/resource/b4661609-03a2-4917-84f8-41d0fe4d7834/download/open-government-strategy.pdf">https://open.alberta.ca/dataset/3beca82e-c14a-41d0-b6a3-33dd20b80256/resource/b4661609-03a2-4917-84f8-41d0fe4d7834/download/open-government-strategy.pdf</a>.

#### Institutional framework and funding

Turning now to the institutional arrangement, most OECD countries have a specific governmental office responsible for the horizontal **coordination** of open government initiatives (OECD, 2016<sub>[2]</sub>). This office is often located within the Centre of Government<sup>14</sup> and more precisely, in 62% of OECD countries it is placed either in the Office of the Head of Government or in the Cabinet Office/Chancellery/Council of Ministers. These offices can have different functions, from developing the open government strategy to evaluating its impact, but nearly all of them are in charge of the coordination of the implementation of open government initiatives. Actual coordination can be ensured through an ad-hoc open government committee, which often includes representatives of civil society and sometimes of other actors (parliament, judiciary, local governments, private sector etc.), or can happen at sector, ministerial or even project level.

For example, in Canada, open government initiatives are coordinated through the interdepartmental Open Government Steering Committee (OGSC), chaired by a Treasury Board of Canada Secretariat (TBS), the Chief Information Office of Canada; the President of the Treasury Board is advised by the Advisory Panel on Open Government, consisting of experts from civil society, business, academia, including independent commentators from Canada and abroad. Mexico created a coordinating committee that is integrated in and chaired by the Presidency of the Republic. In the United Kingdom, a group of civil society organisations created the UK Open Government Network<sup>15</sup> that meets regularly with the Cabinet Office to coordinate the

development and implementation of the United Kingdom's OGP National Action Plans. Similarly, Italy has established a Forum on Open Government<sup>16</sup>, coordinated by the Department of Public Administration of the Presidency of the Council of Ministers, in which public administrations and civil society organisations meet regularly.

When it comes to the financial means to implement open government initiatives, **funding** can come from a single central institution in charge of funding all open government initiatives or from the institution responsible for a specific initiative or from external stakeholders (private sector, the EU, multilateral institutions etc). In the vast majority of OECD countries (89%), funds are allocated by the institutions responsible for implementing each project; roughly half of OECD members consider that limited financial resources is one of the main challenges to both co-ordinate and implement open government initiatives (OECD, 2016<sub>[2]</sub>). However, countries such as Canada, Korea and the Netherlands do have a dedicated aggregated budget line called "open government" in their central/federal budget.

#### Building open and connected governments: the role of digital technologies and data

The digital transformation of the economy and societies has changed expectations about governments, leading to pressure for greater openness and the creation of spaces and mechanisms where people can voice their needs. When used effectively, digital technologies and data can help accelerate the implementation of the open government principles. New, digital environments and easy access to public sector information in digital form not only strengthen stakeholders' capacity to effectively question and shape political priorities, but also their ability to directly participate in the design and implementation of public services.

The **OECD Recommendation of the Council on Digital Government Strategies** <sup>17</sup> underlines the interdependency between digital and open government reforms. It states that governments should "develop and implement digital government strategies which ensure greater transparency, openness and inclusiveness of government processes and operations by adopting open and inclusive processes, accessibility, transparency and accountability among the main goals of national digital government strategies". In addition, the Recommendation promotes further engagement and participation "of public, private and civil society stakeholders in policy making and public service design and delivery".

Building on the OECD Recommendation on Digital Government Strategies, the OECD Secretariat has developed the Digital Government Policy Framework (DGPF) (OECD, 2020[3]), which is designed to assist decision makers in the adoption of policy actions to achieve digital government. The DGPF forms the basis of a series of indicators that measure digital government maturity across six dimensions: digital by design, data-driven public sector, government as a platform, open by default, user-driven and proactiveness. In particular, a government is digitally competent when it is open by default, i.e. when makes data and policy-making process (including algorithms) available to the public to engage with, within the limits of existing legislation.

The OECD **Digital Government Index** (DGI)<sup>18</sup> aims to assess the implementation of the Recommendation and benchmark the progress of digital government reforms across OECD member and key partner countries. The Index is composed of six dimensions of the DGPF, each of them with an equal weight (0.16). Results from the 2019 edition (OECD, 2020[4]) suggest that only a few countries are progressing towards mature digital governments. While most countries have established institutional models that provide the necessary political and operational support for digital government reforms, limited efforts have been made to fully unlock the benefits of digital government and move beyond e-government. Results also suggest that digital transformation and the shift from e-government to digital government must be both sustained and resistant to political change. The OECD average of the DGI score was 0.5, with 15 out of 29 OECD countries surpassing this threshold. Korea (0.74), the United Kingdom (0.74) and Colombia (0.73) were the best performers in this edition of the DGI.

One of the six dimensions covered by the DGI, "Open by default", assesses the extent to which governments embed openness as a core principle by deploying digital technologies to open up data, services and processes. In the 2019 DGI, the average score for the 'open by default' dimension was above all other five dimensions of the Index<sup>19</sup>, which underscores the strong relevance of the open government principles in digital government reforms. In 2019, Korea and the United Kingdom scored the highest<sup>20</sup> in the open by default dimension.

"User-driven" is another OG dimension that is assessed as part of the DGI. A user-driven government allows citizens and businesses to voice their needs and thereby drive the design of digital government policies and public services (OECD, 2020). In contrast to the open by default dimension, the user-driven dimension had the lowest OECD average score in 2019. For example, according to the underlying data, only around 30% of the surveyed governments use digital technologies to promote inclusion and participation by more vulnerable population groups (including minorities, elderly, people with disabilities, citizens living abroad or gender groups) in policy making and service delivery processes. The highest performing countries for the user-driven dimension are Denmark, Colombia, the United Kingdom and Korea.

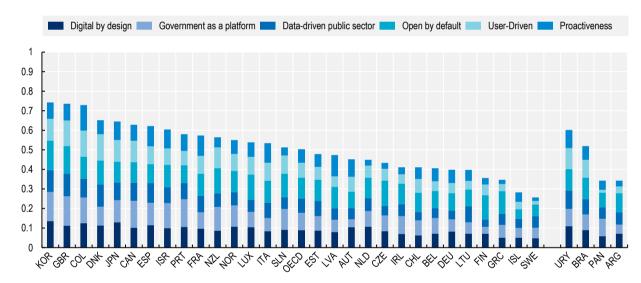


Figure 3.1. The composite results of the OECD DGI

Source: OECD (2020<sub>[4]</sub>), "Digital Government Index: 2019 results", *OECD Public Governance Policy Papers*, No. 03, OECD Publishing, Paris, https://doi.org/10.1787/4de9f5bb-en

In Korea, the government has a so-called "Innovation Master Plan" based on a whole-of-government approach to achieve a "government of the people" through citizen participation and trust building <sup>21</sup>. The Ministry also adopts an open approach to the implementation of the digital government strategy and action plan, involving the Ministry of Economy and Finance, Ministry of Science and ICT with over 30 industry sector representatives in the Digital Government Implementation Committee. Informal forums on related topics (e.g., emerging technologies, digital public services, digital government ecosystem and international cooperation) frequently involve representatives from the public sector, private sector and academia in an advisory capacity.

**Open data** is another core element to the success of both open government and digital government reforms. Whereas the release of open data does not equal government transparency, accountability, citizen participation, or integrity, the open data movement introduced a shift in the expectations on governments from reactive transparency in terms of access to public sector information, to the proactive

provision of information in digital format. Today, open data is a critical complement to legal frameworks on access to information, especially given that the collection, generation, processing and interpretation of large quantities of data and information are facilitated by the widespread use of digital and emerging technologies.

Practices from OECD countries have shown that sound open data policies can indeed help promote government transparency, citizen participation, and expand civic space. During the last couple of years, the development and implementation of sound open data policies in OECD countries accelerated: in 2019, the OECD average score for the OECD OURdata Index increased to 0.60 from 0.53 in 2017. Korea and France remain the two top performing countries, with scores of 0.93 and 0.90 respectively (OECD, 2020[5]).

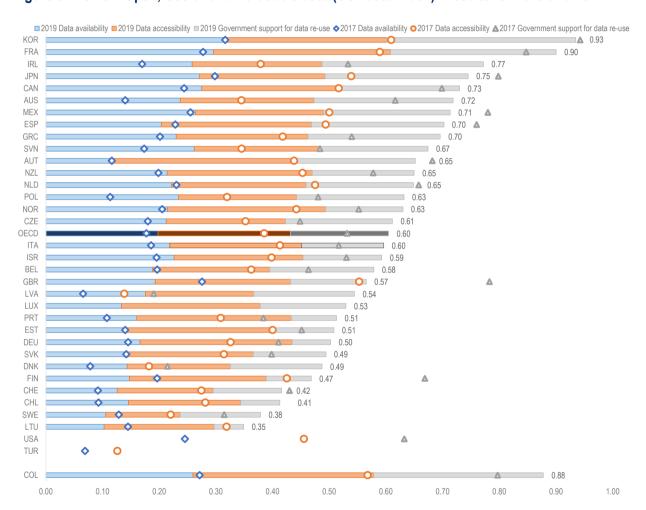


Figure 3.2. OECD Open, Useful and Re-usable data (OURdata Index): Results for 2019 and 2017

Source: OECD (2019[6]), "Open, Useful and Re-usable data (OURdata) Index: 2019", OECD Public Governance Policy Papers, No. 01, OECD Publishing, Paris, https://doi.org/10.1787/45f6de2d-en.

#### Stakeholder engagement

Civil society and citizens in OECD countries are often involved in open government reforms. Participation is advancing and evolving in OECD countries, even if it is not necessarily regulated in the legal or policy frameworks, because it is part of the political and institutional culture of most OECD members states. The level of engagement, however, varies greatly, ranging from online consultations to surveys, meetings and focus groups. Indeed, it tends to focus more on consultation than on more advanced forms of collaboration,

such as co-creation or co-management. Also, many forms of engagement are still ad-hoc rather than structured and institutionalised, affecting the overall quality of such engagement.

In addition, although the overall practice of engaging with citizens is advancing, it must be noted that in some OECD countries the **civic space** in which participation is supposed to take place is deteriorating somewhat. This raises concerns, since promoting and protecting civic space (defined as the set of legal, policy, institutional, and practical conditions necessary for non-governmental actors to access information, express themselves, associate, organise, and participate in public life) is a precondition for effective open government policies and stakeholder participation initiatives. Partly to address these challenges, the OECD launched the Observatory of Civic Space<sup>22</sup> in 2019. The aims of the Observatory are to monitor the legal, institutional and policy framework in which civil society organisations operate in OECD member and partner countries, as well as to support countries in promoting and protecting civic space and citizen engagement.

Despite these challenges, many positive examples of **meaningful involvement** of citizens and civil society can be found in OECD countries. This is the case for participatory budgeting in cities such as New York<sup>23</sup> and Paris<sup>24</sup> but also the world's first national participatory budget in Portugal<sup>25</sup>, or the Civic Participatory Service Design Teams encouraging citizens to participate in the design of certain public policies and services in Korea (Baek and Kim, 2018<sub>[7]</sub>). It is also the case for the increasingly widely-adopted deliberative practices described in the paragraph below. Another key role for citizens and CSOs to be found in most if not all OECD countries is the watchdog role, whereby stakeholders monitor and sometimes even evaluate the implementation of public policies, programmes and projects. Only about half of OECD countries, though, had adopted an overarching document (law, strategy, policy etc) focusing on citizen participation in the policy cycle as of 2016; these include the Standards of Public Participation in Austria<sup>26</sup> and the Administrative Procedure Act in Korea<sup>27</sup>, among others.

# The way forward: open state and innovative practices

It is, finally, worth mentioning that many OECD countries are taking steps beyond open government towards the concept of an **open state**. This is defined by the OECD Recommendation on Open Government as follows: "when the executive, legislature, judiciary, independent public institutions, and all levels of government - recognising their respective roles, prerogatives, and overall independence according to their existing legal and institutional frameworks - collaborate, exploit synergies, and share good practices and lessons learned among themselves and with other stakeholders to promote transparency, integrity, accountability, and stakeholder participation, in support of democracy and inclusive growth".

In practice, open state means mainstreaming open government principles beyond the executive branch to include the legislature (parliament), the judiciary, independent state institutions and sub-national governments (such as provinces or regions). This does not mean blurring the independence of the separate branches of the state from each other; instead it means adopting the open government principles of transparency, accountability, integrity and stakeholder participation as the guiding principles of the whole country, including all institutions and levels of power. As stated earlier, some OECD countries such as Costa Rica and Colombia have signed political declarations at the highest political and institutional level committing the country to moving towards an open state.

In other OECD countries, policies and projects for "open parliament", "open judiciary", "open municipalities" and so on have been designed or launched. Examples include Costa Rica's Policy for citizen participation in the judicial power<sup>28</sup> and initiatives such as the Open Justice Data initiative in Greece<sup>29</sup> and Open Justice in the Public Defender's Office in Chile<sup>30</sup>.

More specifically in the legislative branch, OECD countries have seen a multitude of strategies, actions and commitments to making parliaments more open, as in the case of the transparency portal of the Spanish congress<sup>31</sup> and the OGP action plan of France's National Assembly on "openness, transparency

and citizen participation"<sup>32</sup>. Several OGP national action plans of OECD countries also include specific commitments on open parliament, such as the commitment of the current Dutch OGP plan to improve access to the House's website<sup>33</sup>, the Greek commitment on open parliament data<sup>34</sup> or the "engagement with parliament" commitment to be found in the NAP of New Zealand<sup>35</sup>.

In addition, the growing **public sector innovation** agendas in OECD countries, as studied by the OECD Observatory of Public Sector Innovation (OPSI),<sup>36</sup> is symbiotic with accelerating open government and open state agendas, as both agendas are mutually reinforcing. 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, on the one hand innovative approaches (e.g. crowdsourcing, citizen-centred design and prototyping) facilitate the achievement and success of open government initiatives. On the other hand, open government initiatives have resulted in new products, services, and ways of working.

OECD countries have made significant advancements in public sector innovation in recent years. Thirty-six OECD countries and six non-member countries have adhered to the 2019 OECD Declaration on Public Sector Innovation<sup>37</sup> in which they committed to embrace innovation as one of the ways governments achieve their goals, acknowledge the advantages of a culture of openness, give permission to public servants to explore and engage with new ideas and ways of working, diffuse lessons and share best practices, and to cultivate new partnerships and involve different voices, among other commitments. All of these are vital to advancing both innovation and open government.

OPSI's recent work, *Embracing Innovation in Government: Global trends 2020*<sup>38</sup>, has found that a number of the latest trends in innovation involve a focus on open government. Examples are included below.

- Under the trend of "Innovative Responses to the COVID-19 Crisis",<sup>39</sup> one of the key emphases for government has been developing digitally-enabled and timely open communications processes to keep citizens and residents informed and to combat misinformation, and another was issuing open calls to action for hackathons, challenges, and collective intelligence activities.
- Under the trend of bringing about "Seamless Government", 40 a major focus of governments has been developing new forms of "collaborative infrastructure" to allow governments to better collaborate and receive insights from businesses, civil society organisations, and the public.
- A number of governments in OECD countries and beyond are leveraging innovation to specifically
  address the needs of overlooked segments of society<sup>41</sup>, including for example sophisticated
  analytics and user-centred approaches allowing to better prepare services and programmes for
  integration of migrants.
- Governments are also gaining access to richer data and better tools of analysis, allowing them to better tailor the services they deliver to their citizens, while responding to increasing demands for ethical practices to prevent potential misuse of data and mitigate privacy risks.<sup>42</sup>

When it comes to innovative open government practices, it is interesting to note that in the last few years and particularly since 2010, public authorities in many OECD counties (and beyond) at all levels of government have been piloting **deliberative processes** such as citizens' assemblies, juries, panels, and the like. In these processes, randomly selected citizens spend one or more days learning and collaborating through facilitated deliberation to develop informed collective recommendations for public authorities, including on complex and multifaceted public issues. The recent OECD report "Innovative Citizen Participation and New Democratic Institutions - Catching the Deliberative Wave" (OECD, 2020[8]) collected and analysed 289 case studies – of which 282 from OECD countries – of such deliberative processes.

A number of the deliberative models analysed were originated in OECD countries, such as the planning cell in Germany, the citizens' assembly in Canada and the consensus conference in Denmark. Some of the best known examples include The Irish Citizens' Assembly (2016-2018)<sup>43</sup> which involved 100 randomly selected citizens who considered five important legal and policy issues (abortion, ageing populations, referendum processes, fixed-term parliaments and climate change). Another example is the Citizen's

Convention on Climate in France, which is made up of 150 randomly selected citizens and has produced 150 proposals<sup>44</sup>. Also worth mentioning is the experience of Ostbelgien, the German-speaking Community of Belgium, combining a permanent representative deliberative body (a citizens' council formed by 24 randomly selected citizens with a mandate of 1.5 years) with the ongoing use of representative deliberative processes<sup>45</sup>.

#### Open government at the local level

As part of the move towards open state, open government principles are also increasingly applied and promoted at local level, as that is where interactions with citizens are most frequent, demands for responsive public services are most pressing and there is often more space to innovate. Indeed, many local authorities in OECD countries have started to engage citizens in the different phases of the policy and service cycles by including exchange of opinions in gatherings, community councils, hearings or town hall meetings. Indeed, open policymaking process via open consultations at local level is one of the most important steps towards building a local open government. In addition, a number of local authorities from OECD countries and beyond have recently joined the OGP<sup>46</sup>.

Some subnational governments have adopted, or are currently formulating, a comprehensive strategy for open government at local level. This is the case, for example, of the state of North Rhine-Westphalia in Germany which drafted a 2012-2017 open government strategy<sup>47</sup> and launched the Open.NRW portal, an information and open data platform. Other local authorities have drafted or are drafting their own OGP action plans, such as Scotland<sup>48</sup> as well as the Basque Country<sup>49</sup> and the city of Madrid<sup>50</sup> in Spain. Mexico included a commitment in its 2019-2021 OGP national action plan to "articulate the federal and local open government agendas, to turn them into a national strategy that allows progress towards the consolidation of an Open State in Mexico"<sup>51</sup>.

Many local authorities in OECD countries have also launched specific initiatives to foster transparency, accountability and citizen participation, among which the very well-known Decide Madrid<sup>52</sup> and Decidim Barcelona<sup>53</sup> platforms in Spain, Saxony's Beteiligungsportal (participation portal)<sup>54</sup> in Germany and the initiative for open local authorities in France<sup>55</sup>. In particular, over recent years, the trend towards participative budgeting has been taken up with success in a number of OECD countries particularly 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 (EUR 500 million in its last year) and the mechanisms adopted for submitting, selecting and prioritising projects; as of October 2020, 2 481 projects had been implemented since the initiative was launched in 2014<sup>56</sup>.

#### Remaining challenges

It is important to point out that while in recent years OECD countries have made significant progress in implementing the open government principles, the path has not always been easy and straightforward, and challenges remain.

A common challenge many OECD countries are confronted with is the scattered nature of open government interventions and the difficulty to ensure a consistent, coordinated approach. Indeed, despite the presence of offices in charge of horizontal coordination, open government initiatives tend to involve a wide range of institutions and actors, while cutting across sectors and line ministries, hence many governments are struggling to ensure overall coordination and that all initiatives contribute to the same goals. One of the ways to address this common problem is the OECD Secretariat's proposal to develop long-term national strategies on open government.

A second, recurrent challenge is the difficulty to measure and show the impact of open government reforms. While most OECD countries do closely monitor implementation of their open government

reforms—and all of them are able to report such empirical evidence—it has proven far more difficult to assess the long-term impact of such reforms on broader policy goals such as better healthcare or education. One of the goals of this paper is precisely to look more closely at the impact of open government initiatives.

Related to that, in some cases there is a risk of strongly focusing on one key component of open government, such as for example open data or online portals, which becomes the main or sole objective, thus clouding the focus on the ultimate goals of transparency, accountability and participation.

Especially during the first years of the recent open government movement, there was a strong focus on technological and ICT solutions, often considered a solution in itself, which overshadowed the important issues of changing the culture and practices of public administration. What is more, a sole focus on ICT has sometimes translated into widening the digital divide, further marginalising the citizens who are not at ease with modern technologies.

Challenges more specifically related to access to information and open data include finding the right balance with personal data protection, the problem of interpreting data and the difficulty to release "useful" data that citizens are interested in, instead of merely pumping out too much data.

When it comes to digital government, a key challenge is completing the transition from government-centred use of technologies to citizen-centred use, and finally to a citizen-driven approach to service design and delivery.

In addition, human resources remain a considerable challenge. In the OECD 2015 survey on open government, 22 OECD countries pointed out limited communication/awareness of the benefits of open government reforms among public officials as the main HR challenge and 19 countries cited general resistance to change/reforms in the public sector. The lack of sufficient or dedicated financial resources is also one of the main challenges to both implementing and coordinating open government initiatives.

Finally, it is fair to mention that progress has been slower than expected, on all open government principles and across all institutions and sectors. As a culture of governance, a behavioural change is needed in order to promote openness and this can take time. Some sectors related to national security or strategic interests might be more reluctant to embrace transparency, while some officials have only been recently confronted with accountability practices. Civic space has been shrinking in some countries and citizen participation often remains limited to basic forms of ad-hoc consultations, while more ambitious approaches of citizen engagement and deliberative democracy are not yet widely used. This often translates into weak, limited participation. More generally, limited trust between government and citizens or NGOs is often quoted as one of the main challenges in implementing open government initiatives, including in OECD member countries.

# Selected experiences from OECD countries

As OECD countries have been playing a leading role in the global open government movement, following the overview of the previous paragraph it seems appropriate to provide some more detailed, specific examples of how open government principles are put in practice concretely. Thus, this section looks at a number of case studies. While the list is by no means exhaustive and is not intended as a ranking, it does provide some more insight on specific open government measures and actions as well as their impact. The first cases concern the national level while the others are carried out locally, thus highlighting how open government initiatives can be successfully implemented at different levels.

While each country has its specificities and it might not be appropriate to replicate these initiatives in other contexts, Arab governments could find some inspiration in the following examples and reflect to which

extent these actions – once properly adapted and tailored to their local needs and contexts – could work in their countries and have a positive socio-economic impact.

#### Portugal Participatory Budget<sup>57</sup>

The Portugal Participatory Budget (PPB) is a democratic, direct and universal process that allows civil society to decide on public investments in different governmental areas. While participatory budget is a reality in many cities and local governments across OECD countries and beyond, as seen in the previous section, PPB is the first country-level public participatory budget in the world. It allows citizens to propose and vote on ideas for public spending funded by the National State Budget of Portugal.

The PPB addresses the problem of citizens feeling disconnected from politics, excluded from decision-making processes and eager to participate in shaping public policies. Indeed, the PPB consists of a hybrid participatory model that combines face-to-face interactions between citizens and the state with the use of ICT tools. The face-to-face approach is mainly based on participatory meetings held nationwide, in which the population is able to present and discuss their ideas in person, with the assistance of specialised personnel managing these sessions. Still, Portuguese citizens can also submit their proposals at Citizens Spots (assisted digital services counters) and at some public libraries all around the country. Allowing citizens to participate both through digital and more traditional channels, the initiative aims for greater inclusiveness and makes sure that those who are not tech-savvy can also participate.

For people who are more comfortable using ICTs, the proposals can be submitted online at the PPB portal. The portal aggregates all the information about the projects, allows citizens to submit their ideas for proposals and allows citizens to vote on the final set of options (which can also be done through free-of-charge SMS). The voting phase allows each citizen to vote twice: one vote for regional projects and another for national projects.

The first edition of the PPB was carried out in 2017 and gathered 1 015 ideas (Phase 1 – Collection of citizen's ideas), which resulted in 599 projects to be voted (Phase 2 – Technical analysis of the submitted ideas according to defined rules and criteria), 78 815 votes by the population (Phase 3 – Voting) and 38 winning projects, to be implemented by the government and by the respective sectorial services of the Public Administration. The first edition had a EUR 3 million budget, while the PPB 2018 had EUR 5 million at its disposal.

#### "Decide Madrid" and the Consul Platform58

CONSUL is an online platform for public participation in decision-making that was launched initially by the Madrid city council and subsequently adopted by several governments all over the world. The platform benefits from its open source code, making it openly available for any government, or CSO, to make use of it and propose improvements. CONSUL is designed for citizens to voice their concerns and participate through the development of proposals, voting on new laws, debates, "crowd laws", participatory budgets and consultations.

The initiative was initially conceived to address declining trust in public institutions and demands by Spanish citizen movements in the early 2010s for better democracy, in particular more transparency, accountability and participation in public life. The city of Madrid was determined to find a new way to engage with citizens and developed the CONSUL software, and launched it under the name "Decide Madrid" (Madrid decides) in 2015. Decide Madrid is the official platform serving as a one-stop shop for all official open governance processes in the municipality: it features several areas for participation such as spaces for debates, consultations, citizen proposals and participatory budgeting.

In particular, citizens can propose new local laws through a simple questionnaire and then local residents (aged 16+) can support their favourite proposals. Proposals that receive support from at least 1% of the population are sent to the final voting phase: registered users can contribute to the debate on the select initiatives, vote for or against motions and provide additional comments. The municipality has 30 days to

assess these proposals: if the assessment report rules in favour of the proposal, an action plan is written and published, while if the initiative is deemed unfeasible, then the City Council must draft an alternative proposal to address the same issue or publish the reasons preventing the initiative's implementation.

In terms of impact, Decide Madrid has achieved a high level of participation with more than 400 000 people registered. As of November 2017, almost 20 000 proposals were submitted and the amount allocated to participatory budgeting rose from EUR 60 million in 2016 to EUR 100 million in 2018.

As it is an open software platform, CONSUL's code can be used for free by any person or entity and be customised by any entity to suit its needs. It was developed in a participatory way and the development teams provide ongoing support to its users. Hence, it can provide a viable option for institutions and public administrations that are willing to develop digital participation but do not have the means or the expertise to develop their in-house solutions.

Today, CONSUL is used by 135 institutions in 35 countries, mostly local authorities, and it received the United Nations Public Service Award in 2018.

#### "STOP the Bureaucracy" portal in Slovenia<sup>59</sup>

The "STOP the Bureaucracy" online platform of the Slovenian Ministry of Public Administration provides users with an on-line one-stop-shop solution, where they receive information about ongoing government activities to streamline public services and procedures as well as create better legislation. The portal allows for systematic collection of citizen proposals on how to reduce red tape and a monitoring function for the implementation of such proposals.

This initiative is a response to the grievances of many citizens, business entities, interest associations and public servants that repeatedly complained about the burden of administrative barriers arising from laws and their enforcement.

The portal, which has been online since 2005, enables users to inform the ministry about the administrative barriers they encounter and in turn the complaints are forwarded to the competent authorities. The portal also allows users to review all proposals by category or entity and to access statistics on the number of messages received, the number of replies from authorities and so on. It also includes a section on best practices that result from cooperation between citizens, business entities and public administration bodies in reducing bureaucracy.

Thanks to the portal, the ministry estimated that EUR 365 million were saved between 2009 and 2015, following changes in regulations and simplification of procedures, counting for more than 30% of the perceived and measured administrative burdens. As of January 2021, the ministry estimated that with the help of submitted initiatives and related implemented measures, EUR 420 million are saved on an annual basis. At that time, 557 initiatives were reported as completed, 48 were in progress and only 39 were still awaiting a response by authorities.

#### "Mejora tu escuela" platform in Mexico (Huss and Keudel, 2020[9])

"Mejora tu Escuela" (Improve Your School) is an online platform launched in 2013 by the Mexican Institute for Competitiveness (IMCO) with support from the Omidyar Network to "promote citizen participation to improve education in Mexico", as it is stated on the platform itself. It allows parents to consult vast resources of open data (more than 25 databases are easily accessible through one entry point), rate and compare schools, provide feedback and report problems, such as cases of teacher absenteeism.

The initiative was intended as a response to a lack of information on the side of parents and to corruption-related problems. Indeed, the platform enables parents to compare schools, which empowers them to demand better education and helps them get involved in their children's schooling. With 40 000-45 000 unique visits a day, Mejora tu escuela has proven to be indeed a successful tool for citizen information and participation.

However, it is also a powerful tool against corruption in education. Thanks to the platform, the IMCO was able to detect large-scale misappropriation of funds for non-existent schools and teachers by comparing data with parents' feedback. In fact, ten states launched independent audits of their education systems' funding and there were several cases of teachers being fired due to absenteeism.

While the use of open data in education has been questioned in some cases for raising inequalities (because parents can see how schools score, they may have an incentive to move their children to the schools with the best results), this specific case seems to be a good example on how to balance transparency with broader societal impact.

#### Open government principles in procurement

An area where the open government principles of transparency, accountability and integrity can have considerable socio-economic impact is public procurement. Indeed, opening up data across procurement procedures and stages can lead to a reduction of information asymmetries as well as better social control over government spending.

In Poland, the GovTech initiative<sup>60</sup> has developed a challenge-based procurement model where the authors of the best idea receive a full implementation contract without the need for an additional cumbersome tender. This innovative approach addresses the reality that procurement regulations tend to be designed for large, experienced companies, to the detriment of small companies with original ideas. The impact is encouraging: a pilot run, tested in both central and local institutions, has increased SME participation in procurement processes by an average of a whopping 1 600% while one of the applications developed has decreased the tax fraud rate by over 80% in some markets. The Polish public administration sees GovTech as a possibility for cheaper and easier access to better solutions.

In Ukraine, which is not an OECD member, ProZorro<sup>61</sup> is a well-known government e-procurement system created by a partnership between business, government and civil society. Addressing allegations of corruption and limited competition, the system has been fully implemented since 2016 and is built on open source. In order to enhance transparency in procurement, ProZorro allows citizens to see all the information about the submitted proposals from all participants, decisions of the tender commission, all qualification documents and so on, and features monitoring tools to enable in-depth analysis and monitoring of public procurement. Speaking at a public event in May 2017, Ukrainian Prime Minister Volodymyr Groysman said that ProZorro has saved the nation UAH 24 billion (almost USD 900 million) since its launch<sup>62</sup> while the government later estimated that in its first two years of operation, ProZorro helped save USD 1.9 billion in public budget funds. The system has won several rewards including the World Procurement Award<sup>63</sup> and the Open Government Award<sup>64</sup>, both in 2016.

In Colombia, the Bogotá School Feeding Programme (Huss and Keudel, 2020[9]) is another interesting example where open data on government procurement in the capital of Colombia has been used to introduce an open contracting process. Responding to the challenge of low quality school meals despite high public spending, largely as a result of limited competition, Colombia's Public procurement agency, the Ministry of National Education and city authorities started a consultative process in 2015 that culminated in the introduction of an open contracting process based on an existing open procurement data portal. Open data identified inflated prices and price fixing, which led authorities to make several changes in the procurement procedure. The initiative had a significant impact: according to the national assessment, the number of suppliers quadrupled, savings of 10-15% were made thanks to cuts in intermediaries and the quality of school meals in Bogotá reached 98% of the standard set by the government.

#### Transparency, participation and accountability in the judiciary in Argentina<sup>65</sup>

Argentina, which is not an OECD member, has made several steps towards a more open justice system in the last few years. Two key initiatives of the Ministry of Justice in this field are Open Justice and Justice 2020. These efforts are meant to address information silos and limited transparency of the justice sector.

Open Justice is an open data portal (datos.jus.gob.ar) that publishes datasets with relevant information from a wide range of justice-related topics (access to justice, fight against corruption, human rights and criminal justice among others) including from the sub-national judicial institutions as Argentina is a federal country. The Open Justice data portal, launched in 2016, currently includes 60 datasets that are downloadable for free and are regularly updated. As of December 2019, it boasted visualisations and statistics on more than 2.3 million criminal and 1.5 million civil justice cases<sup>66</sup>.

The second key initiative of the Ministry is Justice 2020, a digital platform for civil society participation in justice-related issues (justicia2020.gob.ar). Initiatives and projects submitted by the Ministry are presented to 20 work teams and civil society can debate any topic in virtual debates and in-person workshops. As of September 2019, the platform counted 60 000 active members<sup>67</sup>.

These two initiatives contributed to Argentina moving up 37 places in the Open Data Index from 2015 to 2016<sup>68</sup> and some of the changes proposed in the Justice 2020 platform have been or are being implemented. These include the modernisation of registry processes and a simplification of processes in cases of flagrant violations.

Interestingly, open justice reforms in Argentina are also being promoted at local level. This is the case for the Open Justice and Innovation Lab (Juslab)<sup>69</sup>, a space for discussing, co-creating and designing solutions for justice sector problems in the capital city of Buenos Aires. JusLab holds periodic meetings, including training sessions, an annual open justice conference and hackathons. The capital city of Buenos Aires also has its own justice open data portal (<a href="https://jusbairesabierto.gob.ar/">https://jusbairesabierto.gob.ar/</a>) with tools for transparency and citizen participation.

#### Crowdsourcing the Mexico City constitution<sup>70</sup>

Moving now to initiatives that are more specifically conceived and implemented at local (sub-national) level, Mexico City adopted an innovative crowd-sourcing approach when drafting the city's first constitution.

Responding to widespread mistrust in government and perceptions that the city's first-ever constitution would be drafted by the city administration only, the mayor created a working group to draft the text, consisting of academics, activists, former mayors and other citizens representing a diverse cross-section of the population.

In addition, the municipality created several channels for public input. These included a survey "Imagine Your City" that asked citizens about their hopes, fears and ideas for the future of the city. Moreover, the city used Change.org to capture citizen petitions for the constitution: petitions receiving 10 000 signatures were presented to three representatives of the working group while those which received 50 000 signatures were presented directly to the mayor who committed to including them in the draft constitution. Finally, citizens were allowed to form their own meetings to discuss topics, and the meetings were advertised on the official web page of the Constitution.

In terms of outputs, the survey garnered 31 000 submissions, the Change.org platform collected 341 citizen proposals which received over 400 000 votes (11 received more than 10 000 signatures and 4 more than 50 000) while more than 100 discussion groups were formed. In the end, it was calculated that no less than 14 articles of the new constitution were based on citizen petitions. The constitution of Mexico City was published in February 2017 and came into force in September 2018.

#### Mayor's office Fix-it team in San Francisco<sup>71</sup>

The "Fix it team" was created in 2016 when the Mayor of San Francisco, California (USA) launched the Safe & Clean Neighborhoods Promise. The team, hosted in the Mayor's office, collaborates with residents to identify and address critical cleanliness and safety issues. It is a multi-agency collaboration, coordinating directly with city departments.

In the beginning, the team started working in five areas ("Fix-It Zones") based on quality of life concerns raised by residents to the mayor. Later on, the team created an equitable, transparent and data-driven model to determine the Fix-It Zones based on resident feedback collected through community surveys and an analysis of mapped 311<sup>72</sup> data and police data.

The team mostly addresses issues focused on the 'built environment' that do not require a capital investment to resolve, such as sidewalk cleanliness, street lighting, bus stop, street conditions, graffiti and more. In addition, the team provides residents with information about processes to address health and human service concerns. By working directly with city agencies, the Fix-It Team is able to draw on a diverse range of city services to address issues immediately, while also explaining complex municipal processes to residents. This makes the team a "one-stop-shop" for residents, thus removing barriers to accessing city officials and agency representatives.

The Fix-It process includes five stages: Identification of the challenges and opportunities (data and information gathering), Evaluation (mapping concerns and walking the area with the residents), Validation (walking the area with the relevant city agencies), Execution (action plan creation and service monitoring), and Reporting (sharing successes and roadblocks with residents, survey and feedback).

Over a two-year period, Fix-It has engaged with nearly 1 500 community members, completed nearly 4 000 identified "fixes" and hosted nearly 60 community meetings over 30 neighbourhoods in San Francisco. Through surveys and interviews with residents before and after its interventions, the team has found largely positive feedback from the community.

"Finding Places" in Hamburg: Public participation in refugees' accommodation process<sup>73</sup>

CityScope FindingPlaces is a Human Computer Interaction (HCI) platform designed and deployed to facilitate community meetings in order to find locations to accommodate refugees in the City of Hamburg, Germany.

This initiative was a response to the expected arrival of almost 80 000 refugees in Hamburg between the end of 2015 and early 2016. This influx posed major challenges, in particular given the limited space for refugee accommodation in densely built urban areas. Ad-hoc, temporary solution included hosting refugees in tents, warehouses or gymnasiums. In Hamburg, accommodation facilities concentrated in certain neighbourhoods while others received little to no refugees at all, raising tensions among the population. In early 2016, the city's mayor asked the City Science Lab of MIT and Hafen City University Hamburg to develop a participatory process that would enable citizens to engage in finding accommodations for refugees: the project was named FindingPlaces.

To enable well-documented, accessible and scalable citizen participation, MIT CityScope was proposed as a decision-making and knowledge-support tool. Featuring a Human Computer Interaction (HCI) urban modelling and simulation platform, CityScope is able to present contextualised information in an easy-to-comprehend and easy-to-interact manner. A CityScope platform features a tangible urban model, a local computational analysis unit, data and analysis server integrated with a Geographic Information System and a feedback module. CityScope usually includes a set of LEGO bricks acting as intractable spatial user interface (UI) elements. The computational analysis unit has sensors or cameras and computers for real-time scanning of interaction in the scene. The feedback module contains display screens, projectors and as well as AR, MR, VR or touch feedback.

The impact of this process was remarkable. Thanks to 34 workshops involving nearly 400 participants, 161 locations and accommodation solutions for almost 24 000 refugees were proposed by the participants, exceeding the initial targeted goal of 20 000. These proposals were evaluated by city authorities and while many were deemed unsuitable (due to nature or landscape conservation reasons or because of previously-planned housing projects), six locations were given the green light and 10 were taken into consideration for future planning.

#### Molenwaard Nearby74

The former municipality of Molenwaard was the Netherlands' first local council to operate without a town hall, deciding that instead of sitting at a service desk in the traditional sense of the concept, the local authority should go out into the community and always be "nearby".

Molenwaard was created on 1 January 2013 through the merger of three smaller municipalities in Western Netherlands, becoming a town of almost 30 000 inhabitants. This innovative idea came partly as a response to one of the challenges of merging three pre-existing towns, namely the need to decide where to build the new Molenwaard town hall, a project that would have cost around EUR 15 million, a sum exceeding what the three smaller municipalities had budgeted for.

Instead of building a new town hall, the local authorities launched Molenwaard Nearby: the municipality operates based on the idea that any place is suitable as a workplace for civil servants. Their workplaces are hosted in a Virtual Office that can be accessed at home or at one of the existing village halls, local clubs, cafés or at one of the buildings where the local authority rents office space. For personal dealings with citizens, the local authority basically goes out to where citizens or businesses are, functioning entirely by appointment.

The impact of this innovative practice was, on the one hand, the saving of the public funds that would have been needed to build a new town hall, and, on the other hand, the increased proximity between citizens and their local authority, which made local public services much more personal. On 1 January 2019, Molenwaard merged with another town, forming the new municipality of Molenlanden.

# How can these good practices inspire Arab countries

As each region and each country of the world is different, because of specific cultural, historical, political and social specificities, it would be a mistake to assume good practices that worked well in a certain country can always be translated and replicated identically elsewhere. However, sharing and discussing case studies can indeed prove a useful and powerful source of inspiration and innovation as it can provide governments at central and local level with new ideas, show alternative paths and stimulate reflection. The overview of open government in the OECD countries and specific case studies indicated in this chapter can inspire a number of avenues to be further explored by Arab leaders and citizens.

A first element to be highlighted is that open government initiatives can be conceived and successfully implemented at **different levels** and **across sectors**. Indeed, this chapter shows that transparency, accountability and participation can inform cross-cutting approaches across the whole public administration, such as simplification or procurement, but also sectoral policies and public services such as education. What is more, they can be applied beyond the executive branch of power, as many examples of "open justice" and "open parliament" projects clearly show.

These same principles can be pursued at central government level or locally. Indeed, some of the most innovative open government practices have been piloted or are more widespread at local level, as this is where interactions between citizens and public authorities tend to be more frequent and more concrete. In addition, it is also where there is often more space to experiment new approaches. This is certainly the case for participatory budget, now a reality in many cities, while still very limited at national level. The Consul platform is also much more widely used by cities and regions/provinces than by national governments. Many other local/municipal public services can largely benefit from openness, transparency and participation, as demonstrated by the cases of San Francisco, Hamburg and Molenwaard above. It might therefore be easier and more appropriate to start introducing and piloting new open government principles and practices at local rather than national level.

Another key lesson to reflect upon pertains to the **use of technology** as an enabler of open government reforms. Indeed ICTs are at the core of some of the most successful open government initiatives, which would not have been possible (or would have been much more limited) without a modern, user-friendly and interactive digital platform, portal or application. However, while ICTs can be a powerful means to increase transparency and citizen engagements, they are a tool rather than an end in and of itself. An open government initiative will be successful if, on top of adopting technology, it is participatory, well-designed, supported by political will and evaluated. On the other hand, the use of modern ICTs should always be balanced or complemented by offline tools to avoid widening the digital divide among sectors of the population: a hybrid blend of online and offline tools can indeed be found in the examples of Portugal, Mexico and Argentina provided above, among others.

In addition, the overview of this chapter shows that open government initiatives are not necessarily very costly for public administrations. While some budget is indeed often necessary, in some cases other **resources**, such as time, cultural shift and high-level leaders' engagement, can be even more important. Furthermore, the resources allocated to open government should be seen as an investment rather than an expense, as reforms in this field can lead to very concrete social economic impact, such as improving services while generating considerable savings for the public coffers, as some "open procurement" initiatives clearly demonstrate.

Finally, these examples show that an open government initiative is more likely to have an impact when it is part of a **larger**, **long-term strategy** and is well coordinated with other actions. For example, a participation portal is more likely to be successful if it is part of a larger citizen engagement strategy including other initiatives at different levels, while an open procurement project will probably lead to better socio-economic impact if it is part of a wider effort to improve integrity and accountability.

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- <sup>19</sup> The Survey on Digital Government 1.0 enables countries' assessments based on the OECD Digital Government Policy Framework (DGPF), which is built on the Recommendation of the Council on Digital Government Strategies, and embeds six dimensions that characterise a fully digital government: digital by design, data-driven public sector, government as a platform, open by default, user-driven and proactiveness.
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