

November, 2014

Open Government Partnership and Action Planning: Approach, Challenges and Practice

Introduction

On September 24, at the United Nations Headquarters, the Open Government Partnership formally welcomed Bosnia and Herzegovina as the 65th country to join the OGP¹. The Open Government Partnership (OGP) is an international voluntary initiative established on the principles of transparency, accountability and public participation. Launched in 2011 with the aim to provide an international platform for domestic reformers committed to making their governments more open, accountable, and responsive to citizens, the OGP has grown from eight countries to the 65 participating countries today. In all of these countries, government and civil society are working together to develop and implement ambitious open government reforms². Today there are more than 2000 initiatives implemented by different countries under the OGP, with the purpose of making governments more accountable and open³.

Different countries joined the initiative at different times, so some of them are now implementing their second Action Plan, some are implementing their first Action Plan and the most recent members, including Bosnia and Herzegovina, will be developing their first action plans. It is expected that Bosnia and Herzegovina will submit its first Action Plan to OGP by June 2015.

The purpose of this Policy memo is to outline key elements of action planning and suggest possible avenues for approaching the action planning process in Bosnia and Herzegovina in the following period, as the country is about to start working on its first Action Plan.

Some Facts on Action Planning

The Action Plan is a two-year strategic document in which OGP member states make strong commitments for the purpose of attaining the goals set in the Open Government Declaration⁴.

¹ See “OGP High-Level Event at the United Nations,” Open Government Partnership (OGP), <http://us3.campaign-archive1.com/?u=b25f647af089f5f52485a663d&id=cfe207b956&e=5ba0225249> (Accessed on November 13, 2014).

² See Open Government Partnership (OGP) website: <http://www.opengovpartnership.org/countries> (Accessed on November 13, 2014).

³ OGP’s vision is that more governments become sustainably more transparent, more accountable, and more responsive to their own citizens, with the ultimate goal of improving the quality of governance, as well as the quality of services that citizens receive. This will require a shift in norms and culture to ensure genuine dialogue and collaboration between governments and civil society. For more information, please see “Mission and Goals,” OGP, <http://www.opengovpartnership.org/about/mission-and-goals#sthash.o481A3XS.dpuf> (Accessed on November 13, 2014).

⁴ “Open Government Declaration,” OGP, <http://www.opengovpartnership.org/about/open-government-declaration> (Accessed on November 13, 2014).

Hence, the first step in action planning is to identify which priorities and activities will be incorporated in the Action Plan. Each country is asked to make commitments demonstrating its willingness and determination to attain the goals of the Open Government Partnership. These commitments must address the principles of the Open Government Declaration.

Governments of different countries made greatly varying commitments in the course of drafting their first action plans for the period 2012-2014. At the time, diversity added greater value to how countries perceived the principle of openness: Brazil committed to open budgets where officials disclosed expenses online, thus making the level of corruption instantly fall and trust in government rise; Chile committed to open campaigns giving voters information on who really paid the politicians, so citizens could ask and candidates could respond and report donations; United Kingdom committed to open data, so among the things disclosed were heart surgery success rates, enabling patients to compare and make hospitals compete for better quality, leading to a 50 % increase in the heart survival rate; Tanzania made a commitment on open development, declaring that water was an essential but scarce source, so rural citizens could send a text-message when the tap ran dry, the government would then respond and water would flow to where it was needed most; Latvia committed to open legislation, where petitions were posted online for gathering support and proposals went directly to the Parliament; New York open safety meant citizens used cell phones and cameras to report disasters, accidents or crimes and the government response could be tracked online.

Based on the experience arising from the first round of action plans, all OGP commitments from all the countries have been grouped into seven clusters, according to the intended reform results⁵:

1. Public Participation – Engaging Citizens in Policymaking.
2. Government Integrity – Fighting Corruption and Strengthening Democratic Institutions.
3. Freedom of Information – Guaranteeing Public Access to Government Information.
4. Fiscal Transparency – Helping Citizens Follow the Money.
5. Public Service Delivery – Making Services Work for the People.
6. Extractive Resources Transparency – Ensuring Extractive Revenues Are Used for Public Benefit.
7. Open Data – Digitizing and Opening Up Government Data for Access to Information and Transparency.

This made the OGP a rich platform, allowing countries to learn but also inspire one another in committing to greater goals contributing to greater values for the next round of action planning.

⁵ See more at: “What’s in the New OGP National Action Plan?” OGP, last modified September 29, 2014, <http://www.opengovpartnership.org/blog/open-government-partnership/2014/09/29/what%E2%80%99s-new-ogp-national-action-plans#sthash.9xYnjz6Y.dpuf> (Accessed on November 14, 2014).

In order to get inspired on what commitments to make, many good stories and examples can be found in the Open Government Guide at <http://www.opengovguide.com/>. The template and guidance on drafting an Action Plan, i.e. the document itself, is available at <http://www.opengovpartnership.org/how-it-works/action-plans>.

However, the Action Plan is not necessarily all about new commitments. In each country there are already many ongoing activities on transparency, anticorruption, accountability, efficiency and good governance, which can be included in the Action Plan. The OGP platform shall contribute towards joining forces, capacities and resources of different stakeholders in society for achieving better results in all those activities.

The Partnership Principle

The partnership principle is strongly embedded in the OGP. For example, its Steering Committee⁶ - the OGP's executive body on the international level which oversees the strategic direction of the Initiative – consists of an equal number of representatives from governments and civil society organizations. Today, The OGP Steering Committee has 22 members - half of the members represent civil society and half represent governments⁷. Therefore, the drafting of the Action Plan, as well as its implementation, has to be done in partnership between the government and civil society in the respective country. Hence, partnership, on one hand, represents a partnership of open governments in the international sense, but it also demonstrates that this initiative stands for the partnership between governments and civil society at the national level, thus making these governments more open and responsive to the needs of their own citizens.

OGP in the Government: The Leading Agency and Contact Points

Generally, the Foreign Affairs Minister or another member of Government proclaims that the country is joining the OGP. Then, the OGP Secretariat (a.k.a. OGP Support Unit) asks the respective country to submit an online form where contact persons from the Government are listed. This is basically the contact institutions/leading agency to whom the OGP Secretariat communicates news and information on the international level. For this purpose, two contacts are requested:

⁶ The Open Government Partnership Steering Committee is comprised of government and civil society representatives that together guide the ongoing development and direction of the OGP, maintaining the highest standards of the initiative and ensuring its long-term sustainability. For more information, please see "Steering Committee," OGP, <http://www.opengovpartnership.org/about/steering-committee#sthash.4jrLBwQR.dpuf> (Accessed on November 14, 2014).

⁷ As of October 1, 2014, the following governments are members of the Steering Committee: Brazil, Croatia, France, Georgia, Indonesia, Mexico, the Philippines, Tanzania, South Africa, United Kingdom and United States. Civil society is represented by members of the International NGO Forum on Indonesian Development, World Resources Institute, Pro-Etica, Open Government Institute, Open Democracy Advice Centre, GESOC, A.C., Natural Resource Governance Institute, International Budget Partnership, Tax Justice Network-Africa, Transparency & Accountability Initiative (Omidyar) Twaweza. "Steering Committee 2014 Rotation-Results," OGP, <http://www.opengovpartnership.org/about/steering-committee/steering-committee-2014-rotation-results#sthash.59NzqGlp.dpuf> (Accessed on November 14, 2014).

- One is a high-level political contact, i.e. the political figure in charge of the leading agency. This contact is informed of important OGP events and receives information that needs to be sent to the political addressee and is also responsible for uploading on the OGP official website any documents that refer to the respective country.
- The second contact is the operational one, such as a civil servant employed in the leading agency, who is contacted on all the operational issues regarding the OGP, news that the countries need be acquainted with, messages that need to be passed from the OGP to the government, etc. This person is also contacted by the OGP Support Unit several times a year to provide feedback on the status of implementation of the OGP Action Plan. This person's contacts are published on the OGP website as a country contact point.

Basically, the leading agency is the liaison office between the OGP and the government of the respective country both on the political and on the operational level. This is the institution that gets the leading role in creating the Action Plan.

The country profile of each OGP member state can be found here: <http://www.opengovpartnership.org/countries>

However, the coordinative role of the leading agency is not to be mistaken with the implementative role of different government agencies. This means that the leading agency will remain the focal point of the government and will have the main coordinative role of the process of drafting the Action Plan and collecting data on its implementation, but a different government agency shall be responsible for the implementation of each individual commitment in the Action Plan, depending on its content.

This was the lesson learned in the case of United Kingdom, by the Minister's Cabinet office (that would be the Minister in charge of administration) and in Macedonia, where the burden of such work was carried by the Department of Information Society and Administration throughout, not only in the drafting process, but also during the implementation of the entire first Action Plan.

It is thus recommended that the leading institution asks for civil servants to be identified in the responsible government departments or other agencies who will be in charge of the implementation of the different priorities within the Action Plan. Given the structure of the commitments, it is not difficult to assume who should be involved. For instance, on fiscal transparency, representatives from the Department of Finance (the budget authority needs to be involved), as well as authorities from the Public Procurement Office. In the area of freedom of information, the appellate institution overseeing the right to free access to information shall take the leading role. If the country commits to open legislation, then both the authority administrating open policymaking, as well as the authority in charge of citizen engagement shall take the key role in developing the Action Plan for this commitment.

Guidance for leading institutions is available at: <http://www.opengovpartnership.org/sites/default/files/attachments/Additional%20Guidance%20Consultation%202014.pdf>

The leading institution has the obligation to inform the government about its responsibilities and obligations deriving from the OGP membership in line with its internal procedures (depending on the country). Also, it shall outline, by itself or in cooperation with other departments/agencies what possible commitments the government of the respective country can make. Certainly, the commitments are expected to correspond to OGP values.

The leading institution shall also inform the government that the country has an obligation to develop an Action Plan through a multi-stakeholder, open and participatory process, leaving enough room for proposals and suggestions from civil society. So, at this stage, there shall be just a general framework of the Bosnia and Herzegovina Government's commitments regarding the OGP.

Broad Consultations on Action Planning

While identifying the institutions, the leading agency shall make a public announcement that an Action Plan will be developed soon, including as precise a date for starting the process as possible. The public announcement shall also serve as a call for expressions of interest for all stakeholders, particularly civil society organizations (CSOs), who are interested in participating in the drafting of the OGP Action Plan for the country in question.

Interested CSOs shall submit their contacts to the leading agency. Given the fact that it is always challenging to reach out to all relevant CSOs, it will be of high assistance to the leading agency and for the benefit of inclusiveness, actually, if some of the bigger CSOs offer to distribute such an announcement to their colleagues in other CSOs. Also, the other involved government institutions shall supply their contacts of CSOs they have/had cooperation with to the leading agency.

No harm is done if not everyone comes on board from the very beginning as the drafting of the OGP Action Plan and its implementation remains an open process for everyone who wants to join at any time.

The public announcement shall be published on a website known to be frequently visited by citizens and civil society organizations (usually e-democracy websites, or open legislation websites, or websites for cooperation with NGOs, etc.). That would be considered to be the online mechanism providing for transparency and inclusiveness of the drafting process.

It is recommended that the first draft of the Action Plan, along with all relevant documents, is published there when available. It is highly recommended to also disclose the comments received from stakeholders. Certainly, the online consultation mechanism shall be available at all times.

Offline consultations have a different value, too. It is very good to start the drafting process with a public event where all interested parties who want to participate will be presented the timeline of the process and where they can submit their input. Such an event should be organized by the leading institution, and should be open to all media outlets as well.

Any other platforms or useful consultative tools that may be proposed by the participants (both from the government or the CSOs) are welcome.

Identifying Civil Society Organizations to Participate in the Development of the Action Plan

The key factor for successful action planning is to clearly define who shall draft the Action Plan. In order to start the process, the first step is identifying the institution, agency or organization which will have a leading role in the process. This applies to both the government agencies/institutions and to civil society organizations. Even though in most of the cases a government agency is the leading institution, such as a relevant government department, there are countries like Croatia, for example, where the drafting process of the Action Plan was conveyed to a civil society organization. There are also countries like Spain, for example, where, despite the government, the civil society was the strong leader in the process, putting forward key principles, such as freedom of information. Therefore, the process of drafting the Action Plan can only start after CSOs have been identified.

When it comes to engaging the civil society, the leading agency can ask for assistance from the World Bank local office or UNDP, due to the fact they have a formal relationship with the OGP. Also, the Delegation of the EU Commission plays a large role in civil society engagement through different projects, so they can also give assistance in obtaining the right contacts.

One possible way to ensure the proper involvement of civil society is to use the same model as for the government institutions - just as there is a leading institution from the departments/agencies, there should be a leading civil society organization. This civil society organization shall have the capacity to perform a sort of advocacy role, because there are small NGOs who are understaffed and cannot be actively involved during the whole process, including both the drafting and the implementation. This does not make their standing less valuable, quite the contrary. Such a representative organization can take care of and put forward the smaller CSOs' interests. This also adds value to CSOs on the local/municipal level which cannot afford travel to the capitals where drafting usually takes place. This is why it is essential for one civil society organization to take the leading role in coordinating or gathering input from the NGOs who cannot participate.

Some CSOs will only be interested in submitting proposals for certain aspects of the Action Plan that are in their area or scope of interest or improving some already defined priorities. Other CSOs will demonstrate interest in submitting their proposals for some of the commitments and actively follow their implementation. And thirdly, there will be traditionally bigger CSOs which are already involved in many good governance/ anticorruption/transparency projects, that will be interested in participating in drafting the Action Plan, shaping its content, taking over activities under their implementation and monitoring the full implementation of the commitments as well as measuring the impact the OGP has made in the respective country. The last described type of CSO is identified by the rest of the CSOs as a leading organization that has the knowledge, capacity and resources to ensure proper implementation of the civil society interests in the OGP Action Plan, but also the partnership as a whole. That is how this organization is identified as the leader. Also, such a CSO has an overview of the existing civil society interests that can be better achieved through a platform such as the one the OGP offers.

Key Steps in the Process of Drafting the Action Plan

Once the commitments have been determined, all the involved institutions and civil society representatives can work together in defining the measures in the Action Plan. This can take place at separate meetings per commitment or at the level of the whole working group for the entire Action Plan. In any case, a dialogue between government institutions and CSOs shall be established. The result of the work shall be the Draft Action Plan, which is then submitted to the government for its adoption. Given the complexity of the process and also the structure of the document, it can be assumed that there will be quite an impressive number of participants (to be potentially part of the national OGP working group/forum/platform) and relevant steps to be undertaken during the drafting of the Action Plan, such as the following:

1. It is recommended that there is one big event marking the beginning of the process of starting the drafting of the OGP Action Plan. It has no significance whether it is organized by the government, the CSOs or the office of any international organization in the country. The importance of such an event is to open public dialogue on the subject matter.
2. However, in order to have a concrete debate, the invited stakeholders and CSOs shall be presented some draft or a framework of the Action Plan. This document shall clearly outline the government commitments reflecting the OGP values. It can also suggest measures on how to implement them. It will be underlined that they serve only as examples and that the entire content is open to public debate.
3. This document shall be published on the previously mentioned interactive platform and presented at this kick-off meeting (event from Point 1). There shall be some directions or guidelines such as deadlines and general rules of procedure on how and when comments can be submitted. There shall be a contact point in the leading agency (email) where the proposals can be submitted. Proposals can be submitted in hard copy, but it is good to get them electronically so they can be published on the interactive platform (website).
4. Either during the course of the event or thereafter, the leading agency shall invite the CSOs to nominate contact persons for the different commitments, depending on what aspects of the OGP the respective CSOs wish to participate in. There are no limitations to how many of the commitments one CSO wants to be part of.
5. For the purpose of drafting the Action Plan itself, one possible approach is to establish one major working group for the entire Action Plan, and then to divide it into specialized subgroups for the different priorities. These subgroups could reflect the recently established working groups on the international level within the OGP initiative. This way, ideas and experiences can be exchanged if the participating members decide to join these groups. A leading role on the separate priority can be taken by the competent agency for that priority which is different from the leading agency. There are five working groups at the OGP level,⁸ which can be reflected in the subgroups structure of the country's working group:

⁸ "OGP Working Groups," OGP, <http://www.opengovpartnership.org/get-involved/join-working-group> (Accessed on November 14, 2014).

- Fiscal Openness Working Group;
 - Legislative Openness Working Group;
 - Access to Information Working Group;
 - Open Data Working Group;
 - Openness in Natural Resources Working Group.
6. In case the drafting is still not at such an advanced level, the leading agency will gather the input or hold the meetings. The manner of work can vary - there is no limitation of what platform the country chooses, as long as it allows for the exchange of proposals and ideas.
 7. Then, the leading agency gathers the input and creates the Draft Action Plan. Whenever there is newer version of the Action Plan, it shall be published with clear markings of its versions, as first draft, second draft, and so on.
 8. The civil society can also play a proactive role in organizing public debates or other types of consultations and provide recommendations to the leading agency. In the meantime, the leading agency shall inform the government through its internal procedure if there are some additional requests for commitments coming from civil society.
 9. It is recommended that there is one final meeting (event) where everyone who participated is invited. The final draft of the Action Plan shall be presented to the working subgroups/ the entire forum/platform.
 10. The leading agency submits the final draft of the Action Plan to the government for adoption, outlining the wide consultative process. Once the government adopts the Action Plan, the leading agency translates the document to English and submits it to the OGP Support Unit to be uploaded on the official webpage for the specific country on the OGP website⁹.
 11. Since Bosnia and Herzegovina, according to the date of joining the OGP, is in group 4¹⁰, it is required to submit its first Action Plan by June 2015¹¹. The leading agency can ask the OGP Support Unit for comments or consultations. In terms of implementation, the leading agency shall communicate to all the participating parties (the working group/ forum/platform) how the Action Plan will be implemented, depending on whether there shall be quarterly, biannual or other dynamic of monitoring the implementation and informing the government. This depends on the deadlines set in the Action Plan for the different measures.
 12. Continuity of the multi-stakeholder approach shall be maintained during the implementation (e.g. meetings of the working groups, regular updates on the platform, and meetings of the forum).

⁹ "Bosnia and Herzegovina," OGP, <http://www.opengovpartnership.org/country/bosnia-and-herzegovina> (Accessed on November 14, 2014).

¹⁰ Cohort 4 Countries - Australia, France, Ireland, Malawi, Mongolia, New Zealand, Sierra Leone, Serbia, Trinidad and Tobago, and Tunisia: "Dates and Deadlines," OGP, <http://www.opengovpartnership.org/how-it-works/dates-and-deadlines#sthash.flICGdcZ.dpuf> (Accessed on November 14, 2014).

¹¹ Full calendar of important dates is available in Ibid.

All relevant information about the content of the Action Plan can be found here
<http://www.opengovpartnership.org/node/1339>



Action Plan Template and Guidance 2014.pdf



Additional Guidance Consultation 2014.pdf



What's in the New Action Plans - 35 countries.pdf

Good examples from the countries which developed their second action plans can be found here:
<http://www.opengovpartnership.org/sites/default/files/attachments/What%27s%20in%20the%20New%20Action%20Plans%20-%2035%20countries.pdf>

Self-Assessment and Independent Monitoring Mechanism

Once a year, each country is asked to prepare a self-assessment report on the progress in the implementation of the Action Plan. There is no specific template for the manner in which the report shall be structured, however it is recommended that it shall follow the structure of the Action Plan, i.e. containing information on each priority.

Useful guidance can be found in the following document: http://www.opengovpartnership.org/sites/default/files/attachments/Final%20Government%20Self%20Assessment%20Guidelines_0_0.pdf

Also, there is another report prepared by the Independent Reporting Mechanism¹². There is one researcher per country selected by public call to prepare such a report and that researcher comes from civil society.

It is recommended that the researcher is involved in the process of drafting the Action Plan for the OGP so that they can get the answers to many of the questions that are entailed in their report reflecting on the participation, involvement of civil society, the consultation process, etc.

The researcher can participate only as an observer in the working group that will be developing and implementing the Action Plan.

¹² The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries. The IRM produces biannual independent progress reports for each country participating in the 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.

This publication is the result of the project “Advocacy for Open Government: Supporting the Right to Know in South East Europe,” which is being implemented in six Western Balkans countries: Albania, Bosnia and Herzegovina, Montenegro, Macedonia, Serbia and Kosovo.



2014 © Analitika – Center for Social Research, all rights reserved.

The contents of this publication are the sole responsibility of the Center for Social Research Analitika and can in no way be taken to reflect the views of the European Union or the Open Society Fund Bosnia and Herzegovina.

This publication is funded by the European Union and the Open Society Fund Bosnia and Herzegovina.



ANALITIKA - Center for Social Research is an independent, non-profit, non-governmental policy research and development center based in Sarajevo, Bosnia and Herzegovina. The mission of Analitika is to offer well-researched, relevant, innovative and practical recommendations that help drive the public policy process forward, and to promote inclusive policy changes that are responsive to public interest.

Kaptol 5, 71000 Sarajevo, Bosnia and Herzegovina
info@analitika.ba
www.analitika.ba