



OPEN
GOVERNMENT
GUIDE

All Topics

Customised Report

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Table of Contents

Introduction	3
Aid (Publish What You Fund)	5
Assets disclosure and conflicts of interest (Global Integrity)	21
Budgets (International Budget Partnership)	35
Citizen engagement (Involve)	61
Construction (Construction Sector Transparency Initiative (CoST))	89
Consumer Protection (Consumers International)	104
Elections (National Democratic Institute)	118
Environment (The Access Initiative)	139
Extractive industry (Revenue Watch Institute)	154
Fisheries (Chr. Michelsen Institute (CMI))	174
Land (Global Witness)	182
Open government data (Sunlight Foundation and Open Knowledge Foundation)	197
Parliaments (National Democratic Institute)	218
Police and public security (Open Society Foundation)	240
Privacy and Data Protection (Open Rights Group, Privacy International and)	255
Public contracting (Open Contracting Partnership)	271
Public services (Twaweza and Involve)	295
Records management (International Records Management Trust)	315
Right to information (Access Info and Centre for Law and Democracy)	329
Tax and Illicit flows (Center for Global Development)	349
Whistleblower protection (Whistleblowing International Network)	361
Annex: Standards and Guidance	374
Annex: Acknowledgements	440

Introduction

At the heart of open government are the ideas of transparency, participation and accountability. As a working definition;

- **Transparency** means the public understands the workings of their government
- **Participation** means public can influence the workings of government by engaging with public policy processes and public service providers
- **Accountability** means the public can hold the government to account for its policy and service delivery performance

i More about definitions can be found at www.opengovguide.com/glossary

The Guide has been developed by the Transparency and Accountability Initiative (T/AI). It aims to support governments and civil society organisations to advance transparency, accountability and participation particularly as part of the Open Government Partnership. It highlights practical, measurable, specific and actionable steps that governments can, and are taking to advance open government.

The full guide covers a broad range of topics, and more are being developed.




Cross cutting topics	Focused topics
Assets disclosure and conflicts of interest	Aid
Budgets	Construction
Citizen engagement	Consumer Protection
Open government data	Elections
Privacy and Data Protection	Environment
Public contracting	Extractive industry
Public services	Fisheries
Records management	Land
Right to information	Parliaments
Whistleblower protection	Police and public security
	Tax and Illicit flows

i A full index can be found at www.opengovguide.com/topics

Each Topic has been developed by an expert organisation and offers a flexible menu of 'illustrative commitments' which governments could adopt.

- Initial steps** – actions that a country can take starting from a relatively low baseline
- Intermediate steps** – actions that countries can take once they have already made moderate progress
- Advanced steps** – established best practice demonstrated by the most advance performers
- Innovative steps** – new approaches which countries are trying out

For each step the Guide lists.

-  **Recommendations** – detailed guidance from expert networks
-  **Standards and guidance** – key principles, guidance, reports, rankings and tools
-  **Country examples** – examples in practice from around the world

The levels of ambition do not imply that countries must work through the steps one by one, or that the country examples given in relation to a particular action implies an overall rating of national progress. Rather, it seeks to offer a flexible framework to support national dialogues about reforms in support of progress towards greater openness.

This document is a customised extract from the full online guide, which is a work in progress. Opengovguide.com is not just a static website. We hope that it will continue to grow with new case examples, resources and ideas. Contact info@opengovguide.com with comments and suggestions.

About T/AI

T/AI is a donor collaborative that aims to seize momentum and expand the impact breadth and coordination of funding and activity in the transparency and accountability field as well as to explore applications of this work in new areas. The collaborative includes the Ford Foundation, Hivos, the International Budget Partnership, the Omidyar Network, the Open Society Foundations (OSF), the Revenue Watch Institute, the UK Department for International Development and the William and Flora Hewlett Foundation

The contents of The Guide are attributable to the contributors for each Topic. The Transparency and Accountability Initiative members do not necessarily endorse the recommendations mentioned in the publication and website.

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Aid

 **Lead author:** [Publish What You Fund](#)

Introduction

For aid to be effective it depends on:

- Donors and recipient governments (and institutions) being mutually accountable for commitments and results;
- Recipient governments and institutions being accountable to their own citizens;
- Donor governments being accountable to their own citizens;
- Accountability between donors on commitments and coordination (Mulley, 2011).

Transparency underpins all of these forms of accountability. It is therefore important that donors provide information about the aid they give, and that they make this information publicly available in a comparable format and a way that people can easily understand. More and better information about aid will help to maximise the effectiveness of aid in reducing poverty because it helps partner countries and donor institutions plan and manage aid resources more effectively, parliaments and CSOs to hold governments to account for their use of aid resources and domestic taxpayers to see where their money is going, maintaining public support for development cooperation a time of financial stringency.

Without transparent aid information, countries that receive aid lack vital information to make decisions about domestic budgeting and spending, while donors are unable to judge where aid is most needed and how effective it is. Improving transparency and accountability in aid can also help to support the development of comprehensive and transparent national budgets which are crucial for citizens to hold their government to account in managing public money.

In 2005, under the Paris Declaration, donors committed to “provide timely, transparent and comprehensive information on aid flows so as to enable partner authorities to present comprehensive budget reports to their legislators and citizens”. At the Fourth High Level Forum on Aid Effectiveness in Busan in 2011, donors made their commitments more specific, agreeing to implement a **common, open standard** for publishing aid information, based on the OECD’s Creditor Reporting System (CRS) and the International Aid Transparency Initiative (IATI). Each organisation that endorsed Busan Partnership was expected to produce implementation schedules by December 2012 and aim to fully implement the common standard by December 2015.

References

Paris Declaration and Accra Agenda <http://www.oecd.org/dac/effectiveness/parisdeclarationandaccraagendaforaction.htm>

Fourth High Level Forum on Aid Effectiveness, 2011, Busan Partnership
<http://www.oecd.org/dac/effectiveness/busanpartnership.htm>

A-hoc group for the common standard, 2012, What is the common standard for aid information? Paris: OECD.

Mulley, S, 2011, Donor aid New frontiers in transparency and accountability, London: T/A I.

Expert Organisations

AidData <http://www.aiddata.org>

Aidinfo <http://www.aidinfo.org>

International Aid Transparency Initiative <http://www.aidtransparency.net>

Open Aid Partnership <http://www.openaidmap.org>

Publish What You Fund <http://www.PublishWhatYouFund.org>

Summary of illustrative commitments

Initial

- Join the International Aid Transparency Initiative (IATI)

Intermediate

- Begin publishing information to the IATI Registry (donors)
- Demand information from donors in line with the IATI standard (recipients)

Advanced

- Automate publication of comprehensive, timely, detailed and high quality information (donors)
- Integrate aid information into domestic budget planning (recipients)
- Publish more detailed information on aid flows including performance information, sub-national location, results and project documents (donors)

Innovative

- Encourage the development of tools to share and interpret aid data
- Engage the public in debates on development policy (donors)
- Promote access to and use aid information by all stakeholders

Detailed Recommendations

Initial Step: Join the International Aid Transparency Initiative (IATI)

Justification

Recipient governments require current and forward spending information for effective domestic planning. Often this information already exists in donors' systems, but in different places and different formats. More accessible, comprehensive, comparable and timely information is crucial to maximise aid effectiveness, promote accountability and reduce scope for corruption.

The International Aid Transparency Initiative (IATI) is a mechanism designed to help donors deliver on their commitments to make aid more predictable and to publish more timely aid information. IATI provides a comparable data format, meaning that information published in this format can be easily accessed and compared, regardless of which donor has published it. Using the approach of "publish once, use often", IATI provides a streamlined way for donors to publish detailed information which can be accessed by different stakeholders for different purposes.

Recommendations

1. Join IATI. IATI membership is open to any organisation that commits to the Initiative's [objectives and aims](#).
2. Develop and submit an implementation schedule detailing what information elements will be published and by when (Donors).
3. Continue to update the implementation schedule to reflect progress and system changes.

Standards & Guidance

- Aid Transparency Tracker <http://tracker.publishwhatyoufund.org/>
- IATI Standard <http://iatistandard.org/>
- IATI: Template for IATI implementation schedules <http://www.oecd.org/dac/aid-architecture/acommonstandard.htm>

Country Examples

 15 donor countries and 22 recipient countries have signed up to IATI

The 15 donor countries that have signed up to the IATI are: Australia, Belgium, Canada, Denmark, Finland, Germany, Ireland, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, the United Kingdom and the United States. The 22 recipient countries are Bangladesh, Burkina Faso, Colombia, Democratic Republic of Congo, Dominican Republic, Ghana, Honduras, Indonesia, Lebanon, Liberia, Madagascar, Malawi, Moldova, Montenegro, Nepal, Papua New Guinea, Republic of Congo, Rwanda, Sierra Leone, Syria, Tanzania and Viet Nam.

In their June 2013 meeting, G8 countries – including France, Italy, Japan and Russia – committed to publishing to the International Aid Transparency Initiative (IATI) by 2015, stating in the Lough Erne communiqué that "transparent data on G8 development assistance are... essential for accountability."

- <http://www.aidtransparency.net/whos-involved>

Intermediate Step: Begin publishing information to the IATI Registry (donors)

Justification

Aid agencies often publish a significant amount of information already, and collect even more. Getting started with publishing this information in the IATI format means “publishing what you can” and improving data quality and coverage in a step-based approach. Different bureaus or departments within agencies may be able to move at a faster pace than the pace set by the entire agency and should be encouraged to do so.

Recommendations

1. Conduct a detailed mapping of how existing data aligns with IATI and determine if changes can be made.
2. Consider what, if any, new processes will need to be developed to accommodate IATI compliance.
3. Establish a license and disclosure policy – including outlining exclusions, so that users understand what information is and is not being published, and how it can be used.
4. Start publishing data in IATI XML format. Donors with more than one agency responsible for administering or delivering their aid activities should begin publishing information for their highest spending agency and then expand to include other agencies.

Standards & Guidance

- Busan outcome document <http://www.publishwhatyoufund.org/files/Second-draft-busan-outcome-document.pdf>
- G8: Lough Erne Declaration <http://www.whitehouse.gov/the-press-office/2013/06/18/lough-erne-declaration>
- G8: Open Data Charter <http://www.publishwhatyoufund.org/index/2012-index/>
- IATI Standard <http://iatistandard.org/>
- PWYF: 2012 Aid Transparency Index <http://www.publishwhatyoufund.org/index/2012-index/>

Country Examples

Canada has committed to implement the International Aid Transparency Initiative as part of its OGP Action Plan

As part of the Canadian Open Government Partnership National Action Plan, Canada has promised to implement the International Aid Transparency Initiative (IATI). In Year 1, Canada will review all IATI requirements and publish its plan to make information about the Canadian International Development Agency (CIDA) activities available and accessible, and in Years 2 and 3, the focus will be on implementation and reporting.

- <http://www.opengovpartnership.org/country/commitment/international-aid-transparency-initiative>

Denmark has launched a comprehensive aid transparency initiative as part of its OGP Action Plan

The Danish Ministry of Foreign Affairs has launched a transparency initiative, which will bring detailed information about all foreign aid and development assistance projects and programmes. The initiative includes:

- **Send feedback to Danida:** Organisations or individuals can directly praise, criticise or raise a complaint.
- **Report corruption:** Report any suspected irregularity or if you have experienced corruption related to its activities.
- **Participate in public consultations:** A line-up for the next few months is already posted, with each consultation running for two weeks.
- **View documents:** See minutes, summaries from meetings of the Council for Development Policy, which provides strategic advice to the development cooperation minister, or proposals for deliberation.
- **Access data on projects and programs:** Will update its database annually.

Danida also began publishing to the International Aid Transparency Initiative (IATI) Registry and published a schedule to fully implement IATI,

- <http://www.opengovpartnership.org/country/denmark/action-plan>
- <http://um.dk/en/danida-en/about-danida/danida-transparency/>

Spain is implementing a system to ensure aid transparency in line with IATI

Spain has included three areas of concern to aid transparency in its Open Government Partnership National Action Plan.

1. Through Spain's Official Development Assistance information system (info@OD), Spain is gradually implementing a system to ensure aid transparency in line with the International Aid Transparency Initiative.
 2. The Spanish Agency for International Development Cooperation (AECID) is committed to increasing its transparency, for example, by publishing an annual report containing information on implementation of the previous year's budget, the monitoring of the planning, and a report on the actions carried out.
 3. Spain is increasing the transparency requirements with regard to subsidies granted by AECID. Announcements of subsidies and decisions taken will be published, as well as the criteria for evaluation thereof. This transparency requirement covers all actors receiving Spanish public funds, whether non-governmental organisations, multilateral organisations or governments.
- <http://www.opengovpartnership.org/country/commitment/transparency-and-accountability-official-development-assistance>

Sweden has launched a web-based platform, Openaid.se to provide access to aid data in open format in line with IATI


Aid transparency features heavily in Sweden's Open Government Partnership National Action Plan. The three main components of Sweden's aid transparency agenda are: Open Aid- a reform agenda, a transparency guarantee, and Openaid.se- a web-based platform.

1. In 2009, Sweden launched Open Aid, a reform agenda for Swedish development cooperation with the purpose of opening up development cooperation to transparency and ideas from others.
2. In 2010, a transparency guarantee was introduced into Swedish development assistance. The guarantee means that all public documents and public information will be made available online. The information must explain when, to whom and why money has been made available, and what results have been achieved. The transparency

guarantee applies to all public actors who have been allocated funds under the international development cooperation expenditure area.

3. In 2011, Sweden launched a web-based platform, Openaid.se. It is a data-hub providing Swedish aid information on disbursements in an open format, thereby allowing citizens, CSOs and entrepreneurs to use, refine and develop the data provided. The aid information is provided on a global scale, at country level, per sector or by implementing agency. It is in line with the International Aid Transparency Initiative although full implementation of the IATI standard is promised by 2015.

- [http://www.opengovpartnership.org/sites/www.opengovpartnership.org/files/country_action_plans/The Swedish OGP Action Plan final.pdf](http://www.opengovpartnership.org/sites/www.opengovpartnership.org/files/country_action_plans/The_Swedish_OGP_Action_Plan_final.pdf)

 The UK has committed to publish aid information from all UK government departments who spend overseas development assistance

The UK Open Government Partnership National Action Plan includes a commitment to publish aid information from all UK government departments who spend overseas development assistance in line with the International Aid Transparency Initiative standards.

- <http://www.opengovpartnership.org/countries/united-kingdom>

Intermediate Step: Demand information from donors in line with the IATI standard (recipients)

Justification

In order to facilitate the domestic budget and planning process, recipient governments should demand all aid information from all donors to be published in line with the IATI standard. Timely data in this common standard would not only allow for better coordination of resources but may also reduce the burden in recipient countries of aligning aid information to domestic spending.

IATI pilots are being conducted to better understand what the practicalities are for recipients using donors' IATI information. This provides an opportunity for recipient governments to inform donors of their information needs.

Recommendations

1. Engage in the ongoing discussions on shaping the IATI standard to meet partner countries needs.
2. Engage with donors and request that all aid spent in-country is published in line with the IATI standard and can be mapped against their own budget codes.
3. Participate in pilot projects where donor spending and domestic spending are mapped against each other using the recipient's budget codes.

Standards & Guidance

- Busan outcome document <http://www.publishwhatyoufund.org/files/Second-draft-busan-outcome-document.pdf>
- IATI Standard <http://iatistandard.org/>

Country Examples

Bolivia endorsed the Open Aid Partnership

Bolivia endorsed the World Bank's Open Aid Partnership in early 2013. Reasons for joining the partnership included better visualisation of development projects, more effective cooperation with development partners, improved access to public services, and greater scope for citizens to participate by providing feedback and voice their needs.

- <http://www.openaidmap.org/news-bolivia.html>

IATI country pilots are being carried out or being planned for Colombia, DRC and Rwanda

With an increasing amount of data now being published in the IATI format, the IATI Secretariat is working in partnership with aid receiving governments and aid information management system providers to establish an automatic electronic feed of data from the donors' record systems to those of the recipient country. Country pilots are being carried out or planned for Colombia, the Democratic Republic of Congo, and Rwanda.

- <http://www.aidtransparency.net/wp-content/uploads/2012/11/IATI-Country-Pilots.pdf>

Rwanda has developed a Donor Performance Assessment Framework

In 2008, the Government of Rwanda and its Development Partners agreed to enhance its mutual accountability framework through the Donor Performance Assessment Framework (DPAF). The DPAF provides a joint tool for the monitoring of donor performance against their national-level and international commitments on the volume and quality of development assistance provided to Rwanda. The DPAF is presented both in aggregate form (comprising all development assistance to Rwanda) and disaggregated by donor to allow for comparison, individual reflection on performance, as well as accountability and peer pressure.

- <http://www.aidtransparency.net/news/rwanda-enhancing-transparency-and-mutual-accountability-through-donor-performance-assessment-framework-dpaf>

Tanzania's OGP Action Plan includes a commitment to encourage donors to exercise greater transparency

Tanzania has included in its Open Government Partnership Action Plan a commitment to "[E]ncourage donors to exercise greater transparency of donor funding given to Tanzania (Government, Civil Society, and Private Sector) consistent with International Aid Transparency Initiative (IATI) principles."

- <http://www.opengovpartnership.org/country/tanzania/commitment/transparency>

Advanced Step: Automate publication of comprehensive, timely, detailed and high quality information (donors)

Justification

Due to the complexity of some donors' information management systems, it can take some effort to begin producing information in line with the IATI standard. This initial investment can be offset by building IATI directly into the donors' systems. This allows for all future aid information to be produced in the agreed structure and format, meaning it can be pulled from donors' systems as often as needed. It also reduces the need for manual data manipulation, which can jeopardise the integrity, granularity and hierarchy of the original data. This is particularly important for donors with multiple reporting requirements and encourages the principle of "publish once, use often". Raw IATI data is structured in a way that allows a wide range of stakeholders to use the data to meet different reporting requirements.

Recommendations

1. Agencies should include building the IATI standard into their next scheduled IT systems upgrade. The specifications should include allowing the information to be produced directly from agencies' systems, in line with the IATI standard and for it to be automatically structured so the information is as high quality and detailed as possible. The information needs to include project/activity level information, disaggregated disbursements (transaction level) and link each project to its corresponding performance data.
2. The upgrades need to be made in all systems the donor uses for publishing its aid information. This may include both headquarters and country IT systems, meaning the information can be published from any office within the agency.

Standards & Guidance

- IATI Standard <http://iatistandard.org/>

Advanced Step: Integrate aid information into domestic budget planning (recipients)

Justification

The integration of aid information in country budgets is a key factor in effective domestic planning. Incorporating aid flows in budget planning and implementation supports better resource allocation, more comprehensive reporting and sustainability of capital spending. Institutional arrangements in recipient countries need to ensure that available aid information is included adequately in budget processes and budget documents, and made available to stakeholders, for example by linking up aid management and budget management information systems (Fölscher *et al*, 2012).


Recommendations

1. In coordination with donors, map the flow of aid information at different stages in the budget cycle via the IATI budget identifier's common code.
2. Develop an Aid Information Management System to manage aid information internally and integrate it with the flow of information from donors so that processes are not duplicated.
3. Publish regular, comprehensive, reliable, accessible and timely information on both aid and domestic budgets and ensure it is made available to legislators and citizens.

Standards & Guidance


- CABRI Position on Aid Transparency <http://www.cabri-sbo.org/en>
- IATI 'budget identifier' http://www.aidtransparency.net/wp-content/uploads/2011/05/Paper_5_-_Budget_Identifier_Nov_2012.doc

Country Examples

 As part of its Open Data strategy the UK government will publish machine readable data on the management and use of EU funds in the UK


The UK has instructed all agencies to open their systems and their data. In the Open Data White Paper from 2012, HM Treasury outlines its initial plans to produce (in a machine-readable format) data relating to the management and use of EU funds in the UK.

- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/78946/CM8353_acc.pdf

 Malawi is working to integrate its Aid Management System with its overall financial information management system

In 2008, Malawi moved from an ad-hoc aid information system to a formal system of information exchange between the Ministry of Finance and all its donor partners. Information on all aid financed activities in Malawi is stored and analysed through a web-based Aid Management Platform, and aid information is updated on a monthly basis. This Aid Information Management Platform (IAMS) has enabled the Malawian government to track aid disbursements both to on-budget funds and off-budget funds (project which circumvent government systems), and has greatly improved sector planning by the government.

- <http://www.slideshare.net/icgfmconference/batten-aid-information-management-in-practise-malawi-experiences>


 Rwanda, Malawi and Nepal are working to integrate their aid information management systems and financial information management systems

According to a recent study on aid information and budget alignment in recipient countries, Rwanda, Malawi and Nepal are moving towards building automated linkages between their financial information management systems (FMIS) and

their aid information management systems. The purpose of this is to (a) provide forward information on aid disbursements aligned with country budgets and (b) to stream information back into AIMS from FMISs on disbursement and execution, or vice versa.

[Source: Fölscher, Alta, Rebecca Carter, Samuel Moon, Gareth Graham and Frédéric Jeanjean, 2012, Study on better reflecting aid flows in country budgets to improve aid transparency and public financial management, Oxford:Mokoro]

- <http://www.aidtransparency.net/wp-content/uploads/2013/05/Study-on-better-reflecting-aid-flows-in-country-budgets.doc>

 The Mozambique government, together with its aid partners, has been working to merge all financial accounts into one single treasury account

In Mozambique much of donors' and government's efforts to bring aid on budget over the last decade have focused on bringing *aid on treasury*. To bring aid on treasury, the government has been working to merge all financial accounts into one single treasury account (*Conta Única do Tesouro*, CUT), bringing all available sources of funding –both internal and external– under the umbrella of the Mozambican integrated budget and public financial management system. The single treasury account has been instrumental in the process of putting aid on budget in Mozambique and has addressed one of the main causes behind the phenomenon of off budgets: the lack of transparency within the treasury system, which deters donors from using local public financial management systems.

- http://www.cabri-sbo.org/images/documents/putting_aid_on_budget/aob-mozambiquereportapril08final.pdf

Advanced Step: Publish more detailed information on aid flows including performance information, sub-national location, results and project documents (donors)

Justification

Governments collect significant qualitative information on aid which is rarely published centrally and often not published at all. This includes:

- Background analysis and evidence
- Conditions attached to the aid
- Sub-national location
- Expected and achieved outputs and outcomes
- Project evaluation reports

These documents contain important information about what the funding is intended for, how it is being used and what lessons can be learned. Publishing this information in formats that can be retrieved, downloaded, indexed, searched and reused without restriction enables more people to access and use it.

Summaries, local language versions and geo-coding tags (which enable projects to be easily mapped and analysed

alongside other geo-coded data) also help to make the information accessible.

Recommendations

1. Establish plans and policies to publish more comprehensive, detailed and overall higher quality information on aid planning, implementation and outcomes.
2. Publish information as it becomes available bureau by bureau and department by department without waiting on a donor-wide publication.
3. Regularly review and update commitments in relation to IATI implementation schedule.

Standards & Guidance

- Busan outcome document <http://www.publishwhatyoufund.org/files/Second-draft-busan-outcome-document.pdf>

Country Examples

Malawi is working to geo-code project information

In response to the demand for increased transparency and improved geographic funding information, the Ministry of Finance of Malawi has partnered with AidData, the African Development Bank and the World Bank to geo-code project information. The resulting data of aid activities of nearly 30 donors within the [Malawi Aid Management Platform](#) can be explored through an [interactive mapping tool](#). The geo-coded dataset will be made public and will be used by the Malawi Ministry of Finance to generate aid reports, catalyse new conversations with its donor partners, and improve aid effectiveness at the local level across the country.

- <http://www.aiddata.org/content/index/Maps/malawi>

Sweden plans to publish targets and outcomes and evaluations for all aid by 2015


Sweden's IATI implementation schedule states: "Results summaries will be published for new activities from May 2013. According to our other commitments in Busan around results we also plan to publish indicator-based targets and outcomes and other results and evaluations before 2015."

- <http://tracker.publishwhatyoufund.org/plan/fields/activity/result/>

The UK Government's Aid Transparency Guarantee sets standards for transparency in aid

The UK Aid Transparency Guarantee, launched in 2010, sets out how the UK should publish aid information. It states that full financial details should be provided for all Department for International Development (DFID) projects worth more than £500, and that all project information, business cases, new contracts and tender documents for new contracts over £10,000 should be published. In addition, under the Guarantee, data on aid is published under the Open Data Licence, allowing anyone to take and re-use information without paying a royalty.

- <https://www.gov.uk/government/policies/making-uk-aid-more-open-and-transparent>

 The US Agency for International Development has a policy to share evaluations as widely as possible

In the United States, the [Development Experience Clearinghouse](#) (DEC) publishes a large volume of USAID funded, international development documentation but unless these documents are joined with the efforts and publications of other donors, the findings will limit the user to only a partial picture and not the full spectrum of the outcome of donors' activities. [USAID Forward](#), the agency's evaluation policy, sets evaluations to be shared as widely as possible, "with a commitment to full and active disclosure. Furthermore, a summary including a description of methods, key findings and recommendations will be available to the public on-line in a fully searchable form within three months of an evaluation's conclusion."

- <https://dec.usaid.gov/dec/home/Default.aspx>
- <http://www.usaid.gov/sites/default/files/documents/1868/USAIDEvaluationPolicy.pdf>

Innovative Step: Encourage the development of tools to share and interpret aid data

Justification

Aid information will reach its full potential when it is systematically used by recipients of aid for domestic planning, effective budgeting and more informed decision-making. In order for this to happen, information needs to start flowing in the right format and third party users and developers should be encouraged to share and visualise the data.

Technology now allows for innovative ways of using and, most importantly, of interpreting the data. These tools can be targeted for different users depending on their needs and data requirements in different sectors such as health, education and agriculture.

Recommendations

Events are a good way to encourage use and innovation when new data sets become available. Transparency challenges, open data workshops and hackathons have resulted in large volumes of data being cleaned, coded and structured.

1. Events should be promoted in and outside government and encourage participation from all stakeholders in order to identify different user needs.
2. The results of these events, such as new applications, software and websites, should be promoted with those who can benefit from it.
3. Recipients of aid should be able to access, download and share these tools.

Standards & Guidance

- AidInfo Labs <http://www.aidinfolabs.org/>
- Open Knowledge Foundation: Open Data Hackathon How To Guide <http://blog.okfn.org/2012/10/26/hackathons-the-how-to-guide/>

Country Examples

 The UK is establishing a fund to support developers to produce tools to make use of open aid data

The Open Data Strategy for the UK Department for International Development includes the establishment of a fund to support developers to produce innovative and useful tools to make use of IATI data. As part of the Strategy, the UK has also developed the Development Tracker which allows users to find and explore detailed information on international development projects funded by the UK Government. The site uses data published to IATI, and can also import and use data from other publishers. The site also incorporates data published by the Department for International Development's delivery partners, initially on a small-scale, to prove the concept that aid can be traced through the aid delivery chain using open data.

- http://data.gov.uk/sites/default/files/DFID_Open_Data_Strategy.pdf
- <http://devtracker.dfid.gov.uk/about/>

Innovative Step: Engage the public In debates on development policy (donors)

Justification

The public in donor countries is often interested in the practical and ethical challenges of development, and how their public money is being used to advance international development. However, development policy and aid funding decision-making tends to be viewed as too complex for public deliberation, with fears that greater domestic accountability could shift aid away from recipients' priorities and lead to poor coordination with other donors. As a result, there tend to be few opportunities for the public to engage with the policy process on aid and development.

This leaves aid policy vulnerable to controversies and scepticism and can drive aid towards easily communicated activities in response to the imagined perspective of public attitudes, rather than the public's informed consideration of risks and challenges (Shamash *et al*, 2013).


Public engagement on aid and development policy can enable people to understand and debate the trade-offs and dilemmas that policy makers and officials face, and to consider aid together with other relevant policy areas such as tax, investment, climate change and trade.

Recommendations

Develop public consultation processes on key questions and areas of design on future foreign aid strategies and programmes. For example, this might involve:

- Carrying out public dialogues with representative samples of the public in reviewing country programmes or identifying 'grand challenges' and framing overarching questions and issues involving citizens at the highest level.
- Convening a sitting Citizen's Council to provide public perspective and feed into development policy discussions.
- Establishing a fund with direct citizen involvement in spending decisions, through both convened dialogues and crowd sourcing voting.

Country Examples

 The Danish Ministry of Foreign Affairs will conduct public hearings on the design of foreign aid programmes

The Danish Ministry of Foreign Affairs will conduct public hearings on the design of future foreign aid programmes, allowing citizens and civil society to contribute input and suggestions to key development assistance issues and budgets of a certain size. This is part of the government's OGP Action Plan.

- <http://www.opengovpartnership.org/country/commitment/involvement-civil-society-and-new-approaches-public-service>

Innovative Step: Promote access to and use aid information by all stakeholders

Justification

For information to be useful it needs to be accessible.


Data should be made available and useful for both internal and external stakeholders in formats and languages that are most effective for users.

Recommendations

Governments can encourage their citizens to make use of data provided by:

1. Developing or supporting the creation of open source portals with data published under an open licence. This information should be used to access and analyse aid by the agency publishing it as well as internal and external stakeholders and aid recipients.
2. Providing links to aid data from all relevant government agency websites.
3. Holding information sessions, both at headquarter level and in country for field agencies, on how to use the data.
4. Working with partners to support local workshops on accessing and using the data.
5. Regularly gathering feedback about the utility and relevance of these tools.

Country Examples

 Nepal has developed an online Aid Management Platform combining government and donor information

Nepal's newly launched Aid Management Platform contains reports, visualisation dashboards, and an advanced mapping module of aid activity in Nepal. More than 40 development partners have reported nearly 700 projects into the Platform to date. Moreover, AidData has geocoded (identified geographic coordinates) development activities in Nepal, and this information will soon be included in the Platform. This information enables development stakeholders to visualise where development finance is going, analyse gaps in service and identify duplication of efforts

with interactive maps.

- <http://portal.mof.gov.np/>

Netherlands has developed an OpenAid portal

The Dutch Ministry of Foreign Affairs started publishing data in 2011 on all the development aid projects it finances. This data, published on the OpenAid portal, is in line with the IATI standard and has been made more accessible through a web interface. It is updated every three months.

- <http://www.openaid.nl/>

Sweden has developed an Open Aid portal

In 2011, Sweden launched a web-based platform: Openaid.se. Openaid.se is a web-based information service about Swedish aid built on open government data. It is based on data at the activity level of individual aid contributions and is in line with the IATI.


- <http://www.openaid.se/en/>

The UK is establishing a fund to support developers to produce tools to make use of open aid data

The Open Data Strategy for the UK Department for International Development includes the establishment of a fund to support developers to produce innovative and useful tools to make use of IATI data. As part of the Strategy, the UK has also developed the Development Tracker which allows users to find and explore detailed information on international development projects funded by the UK Government. The site uses data published to IATI, and can also import and use data from other publishers. The site also incorporates data published by the Department for International Development's delivery partners, initially on a small-scale, to prove the concept that aid can be traced through the aid delivery chain using open data.

- [http://data.gov.uk/sites/default/files/DFID Open Data Strategy.pdf](http://data.gov.uk/sites/default/files/DFID_Open_Data_Strategy.pdf)
- <http://devtracker.dfid.gov.uk/about/>

Assets disclosure and conflicts of interest

 **Lead author:** [Global Integrity](#)

Introduction

When officials use their public office for private gain, it undermines institutions, deprives citizens of essential services and derails economic development. A conflict of interest arises when a public official is in a position to use public office for personal private gain or for the gain of other private parties. It points to the potential for--not necessarily the existence of--improper conduct. Thus, a regulatory regime of rules, guidance, and enforcement is needed to reduce the risk of real or perceived unethical conduct. Codes of conduct and regulations typically cover the following areas:

1. **Asset disclosure requirements** to make public official's assets and business activities transparent to the public.
2. **Conflict of interest rules** and guidance to identify and manage conflicts of interests and make sure public officials' decisions are not improperly affected by self interest.
3. **Revolving door regulations** to stem conflicts of interest arising from the movement of individuals between the public and private sectors.
4. **Gift and hospitality rules** preventing special interests attempting to influence policy by offering public servants items or services of value in return for favours.

Disclosure can be a powerful tool in bolstering public integrity and preventing abuses of power. While governments may put in place absolute restrictions on certain kinds of conduct, it is often supplemented with disclosures, which provide the means to monitor and resolve conflicts of interest and to detect and deter illicit enrichment.

There are multiple pathways through which asset disclosure and conflict of interest regulations strengthen public integrity. They build a culture of integrity by establishing standards of acceptable behaviour and by providing clear rules and guidance on ethical conduct in public office. Greater transparency through disclosure is a powerful deterrent against unethical behaviour by reminding public officials that their behaviour is subject to scrutiny. Moreover, they provide a valuable source of information for detecting abuse and corruption (World Bank, 2013). There is no one-size-fits-all approach to designing an appropriate regime. Absolute restrictions are often easier for governments to implement than disclosure systems, and are particularly relevant in contexts where there is low government capacity or resources. However income and asset disclosures are increasingly used, and a growing body of work points to a set of core principles that could be considered by governments seeking to adopt robust, effective disclosure measures.

References

World Bank (2013) Financial Disclosure Systems. Declarations of Interests, Income, and Assets Background Primer prepared by the Public Accountability Mechanisms (PAM) Initiative of The World Bank Public Sector and Governance Group

Expert Organisations

Organisation for Economic Co-operation and Development

<http://www.oecd.org/gov/ethics/managingconflictsofinterestinthepublicservice.htm>

World Bank <http://www.worldbank.org/anticorruption>

Inter American Development Bank <http://www.iadb.org/en/topics/transparency/transparency-and-anticorruption,1162.html>

African Development Bank <http://www.afdb.org/en/about-us/structure/integrity-and-anti-corruption/>

Asian Development Bank <http://www.adb.org/site/integrity/main>

Organization of American States <http://www.oas.org/juridico/english/fightcur.html>

Sunlight Foundation <http://www.sunlight.org/>

Transparency International http://gateway.transparency.org/guides/intro/public_integrity

Summary of illustrative commitments

Initial

- Establish a law requiring public disclosure of income and assets by elected and senior public officials
- Establish regulations governing gifts offered to public sector officials
- Establish regulations governing post-government private sector employment

Intermediate

- Establish a system of oversight for asset and conflicts of interest disclosures

Innovative

- Publish asset and conflict of interest disclosures as open data

Detailed Recommendations

Initial Step: Establish a law requiring public disclosure of income and assets by elected and senior public officials

Justification

Disclosing the value of assets and liabilities and sources of income, acts as a deterrent against graft, collusion, and patronage in the public sector.

Making asset and income declarations public allows civil society to assist in the detection of violations of financial disclosure requirements, providing additional scrutiny, complementing the role of official oversight bodies. However in many countries disclosures are not made public. A survey by the World Bank in 2012 found that 78% of countries have financial disclosure systems in place, but only 43% make this information public (World Bank, 2012).

The United Nations Convention against Corruption (UNCAC) requires state parties to consider establishing policies requiring officials to reveal “to appropriate authorities ... their outside activities, employment, investments, assets and substantial gifts or benefits”.

Asset disclosure measures are a powerful tool but they are also prone to disappointment or political pushback if launched with overambitious mandates in the wake of corruption scandals and are not backed by adequate resources. Systems burdened with too many requirements and inadequate institutional capacity to enforce compliance are more likely to fail than those designed to serve manageable objectives. When designing an asset disclosure system, attention should be paid to the local political, institutional, and socioeconomic context.

Countries are advised to start with high priority areas of disclosure and subsequently build the political will and capacity for more ambitious reforms. Countries might want to build up from initial targeted disclosure of high risk or high profile officials, to disclosure of senior civil servants and judges. Countries could also progress from disclosure of income and assets, to disclosure of business activities, to disclosure of post-employment activities (World Bank, 2012).

Recommendations

1. Establish and communicate a clear roadmap for the development of the scope, and coverage of the system. It is important to build capacity incrementally and manage public expectations about what the system can realistically achieve. As the capacity for managing asset disclosures is developed the system can be gradually expanded and strengthened, to widen the pool of people required to file, reinforce verification procedures, and improve public access to information.
2. As a general rule, asset and income disclosure requirements should cover at least the leadership of the three branches of government (executive, legislative and judiciary) as well as the senior career civil service/ bureaucracy.
3. For asset and income disclosures to be most effective, they must be regular, covering a range of key information. The information to be disclosed should include a combination of the following items:
 - Assets (Personal residences, Second homes, vacant land, buildings, farms, Financial investments (e.g. stocks, trusts, options, warrants, mutual funds, commodities, futures, money owed, savings plans, insurance policies and retirement accounts) and business assets (e.g. private corporations and partnerships), Bank accounts, interest-bearing instruments and cash, Vehicles (e.g. cars, boats, airplanes) and other significant movable assets (e.g. jewellery, art, furniture, cattle).
 - Liabilities (All debts, obligations, credit cards, mortgages, guarantees and co-signatures).
 - Sources of income (Financial investments (e.g. interest, dividends, annuities, pensions, benefits).

- Business assets (e.g. corporations, partnerships, farms, rental properties, patents), Private sector employment, Professional services (e.g. consulting and other paid contracts from the private or the public sector), Boards and directorships, Other public sector employment, Lotteries, gambling, and one-time payments.
 - Gifts (All significant gifts and benefits received).
 - Potential conflicts of interest (Unpaid contracts and employment, Unpaid boards and directorships, Participation in associations, not-for-profit organisations and trade unions, Post-tenure positions and employment).
4. Establish clear requirements. Keeping the forms simple and the filing requirements clear is important. The information required should be precise and must avoid ranges to avoid ambiguity and preserve the system's utility.
 5. Mandate an agency responsible for collecting asset disclosure information with the authority, skills, capacity, and resources to conduct basic verification, request information from the public official or other public or private sector entities, and investigate complaints from the public.

Standards & Guidance

- Guidelines for Managing Conflicts of Interest in the Public Service <http://www.oecd.org/gov/ethics/48994419.pdf>
- OGP Eligibility Criteria: Assets disclosure <http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>
- Public Office, Private Interests: Accountability through Income and Asset Disclosure [http://star.worldbank.org/star/sites/star/files/Public Office Private Interests.pdf](http://star.worldbank.org/star/sites/star/files/Public%20Office%20Private%20Interests.pdf)
- United Nations Convention against Corruption http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf
- World Bank Financial Disclosure Law Library <http://publicofficialsfinancialdisclosure.worldbank.org>

Country Examples

About 137 jurisdictions implement some sort of asset disclosure regulations

Of these 137 jurisdictions, around 45 jurisdictions make disclosures available online including Australia, Belgium, Canada, Denmark, Finland, Iceland, Ireland, Portugal, the United Kingdom, Bulgaria, Croatia, Estonia, Georgia, Hungary, Latvia, Lithuania, Romania, and Slovakia.

- http://www1.worldbank.org/finance/star_site/publications/Public-Private-Interest.html

In India police officers are included in income and asset declaration requirements


The Home Ministry had directed all the officers of the Indian Police Service (IPS) in the country to disclose their assets under the Immovable Property Return (IPR). State level governments have also directed police officers above the rank of Sub-Inspectors to disclose details of their income and assets. Those who fail to comply can be clearance for promotion and service medals. However high rates of non compliance continue to be reported.

- <http://mha.nic.in/ipr/iprmain.htm>
- http://articles.timesofindia.indiatimes.com/2012-06-21/india/32351131_1_ips-indian-police-service-home-ministry

 Tanzania commits to strengthen asset disclosure regulation as part of its OGP Action Plan

In its Open Government Partnership Action Plan, Tanzania pledges to prepare legislative amendments and regulations to strengthen asset disclosures of public officials.

- <http://www.opengovpartnership.org/country/tanzania/commitment/accountability-and-integrity>

 The Dominican Republic is committed to passing an asset declaration law as part of its OGP Action Plan

In its Open Government Partnership Action Plan, the Dominican Republic commits to enact an asset declarations and illicit enrichment law.

- <http://www.opengovpartnership.org/country/commitment/promote-enactment-act-affidavit-assets-and-illicit-enrichment-enacted-and-its>

Initial Step: Establish regulations governing gifts offered to public sector officials

Justification

Rules governing gifts offered to public officials are an important safeguard against special interests trying to influence policy by offering items or services of value to public servants. Statutory guidelines set out rules of acceptable conduct and disclosure requirements for public officials.

By clarifying what constitutes a gift, when it is acceptable, as well as when and how it must be disclosed, gift regulations provide public servants with a code of conduct that inspires public confidence and preserves the integrity of the public sector workforce.

Recommendations

For gift rules to be effective, the regulations should:

1. Cover all public officials in the three branches of government including elected officials, civil servants, and the justice sector.
2. Be specific with little room for interpretation by clearly outlining what constitutes a gift and what conduct is and is not appropriate. The definition of gifts must be expansive enough to include both objects as well as services of value such as hospitality services.
3. Contain clearly defined thresholds that allow for the disclosure of all items or services of value offered to public employees.
4. Minimize exceptions and loopholes that would prevent certain gifts from being disclosed, including culturally-specific gifts that are commonly offered but may present a potential conflict of interest within a public sector management setting.

5. Regularly enforced by an independent ethics agency with sanctions applied when appropriate.

Explore processes for pre-approval of gifts and hospitality by an independent government watchdog such as an internal audit agency or ombudsman-type office.

Initial Step: Establish regulations governing post-government private sector employment

Justification

For public policy and administrative decisions to be made in the public interest, policymakers and regulators must be independent. The promise of future outside employment, consulting, board memberships, or other sources of income could potentially sway an official's behavior. 'Revolving door regulations' seek to prevent real or perceived conflicts of interest arising when individuals move between positions of public office and the private sector. They are an important tool for maintaining public integrity and trust in government (Transparency International, 2011).

Revolving door regulations typically aim to prevent potential conflicts of interest before, during, or after government employment by inserting an adequate buffer of time—a "cooling off" period—that regulates the movement of employees between the two sectors. They offer an important safeguard against attempts to buy access to public officials, preserving the integrity of institutions and officials in the broader sense.

Recommendations

1. Regulations restricting post-government private sector involvement should cover public employees from all branches of government.
2. Regulations should explicitly define the types of post-government employment opportunities that present a real or perceived conflict of interest and thus merit being controlled by the regulations. Officials taking positions outside of government after leaving the public sector that do not present a real or perceived conflict of interest with their former positions should not be subject to these rules and regulations.
3. Regulations should contain well-defined cooling off periods during which public sector employees cannot work for the private sector where they directly lobby or seek to influence their former government colleagues.
4. The length of cooling off periods should be differentiated based on seniority of public sector employees.
5. Consider codifying sensible restrictions on pre-government employment and secondments that do not prevent the transfer of valuable knowledge and skills from other sectors to the public sector.
6. Consider sensible restrictions on secondments (or other employment arrangements) of private sector employees into public bodies that give private sector organizations insider information or an unfair advantage in promoting company interests.
7. Regulations should be codified in law as primary and secondary legislation to serve as an effective deterrent.
 - Primary legislation directly restricts certain forms of post-government employment through specific laws on integrity or as part of the general law on the civil service.
 - Secondary legislations are rules and decrees authorized by primary legislation. A post-government employment clause in employment contracts, for example, is another method of revolving door restrictions.
 - Consider codes of conduct as alternative means to establish or strengthen norms on post-government employment.

8. Revolving door regulations should be streamlined with other regulations on lobbying and conflicts of interest.
9. Regulations should contain provisions requiring the disclosure of pre- and post-government employment history for public sector employees.
10. Regulations should be monitored and enforced by an independent ethics agency with the mandate and authority to initiate investigations.
11. A robust awareness and training programme should be instituted to ensure all public sector employees are aware of the existence and compliance requirements of revolving door regulations.

Standards & Guidance

- Post-Public Employment: Good Practices for Preventing Conflict of Interest http://www.keepeek.com/Digital-Asset-Management/oecd/governance/post-public-employment_9789264056701-en
- Revolving Doors, Accountability and Transparency – Emerging Regulatory Concerns and Policy Solutions in the Financial Crisis [http://search.oecd.org/officialdocuments/displaydocumentpdf/?cote=GOV/PGC/ETH\(2009\)2&docLanguage=En](http://search.oecd.org/officialdocuments/displaydocumentpdf/?cote=GOV/PGC/ETH(2009)2&docLanguage=En)

Country Examples

 At least 32 countries have restrictions on post-government employment in at least one branch of government

According to data from Global Integrity, the following countries have restrictions on post-government employment in at least one branch of government (this is not a comprehensive list and the quality of the regulations varies between jurisdictions):

Albania, Algeria, Armenia, Argentina, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Canada, Colombia, China, Czech Republic, Ethiopia, Ghana, Germany, Kosovo, Georgia, India, Italy, Mongolia, Macedonia, Mexico, Nigeria, Pakistan, Peru, Philippines, Poland, Romania, Russian Federation, Turkey, Serbia, South Africa, United States.

- <http://www.globalintegrity.org/files/GIR2011.pdf>

 South Korea commits to monitoring post-public employment as part of its OGP Action Plan

In its Open Government Partnership Action Plan, South Korea has included a commitment to work towards a corruption-free society. Part of this commitment includes strengthening asset disclosure for public servants and monitoring restrictions on post-public employment.

- <http://www.opengovpartnership.org/countries/south-korea>

Intermediate Step: Establish a system of oversight for asset and conflicts of interest disclosures

Justification

Establishing a system of oversight to provide effective guidance, monitoring, and enforcement is crucial. The effectiveness and credibility of a system of disclosures is only as good as its ability to detect violations and penalize wrongdoing.

Simply requiring officials to fill out a form poses little risk to an official seeking to hide certain commercial interests and sources of income from public view. Regular audits when complemented with the credible threat of swift enforcement in the face of violations create a powerful deterrent against improper behavior. Therefore, a system of oversight should be designed with the appropriate institutional and procedural mechanisms to detect risks, audit disclosures, and enforce sanctions for noncompliance. Moreover, such a system should be adequately resourced and must be integrated into the broader institutional and political context in which it operates (World Bank, 2012).

It is vital to communicate the objectives of the system to officials, and advise them about conflict of interest principles. Implementing agencies need to have the necessary skills and resources to review income and asset declarations to detect potential or actual conflicts of interest. Equally important is the ability to advise filers and provide public officials with the necessary guidance to effectively identify and manage conflicts of interest.

Recommendations

- Provide guidance to public officials on preventing situations where their private interests might improperly influence their official duties.
- Develop a system of monitoring for assets, income and gift disclosures. While regular auditing of all submitted asset disclosures poses a non-trivial burden on government regulators, undertaking random audits of a smaller subset would go a long way towards bolstering an asset disclosure regime's deterrent effect. An effective system of audits should have the following characteristics:
 - The percentage or volume of disclosures to be audited would be publicly announced ahead of time.
 - A combination of risk-based prioritization and random sampling should be used to select disclosures for audits. The random selection of which disclosures to audit should be performed via a transparent lottery/raffle-type system.
 - The auditing would be performed by an independent third party, ideally an outside, non-governmental auditor (whether a private auditing firm or otherwise).
 - Disclosures should be compared over time and against external sources such as tax information, land registries, etc.
 - The full results of the audit would be made publicly available immediately following the completion of the audit and overall compliance rates and enforcement actions should be reported publicly.

Standards & Guidance

- Guidelines for Managing Conflicts of Interest in the Public Service <http://www.oecd.org/gov/ethics/48994419.pdf>
- Income and assets declarations: Issues to consider in developing a disclosure regime <http://www.cmi.no/publications/file/3396-income-and-assets-declarations.pdf>
- Public Office, Private Interests: Accountability through Income and Asset Disclosure [http://star.worldbank.org/star/sites/star/files/Public Office Private Interests.pdf](http://star.worldbank.org/star/sites/star/files/Public%20Office%20Private%20Interests.pdf)
- World Bank Financial Disclosure Law Library <http://publicofficialsfinancialdisclosure.worldbank.org>

Country Examples

 Argentina, Guatemala, and Indonesia use targeted methods of selecting asset disclosures for verification

In Argentina, the process of selecting which asset disclosures to be verified is based on a targeted method. The top 5 percent (1,600 in 2009) of declarations are systematically verified while the other 95 percent are verified according to categories of risk. The Asset Declaration Unit is able to verify around 2,500 declarations a year.

In Guatemala, verification of asset disclosure content occurs only when officials leave office. The Department for Verification, Analysis and Investigation of Income and Assets compares the final income and asset declaration to the employee's initial and subsequent declarations to detect any significant or unjustified increases in assets.

In Indonesia, a sample of asset declarations is verified, targeting the declarations of officials in high-risk agencies.

- http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2013/05/09/000333037_20130509102749/Rendered/PDF/774620PUB0EPI00LIC00PUB0DATE0503013.pdf

 Peru commits to strengthening the capacity of the Comptroller General to detect possible corruption as part of its OGP Action Plan

In its Open Government Partnership Action Plan, Peru has included a commitment to improve integrity in the public sector. Specific actions to this end include improving the regulatory framework governing income and asset declarations of public officials and employees of the State, as well as strengthening the capacity of the Comptroller General of the Republic to detect possible corruption. Actions also include proposing a specific regulatory scheme to prevent and detect conflicts of interest.


- <http://www.opengovpartnership.org/countries/peru>

 Rwanda's Ombudsman carries out audits on randomly chosen asset declarations

The Office of the Ombudsman of Rwanda, established in 2003, is responsible for the collection of declarations and for monitoring submission compliance and verifying the accuracy of approximately six percent of the nearly 5,000 declarations it receives each year. The Office of the Ombudsman chooses which declarations to audit by targeting a portion of filers based on their position, and randomly chooses a sample of declarations to audit. These audits entail not only verifying that the assets and values declared match government and banking records, but also lifestyle checks and house visits.

[Source: World Bank]

- <http://elibrary.worldbank.org/content/book/9780821397961>

 Slovenia uses a random sampling method to test asset disclosures

The Integrity and Prevention of Corruption Act from 2010 improved the system of oversight for assets disclosure in Slovenia. For example, it made provision for asset declarations to be chosen for content verification through a random selection process to identify which cases reveal a disproportionate increase in wealth or a discrepancy between the contents of the declarations and information contained in external registries. The number of declarations selected depends on the number of staff available to verify content and, therefore, may vary from year to year. In 2009, 33 percent of all declarations were selected to undergo verification, with a staff-to-declaration ratio of 1 to 413.

- http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2013/05/09/000333037_20130509102749/Rendered/PDF/774620PUB0EPI00LIC00PUB0DATE0503013.pdf

No commitments for this level

Innovative Step: Publish asset and conflict of interest disclosures as open data

Justification

Public access to information strengthens social accountability mechanisms as informed citizens are more likely to demand greater accountability from public officials.

Disclosures that can be accessed publicly strengthen the demand for accountability by provisioning essential information used in monitoring and enforcement efforts. Accessible and searchable public disclosures allow citizens, media, government, and civil society organizations to verify information and raise concerns as they are discovered. The possibility of public scrutiny will likely discourage misstatements or inappropriate conduct from public officials, strengthening the deterrent effect of disclosures. It also builds trust and confidence in institutions by demonstrating a commitment to transparency and accountability. Public accessibility of disclosures is thus a key determinant of their impact. The higher the visibility of the disclosures, the greater is its potential for effectiveness.

Recommendations

- Make all disclosure data searchable online. While public accessibility might take different forms in different contexts, in countries where Internet penetration is reasonably high, submitted disclosures should be made available online and searchable by basic criteria such as submitter, year filed and government agency or department. For example, it would be helpful if one could verify whether a number of lawmakers had consulting arrangements with the same government contractor. Compliance rates, enforcement actions, and the results of audits should also be made available online (World Bank, 2012).
- Use open data principles in making information available online (Sunlight Foundation, 2010). Technological barriers (for example, proprietary technologies) as well as economic barriers (for example, fees for access) should be eliminated through the use of open data formats. Moreover, encourage greater standardization and machine-readability of the results to increase ease of analysis and comparability (Sunlight Foundation, 2013).
- Build in robust social accountability processes into the monitoring functions of government ethics enforcement agencies so credible concerns raised by the public can trigger investigations by appropriate authorities.

Country Examples

Argentina developed an electronic financial disclosure system

A fully electronic financial disclosure system was introduced in Argentina in 2000 as a response to the enormous logistical challenge of managing a paper system. The impacts have been significant and rapid. Requiring the filer to complete all necessary fields before the form can be submitted has resulted in a reduction in the number of errors or

incorrectly filled-out asset declaration forms, and subsequently in an increase in compliance rates. In the year following implementation, submission compliance rates increased from 67 percent to 96 percent and the estimated cost to the government per form decreased from US\$70 to US\$8.

- [http://star.worldbank.org/star/sites/star/files/Public Office Private Interests.pdf](http://star.worldbank.org/star/sites/star/files/Public%20Office%20Private%20Interests.pdf)

Around 45 jurisdictions make disclosures available online

These 45 countries include Australia, Belgium, Canada, Denmark, Finland, Iceland, Ireland, Portugal, the United Kingdom, Bulgaria, Croatia, Estonia, Georgia, Hungary, Latvia, Lithuania, Romania, and Slovakia, Hong Kong SAR (China), Thailand, Mongolia, and Taiwan (China).

- http://siteresources.worldbank.org/FINANCIALSECTOR/Resources/Using_AD_for_PEP_identification.pdf

Chile has committed to publish asset declarations online as part of its OGP Action Plan

In its Open Government Partnership Action Plan, Chile commits to two projects concerning asset disclosure: one that focuses on integrity in public functions, and one voluntary disclosure of assets scheme to encourage citizen control by publishing asset declarations online.

- <http://www.opengovpartnership.org/country/chile/action-plan>

Estonia will create a database of declarations of economic interests as part of its OGP Action Plan

Estonia is focusing parts of its Open Government Partnership Action Plan on actions to prevent corruption and conflicts of interest among public officials. Among the planned activities in this regard is the creation of a database of declarations of economic interests to be finalised by 2014.

- <http://www.opengovpartnership.org/country/estonia/commitment/prevention-corruption-and-conflicts-interest>

Georgia developed an online system for public financial disclosure

In Georgia senior public officials are required to make annual disclosures of their assets. But until 2010 they did this in hard copy and the declarations were difficult for citizens to access.

In 2010, the Georgian government decided to develop an online system. All senior officials now submit their asset declarations through the Online Asset Declaration System on the website www.declaration.gov.ge. The submitted declarations are then published instantaneously into a searchable database from which anyone can search for senior officials' declarations and download the information for free.

The [Civil Service Bureau of Georgia](#) (CSB), which is the agency responsible for collecting and publishing asset declarations, supports the asset declaration process by sending reminders to the officials via text messages and emails, and providing a hotline and online chat service to help with queries about asset declarations.

The CBS receives around 3000 electronic financial disclosures annually. It has also uploaded the hard copy declarations from 1998 to 2010 making the website the host of over 60,000 disclosure documents (although the early documents are only available as scanned pdf files).

In order to make the financial disclosure system online-base, CSB needed to take a number of actions. First, they had to assess the political situation, carry out political consultations, prepare amendments to the legislation and lobby the Parliament. When this was done, they designed the electronic asset disclosure system (the system design was outsourced at about USD 20,000 plus an annual maintenance cost of about USD 10,000). They then tested the system with focus groups, both citizen-based and focus groups based on senior officials, and provided training to administrative staff at CSB as well as HR representatives of each government agency.

After launching the system, CSB has continued to develop the system and adding more features to it. By the end of 2013, the Online Asset Declaration System will have a mobile phone interface. An evaluation tool to enable the public to make different analytical reports from the database will also be introduced. It also planned that a public financial disclosure monitoring mechanism will be introduced by the end of 2014.

Introducing the online asset declaration system in Georgia has been beneficial for several reasons:

- The public now has more information about the government;
- Watchdogs are in a better position to monitor the honesty and legality of incomes and expenditures of senior officials;
- The government has become more responsive, cleaner and less corrupt; and
- The online asset disclosure system has inspired other government agencies to launch similar e-governance projects.

The Georgian Public Disclosure System was the 2013 winner of the UN Public Service Awards for its excellence in preventing corruption.

Based on presentation by Irakli Kotetishvili, Director of the Civil Service Bureau of Georgia at an Open Government Partnership Webinar on 21 May, 2013

- https://worldbankva.adobeconnect.com/_a833642795/p4hbmo50fp2/?launcher=false&fcsContent=true&pbMode=normal
- <http://transparency.ge/en/blog/tracking-top-level-ministry-officials'-income-and-bonuses>

Mexico has transitioned to online asset declaration

Mexico has transitioned to online asset declaration with the implementation of its Declaranet system. Mexico does not have a fully mainstreamed digital culture, so public servants were initially reluctant to abandon paper-and-ink disclosure forms. To overcome this reluctance, the government created an online instruction portal, provided tutorial sessions, created a toll-free call centre, and set up training centres to help filers declare their assets.

- [http://star.worldbank.org/star/sites/star/files/Public Office Private Interests.pdf](http://star.worldbank.org/star/sites/star/files/Public%20Office%20Private%20Interests.pdf)

Moldova will develop an automated information system as part of OGP Action Plan

Moldova's Open Government Partnership Action Plan includes a commitment to ensure transparency of information on income and property of senior officials, judges, prosecutors, and civil servants. As part of this commitment, Moldova will adjust its national legal framework to allow for online submission of income and property declarations of senior officials, judges, prosecutors, and civil servants. In addition, an automated information system for online filing of income statements of public officials will be developed, installed and launched.

- http://www.opengovpartnership.org/sites/www.opengovpartnership.org/files/country_action_plans/Moldova_Open_Government_Action_Plan_2012-2013_0.pdf

Russia makes summaries of assets disclosures available online

The Russian Federation recently started making summaries of the disclosures of public officials available online. Citizens can access them on the websites of the presidency, the government, and other institutions.


- http://siteresources.worldbank.org/FINANCIALSECTOR/Resources/Using_AD_for_PEP_identification.pdf

Ukraine will amend its law on asset disclosure as part of its OGP Action Plan

Ukraine's Open Government Partnership Action Plan contains a commitment to prevent and combat corruption. Specific activities to this end include amending the law to ensure openness of data relating to property, income and expenditure returns, in particular through publishing details of returns by high profile officials at public bodies' official web sites and disclosing data from returns of any public officer upon information request.

- <http://www.opengovpartnership.org/country/commitment/preventing-and-combating-corruption-0>

Budgets

 **Lead author:** [International Budget Partnership](#)

Introduction

Every year, governments collect and spend billions of dollars in taxpayer funds and citizens have a right to know how their governments are collecting and spending their money.

Governments implement policies through ministries, departments and agencies at central and local levels. These public bodies, and their executives, are accountable to the political leadership. Politicians, in turn, are accountable to their citizens for the implementation of national policies, in health care and education for example. Budgets are the link between policies and their implementation, between political visions or programmes and their delivery: they allocate resources to plans in terms of money and time.

As part of the management of the budget, governments produce a series of reports at various points in the annual budget cycle. These include Pre-Budget Statement, Executive's Budget Proposal, Enacted Budget, Citizens' Budget, In-Year Reports, Mid-Year Review, Year-End Report and Audit Report.

In order for citizens to be able to know how their governments are collecting and spending their monies, they need access to these budget reports. Fiscal transparency allows for better-informed debate by both policymakers and the public about the design and results of fiscal policy, and establishes accountability for its implementation.

Many budget reports are already being produced by governments for their internal use and these reports can be made available on government websites at almost no cost. Further, legislative discussions on the budget happen in almost every country and it is not an expensive exercise to make these discussions public by allowing the media to cover these discussions. Fiscal transparency is often pushed forward as part of political transitions, or in response to financial crisis or corruption. External influences that promote global norms and empower domestic reformers and civil society actors can also play a key role (Khagram et al, 2013).

Recent research studies show that transparency can enable governments to raise credit from the international markets at cheaper rates (Hameed, 2011). It can also help shine a light on the efficiency of public expenditures. Further, transparency can help foster equity by matching national resources with national priorities. Transparency and public participation can enable governments to build trust and give citizens voice and dignity (IBP, 2013). Opacity on fiscal issues on the other hand can undermine fiscal discipline and as illustrated in a recent IMF publication it can lead to large unexpected debt (Cottarelli, 2012).

References

Cottarelli, 2012, 'Fiscal Transparency, Accountability, and Risk, IMF Fiscal Affairs Department
<http://www.imf.org/external/np/pp/eng/2012/080712.pdf>

Hameed, 2011, 'Budget Transparency and Financial Markets, OGP Working Paper 1, Open Budget Partnership'.
<http://internationalbudget.org/wp-content/uploads/IBP-Working-Paper-1-Budget-Transparency-and-Financial-Markets.pdf>

IBP, 2013 Learning Program: Case Examples, http://internationalbudget.org/ibp_publication_categories/learning-program/

Khagram, S., A. Fung and P. De Renzio, 2013, *Open Budgets: The Political Economy of Transparency, Participation, and Accountability*, Washington DC: Brookings Institute.

Expert Organisations

International Budget Partnership <http://www.internationalbudget.org>

Global Initiative for Fiscal Transparency <http://fiscaltransparency.net/>

Global Movement for Budget Transparency, Accountability, and Participation (BTAP) <http://www.globalbtap.org/>

Organization for Economic Cooperation and Development <http://www.oecd.org/gov/budgeting/>

International Monetary Fund <http://www.imf.org/external/np/fad/tran>

Public Expenditure and Financial Accountability Program <http://www.pefa.org/>

Collaborative Africa Budget Reform Initiative <http://www.cabri-sbo.org/>

OGP Working Group: Fiscal Openness <http://fiscaltransparency.net/category/ogp-gift-fowg/>

Summary of illustrative commitments

Initial

- Allow public access to budget hearings in the legislature
- Publish a Citizens' Budget
- Publish Executive's Budget Proposal and Audit Reports
- Publish the four core budget documents

Intermediate

- Consult with the public on budget preparation
- Enable effective oversight by legislatures and supreme audit institutions
- Publish all budget reports as open data
- Publish all eight key budget reports

Advanced

- Enable citizen participation in budgeting
- Publish information on resources received by service delivery units
- Publish off budget financial information

Innovative

- Fully implement the GIFT Principles on fiscal transparency

Detailed Recommendations

Initial Step: Allow public access to budget hearings in the legislature

Justification

Legislative discussions on the budget happen in almost every country. It is not an expensive exercise to make these discussions public by allowing public access and media broadcasting of these discussions.


Recommendations

- The national legislature should organize public hearings when it discusses the budget presented to it by the executive prior to approving the budget.
- The media should be allowed to broadcast these hearings so that these hearings are accessible to a larger audience.
- Reports on the outcomes of these public hearings should be published.

Standards & Guidance

- IBP open budget survey <http://internationalbudget.org/what-we-do/open-budget-survey/full-report/>

Country Examples

 Increasing numbers of countries permit some form of public hearings during budget discussions in the legislature

According to the 2012 survey by the International Budget Partnership 67 countries out of 100 surveyed hold some form of public hearings on the macroeconomic and fiscal framework presented in the budget in which testimony from the executive branch (and in some cases the public) is heard.

- <http://internationalbudget.org/wp-content/uploads/OBI2012-Report-English.pdf>

Initial Step: Publish a Citizens' Budget

Justification

Government budgets are filled with so many numbers and so much technical jargon that the ordinary readers cannot easily understand what they mean. People need information in an accessible, understandable form to enable them to understand what government is doing with their money and allow them to participate in governmental affairs.

The International Monetary Fund in its Manual on Fiscal Transparency states that "A clear and simple summary guide to the budget should be widely distributed at the time of the annual budget."

Such a '*Citizens' Budget*' serves the public, but can also serve the government by enhancing public knowledge about the

budget and the reasoning behind the choices made in putting it together.

Citizens' Budgets tend to present an accessible version of either the Budget Proposal or the Enacted Budget. But producing a Citizens' Budget can help a government to develop its capacity to make technical information more accessible, more broadly.

Recommendations

- Develop a strategy for producing a Citizens Budget, defining the goals and objectives, and the plan for production.
- Ensure that the ministry responsible has the structure, resources, and capacities to properly develop and disseminate a Citizens Budget.
- Hold a consultation with potential users to understand their interests and needs.
- Design and write the Citizens' Budget to meet users needs and include important basic information about the budget, including assumptions, the budget process, revenue collection, priorities in allocations and spending, sector-specific information and information about targeted programs and contact information for follow up by citizens.
- Present it in languages and through media (such as newspapers, radio, and video) to make it accessible, as well as publishing it on the web and in hard copy.
- Publish the Citizens Budget within a timeframe that makes it available at the same time as the technical document.
- Disseminate it widely
- Evaluate the process and planning for the next year's Citizens Budget.

Standards & Guidance

- The Power Of Making It Simple: A Government Guide To Developing Citizens Budgets
<http://internationalbudget.org/publications/the-power-of-making-it-simple-a-government-guide-to-developing-citizens-budgets/>

Country Examples

Brazil provides citizens education on public budgets

Brazil publishes an annual Citizen's Budget. However it also backs this up with several other innovative communication streams.

To better explain to citizens what the budget is, its importance and other aspects of the subject, a radio program titled Moment Budget is produced to provide information to the listener in a simple and direct language.

The Virtual School of the Federal Budget Secretariat (SOF) was created in 2008 by the Ministry of Planning, Budget and Management. It provides online courses on the understanding public budgets. Courses are aimed at both government employees and members of the public, and civil society. By 2011 the Virtual School graduated approximately 2000 citizens.

The government also created a specific Public Budget Primer for children, available as a booklet and a website. In the form of a comic, the booklet provides an introduction to the idea of the Public Budget in relation to children and their concerns.

- <http://www.orcamentofederal.gov.br/educacao-orcamentaria>
- <http://fiscaltransparency.net/wp-content/uploads/2013/11/Brazil-Experience-Public-Participation.ppt>

Guatemala developed a Citizens' Budget

In 2010 the [Ministry of Finance](#) in Guatemala decided to produce its first [Citizens Budget](#) in order to comply with laws that require it to make information available. The Ministry's initiative was aided by the support of the country's President, who was committed to budget transparency. His endorsement was very important because the initiative faced some considerable opposition from within the ministry itself.

The ministry also received an offer of cooperation and assistance from civil society groups, most particularly the [Centro Internacional para Investigaciones en Derechos Humanos](#) and the [International Budget Partnership](#) to help with translating the technical aspects of the budget into accessible language. It also consulted with media and other stakeholders. Publication of the Citizens Budget was supported by the German aid agency, GIZ.

The document was launched with a public event and with media attention. It was published in English Spanish and four Mayan language. However maintaining the sustainability of this approach has proved to be a challenge.

- http://www.opengovguide.com/wp-content/uploads/2013/09/citizen_budget11.pdf
- <http://www.opengovpartnership.org/calendar/webinar-citizen's-budget-dialogue-citizens>
- <http://www.youtube.com/watch?v=bNdGjsysHrM>

Kazakhstan's Citizen's Budget is mandated by legislation

In 2011, the government of Kazakhstan passed into law the Citizen's Budget Law, which covers the development of Citizens Budgets at both the central and local levels. What is unique about the Kazakh legislation is that Citizens Budgets will not only be published when the government publishes the Executive's Budget Proposal but also after the formulation, approval, implementation, and evaluation stages of the budget process. Relevant chapters of the Law are available on official websites of state agencies, including that of the Ministry of Finance, as well as local governments.

- <http://internationalbudget.org/wp-content/uploads/Citizen-Budget-Guide.pdf>

Mexico has established a budget transparency portal

In Mexico the Ministry of Finance has historically published information on public finance. Some of this information was published as part of its regulatory obligations. However, information such as monthly data on of the revenue, expenditure, debt, transfers to local government, etc.was also published by the Executive initiative, as "Public Finance Statistics".

In 2012 the Government decided to create a website with useful information on how resources are spent. The aims were to provide:

- Greater transparency in public-resource management
- Fiscal transparency in citizen language
- Thematic transparency, with particular attention to citizens interests

The portal's design serves to gathered budget information in one place and present it in plain language and open

formats. It was developed through dialogue with social organisations and members of academia, and provides a front-end designed for easy user access and a back-end data warehouse to integrate budget information from the information systems of the Ministry, in real time, as it is updated internally. The data can be found in open file format “Excel” or “CSV” that let the users analyse and play with the information.

The portal seeks to link all stages of the budget process: planning, programming, budgeting, exercise and control, monitoring, evaluation and accountability. It includes government finance statistics, resources transferred to local governments, quarterly reports in open formats, year-end report, citizens budget and year end report as well as details of investment projects, indicators, goals and external evaluations.

Social media and a short ‘magazine’ style presentation of the highlights of the citizen’s budget have been used to increase accessibility

- <http://fiscaltransparency.net/wp-content/uploads/2013/11/Mexico-Presentation.pptx>
- <http://www.transparenciapresupuestaria.gob.mx/>
- <http://www.opengovpartnership.org/country/mexico/case-study/inspiring-story-budget-transparency-portal>

Rwanda started publishing a Citizen’s Guide to the Budget in 2009

Rwanda’s Ministry of Finance first published a Citizen’s Guide to the Budget in June 2009. The first edition was quite dense and not tailored to non-specialist readers. However in 2010 they produced a more user-friendly guide, using less technical language and including cartoons. It was produced in French, English, and Kinyarwanda and more than 10,000 copies were distributed. It also highlighted how citizens can get involved in developing and monitoring the national budget.

- http://www.opengovguide.com/wp-content/uploads/2013/09/Rwanda_2011-12.pdf
- http://www.opengovguide.com/wp-content/uploads/2013/09/Rwanda_transparency_and_citizens_guide.pdf

Tanzania produced a Citizen’s Budget Handbook

In Tanzania the Ministry of Finance (MoF) worked with the Policy Forum network of NGOs to produce a Citizen’s Budget Handbook — a simplified digest of the national budget. It explains concepts, avoids using too much technical jargon, and uses cartoons and simple graphs to make it easy to understand. It is produced in English and Swahili, and gives a particular focus to those areas that have a direct impact on citizens livelihoods such as education, health, water, energy and transport.

- http://www.opengovpartnership.org/sites/default/files/Tanzania_0.pdf
- <http://www.mof.go.tz/mofdocs/budget/Citizens%20Budget/CITIZENS%20BUDGET%202012-2013%20-%20English.pdf>

The Philippines has developed a Citizen’s Budget Portal

As part of its first OGP Action Plan the Government of the Philippines committed to develop and launch a website, which will serve as an interactive platform for citizens to learn about and find information on the National Budget. The

website budgetngbayan.com includes a section called Budget 101 which explains the budget cycle in plain language. Budgets are available to download as pdf or Excel files, along with a 'People's Budget' which provides explanation. Users of the site can comment and ask questions using Facebook. 'Faith' a Foreign Aid Transparency Hub is also under development.

The 2012 National Budget contains a general provision (Section 91) that requires agencies to disclose information on their mandates and the functions and designations of their key officials; their approved budgets and corresponding targets; funding, key beneficiaries and status of programs and projects; and annual accomplishment and accountability reports, among others. The 2012 Budget also contains special provisions that require the disclosure of additional information.

The Independent Review of the Philippines OGP progress found that Stakeholders, particularly those involved in budget transparency work, found the website useful as a research tool. Citizens who posted queries on the website received feedback from the site administrator and recommended making the website even more interactive.

- <http://budgetngbayan.com/>
- <http://www.opengovpartnership.org/country/philippines/commitment/technology-and-innovation>
- <http://www.opengovpartnership.org/blog/blog-editor/2013/10/09/irm-releases-philippine-report-public-comment>

Initial Step: Publish Executive's Budget Proposal and Audit Reports

Justification

The timely publication of essential budget documents forms the basic building blocks of budget accountability and an open budget system. The publication of the Executive's Budget Proposal and Audit Reports is recommended in the IMF's fiscal transparency code and the OECD's best practice guidelines on budget transparency. INTOSAI (the global association of supreme audit institutions) recommends the publication of audit reports. Further, the IBP's Open Budget Index evaluates these reports.

Recommendations

- The executive, led by the Ministry of Finance, should publish the Executive's Budget Proposal, ideally three months before the start of the year. This report presents the government's detailed plans, in terms of policy priorities and budgets for each ministry and agency, for the coming budget year.
- The supreme audit institution should publish an Audit Report, ideally within six months to a year after the end of the relevant budget year. This is an agency that is independent of the executive and has the mandate to review through audit the financial performance of the government in the previous budget year; audits can also cover specific agencies and non-financial aspects of the executive's performance.

Standards & Guidance

- IBP open budget survey <http://internationalbudget.org/what-we-do/open-budget-survey/full-report/>
- IMF fiscal transparency code <http://www.imf.org/external/np/fad/trans/code.htm>
- INTOSAI Basic Principles in Government Auditing http://www.issai.org/media/12943/issai_100_e.pdf
- OECD best practice guidelines on budget transparency <http://www.oecd.org/gov/budgeting/best-practices-budget->

[transparency.htm](#)

- OGP Eligibility Criteria: Fiscal Transparency <http://www.opengovpartnership.org/eligibility>
- OGP Eligibility Criteria: Fiscal Transparency <http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>

Country Examples

Afghanistan has established a roadmap to improve public financial management

In 2010 the Afghanistan government drafted a Public Financial Management (PFM) Roadmap focused on “strengthening the budget in driving effective delivery of key priority [development] outcomes; improving budget execution; and increasing accountability and transparency.

Key factors were the political will of the leadership of the Ministry of Finance, as well as the government’s desire to improve its international image. Donor organizations and international financial institutions also increasingly focused their attention on fiscal transparency as a means to reduce corruption in the country. Their pressure, coupled with technical assistance provided to the Ministry of Finance, facilitated quick improvements. The pre-budget statement and executive’s budget proposal were previously produced for internal use but withheld from the public, so making them publicly available was a quick and easy step toward substantial improvement.

As part and parcel of these developments, civil society organizations and researchers have started engaging with the government, primarily through the Ministry of Finance, on budget-related issues, publishing budget analyses and organizing public awareness campaigns through the media, and conducting meetings and workshops to highlight the importance of budget transparency for citizen monitoring and government accountability.

- <http://internationalbudget.org/wp-content/uploads/OBI2012-Report-English.pdf>

Many countries publish the Executive’s Budget Proposal and Audit Report

According to the 2012 survey by the International Budget Partnership 62 countries out of 100 surveyed publish both the Executive’s Budget Proposal and the Audit Reports.

- <http://survey.internationalbudget.org/#availability>

Mexico has established a budget transparency portal

In Mexico the Ministry of Finance has historically published information on public finance. Some of this information was published as part of its regulatory obligations. However, information such as monthly data on of the revenue, expenditure, debt, transfers to local government, etc. was also published by the Executive initiative, as “Public Finance Statistics”.

In 2012 the Government decided to create a website with useful information on how resources are spent. The aims were to provide:

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The portal's design serves to gathered budget information in one place and present it in plain language and open formats. It was developed through dialogue with social organisations and members of academia, and provides a front-end designed for easy user access and a back-end data warehouse to integrate budget information from the information systems of the Ministry, in real time, as it is updated internally. The data can be found in open file format "Excel" or "CSV" that let the users analyse and play with the information.

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The Philippines has developed a Citizen's Budget Portal

As part of its first OGP Action Plan the Government of the Philippines committed to develop and launch a website, which will serve as an interactive platform for citizens to learn about and find information on the National Budget. The website budgetngbayan.com includes a section called Budget 101 which explains the budget cycle in plain language. Budgets are available to download as pdf or Excel files, along with a 'People's Budget' which provides explanation. Users of the site can comment and ask questions using Facebook. 'Faith' a Foreign Aid Transparency Hub is also under development.

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The Independent Review of the Philippines OGP progress found that Stakeholders, particularly those involved in budget transparency work, found the website useful as a research tool. Citizens who posted queries on the website received feedback from the site administrator and recommended making the website even more interactive.

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- <http://www.opengovpartnership.org/country/philippines/commitment/technology-and-innovation>
- <http://www.opengovpartnership.org/blog/blog-editor/2013/10/09/irm-releases-philippine-report-public-comment>

Initial Step: Publish the four core budget documents

Justification

Governments that currently produce, but do not publish their core budget documents could publish them immediately at little cost. The four most important documents are:

- **The Executive's Budget Proposal** which outlines the government's revenue and expenditure plans. Timely publication of this document is essential for the public to be able to engage in the debate over the government's proposals.
- **The Enacted Budget** which is the result of legislative consideration of the executive's proposal. Because this report documents the commitments that have been approved, it will form the basis of any monitoring of government execution.
- **Audit Reports** which contain the audit institution's formal, independent evaluation of whether the government has collected and spent public funds as set out in the Enacted Budget, and has done so in accordance with the law. Citizens must have access to this document to be able to gauge the government's performance.
- **A Citizens' Budget** which provides a non-technical presentation of the budget (either the Executive's Budget Proposal or the Enacted Budget) that is widely accessible to all citizens.

These form the most basic building blocks of budget accountability, thus publishing them is the minimum requirement for an open budget system.


Recommendations

- To increase the public's access to these reports, and avoid unequal access, budget reports should at a minimum be posted on the government's website. Where internet access is limited, governments could make hard copies of their budgets widely available via public libraries and information desks throughout the country.
- In multilingual countries, budget reports should be published in multiple official languages.
- Each document should be made available according to a timetable and without delay. Late publication of these reports denies the public the ability to use the information to engage in decision-making processes.

Standards & Guidance

- IBP guide to transparency in government budget reports http://internationalbudget.org/wp-content/uploads/Government_Transparency_Guide1.pdf
- IBP open budget survey <http://internationalbudget.org/what-we-do/open-budget-survey/full-report/>
- IMF fiscal transparency code <http://www.imf.org/external/np/fad/trans/code.htm>
- OECD best practice guidelines on budget transparency <http://www.oecd.org/gov/budgeting/best-practices-budget-transparency.htm>
- OGP Eligibility Criteria: Fiscal Transparency <http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>

Country Examples

 Increasing numbers of countries publish the Executive Budget, Enacted Budget, Audit Report and Citizen's Budget

According to the 2012 survey by the International Budget Partnership, 22 countries out of 100 surveyed publish all four documents.

- <http://survey.internationalbudget.org/#availability>

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Intermediate Step: Consult with the public on budget preparation

Justification

Although they are responsible for taking key decisions about how best to address their country's needs and prospects for development, governments often lack important information and have limited research capacity and analytical resources for making choices about how to raise and spend funds. By increasing the opportunities for the public and civil society organisations to directly engage in and influence these process governments can benefit from their knowledge.

Recommendations

Establish sector and ministry level consultation meetings with the public on overall budget priorities, as well as macroeconomic policy and inter-sectoral resource allocation issues and provide detailed feedback to the public on how its inputs have been used.

Standards & Guidance

- GIFT High Level Principles on Financial Transparency <http://fiscaltransparency.net/wp-content/uploads/2012/09/GIFT-High-Level-Principles-2012-08-ENG.pdf>
- IBP open budget survey <http://internationalbudget.org/what-we-do/open-budget-survey/full-report/>

Country Examples

New Zealand uses a wide range of mechanisms to seek public input

New Zealand has adopted a number of mechanisms to seek public input on various aspects of budget implementation and service delivery. Individual government departments and agencies collect information from client surveys, hold public consultations before the government publishes statements and rulings, and maintain hot links on the Inland Revenue website for public consultation, feedback, 'report tax evasion or fraud anonymously', and complaints.

- <http://internationalbudget.org/wp-content/uploads/OBI2012-Report-English.pdf>

Intermediate Step: Enable effective oversight by legislatures and supreme audit institutions

Justification

The legislature and Supreme Audit Institution (SAI) play key roles in holding the executive to account for the conduct of fiscal policy. The legislature requires clear authority, together with sufficient time, information, and financial and non-financial resources. If the legislature is to enjoy public confidence trust and legitimacy, it must also operate in a transparent, participatory and accountable manner.

In many countries the executive holds very limited consultations or no consultation at all with the legislature during the formulation of the budget, with legislatures in some countries receiving the Executive's Budget Proposal less than six weeks before the beginning of the budget year, and sometimes after the start of the fiscal year, or not at all.

In many countries legislators have to rely on either understaffed research offices or external researchers to inform their deliberations and some have no access to any research capacity whatsoever.

An adequately resourced and independent supreme audit institution is also crucial. Supreme Audit Institutions (SAIs) provide assurance of the integrity of financial information, and of compliance with budgetary rules. SAIs can also play a role in performance auditing; monitoring and assessing both financial and non-financial information in the budget cycle.

Recommendations

- The executive and/or the legislature (as appropriate in the country) should facilitate the creation of an independent research office that can assist the legislature in analysing the budget presented to the legislature by the executive.
- Even after the budget is approved by the legislature, their approval should be sought before the executive spends any new revenues or contingency funds.
- Supreme audit institutions need adequate resources to be able to implement their audit mandates effectively. They also need to be made independent of the executive (for example the executive should not be able to remove the head of the supreme audit institution without advance approval from the legislature or judiciary).

Standards & Guidance


- IBP open budget survey <http://internationalbudget.org/what-we-do/open-budget-survey/full-report/>
- INTOSAI Basic Principles in Government Auditing http://www.issai.org/media/12943/issai_100_e.pdf
- INTOSAI's Lima and Mexico Declarations on Supreme Audit Institutions independence <http://www.intosai.org/issai-executive-summaries/view/article/issai-10-the-mexico-declaration-on-sai-independence-eger.html>

Country Examples

 In 2011, the Parliamentary Budget Office was established in Kenya


Kenya's Parliamentary Budget Office, established by the 2009 Fiscal Management Act, is a non-partisan office of the Kenya National Assembly. Its primary function is to provide timely and objective information and analysis concerning the national budget and economy.

- <http://www.marsgroupkenya.org/pdfs/2012/11/Kenya%20MPs%20Budget%20Watch%20September%202012.pdf>

 In many countries, fiscal councils are providing independent analysis of government budgets and policies

Fiscal councils are independent bodies set up by governments to evaluate fiscal policy and provide advice. As such, they can be seen as fiscal watchdogs. In the last few years, five countries (Sweden, Canada, Hungary, Slovenia, and the United Kingdom) have established fiscal councils, and the United States and Netherlands have had such institutions in place for longer than that.

- <http://www.voxeu.org/article/what-are-fiscal-councils-and-what-do-they-do>

 The Congressional Budget Office in the United States offers credible and impartial support to legislators across party lines

The US Congressional Budget Office, established in 1974, produces independent analyses of budgetary and economic issues to support the Congressional budget process. The agency is strictly non-partisan and conducts objective, impartial analysis.

- <http://www.cbo.gov/>

Intermediate Step: Publish all budget reports as open data

Justification

National budget reports typically include thousands of revenue and expenditure items. In order for these numbers to be properly understood, citizens and researchers need to analyse and manipulate the data in budget reports. Modern technology allows data to be relayed in formats that can be easily manipulated. In order to facilitate the use of budget data, governments should publish the data in machine-readable formats that can easily be retrieved, downloaded, indexed, and searched by all commonly used Web search applications.

Open formats, for example nonproprietary CSV files, are ones where the specification for the format is available to anyone for free, thereby allowing the data contained in a file to be opened by different software programmes.

Recommendations

Publish all budget reports on the internet in machine-readable formats,

1. A first step would be to publish budget documents as Excel spreadsheets.
2. In the longer term relevant budget data should be published directly from Financial Management Information System (FMIS) and comply with open data standards.

Standards & Guidance

- Open Data Index <http://https://index.okfn.org/>
- World Bank: Financial Management Information Systems and Open Budget Data <http://www.worldbank.org/publicfinance/FMIS>
- World Bank: Fiscal Transparency Tools and Resources <http://wbi.worldbank.org/boost/about>

Country Examples

 The Brazilian ministry of finance publishes large amount of budget data in machine-readable formats

Brazil has developed a number of instruments for fiscal transparency. The most well known initiative perhaps is the transparency portal www.portaltransparencia.gov.br/, which was started in 2004 and which draws together information from across the federal government. The portal includes information on public revenues, budgets and spending as well as income and assets of public servants and information on procurement. It is updated daily and provides searchable, open access to the data, as well as offering specific sections focused on areas of particular interest such as the World Cup and the Olympics.

The portal aims to provide information which can be easily accessed and used. For example budget lines are tagged with popular names (for example 'bolsa familia' as well as the official title 'Transferência de renda e apoio à família no acesso à saúde e a à educação'). The information in the budget portal is provided in the form of open, machine readable data, so that it can be used and reused by civil society, media and other organisations to create analysis, visualisations and tools to navigate the information.

As the practice of transparency has developed, so too has the legal framework. In 2012 Brazil established a new Transparency Law obliging all Brazilian public entities (executive, judiciary and legislative bodies at the federal, state and municipality levels, as well as in the federal district) to publish detailed budget data online in real time. The transparency initiative is led by the Office of the Comptroller General. Significant effort has been put into education and dialogue, both within and outside of government, to understand user information needs, to support users to use the data and to generate high quality information flows.

As part of its first OGP Action Plan Brazil has been providing more budget information on its transparency portal, improving data on social benefits and on contracts. In its second Action Plan there is a plan to rebuild the Transparency Portal completely, based on learning from the first ten years, to improve quality and usability and to connect budget information to datasets on actions. The federal government is now working to encourage states and municipalities to develop their own portals.

[Source: Based on a webinar presentation by Otavio Castro Neves, July 30 2013]

- <http://www.opengovpartnership.org/webinar-introducing-fiscal-openness-working-group>

Intermediate Step: Publish all eight key budget reports

Justification

Internationally accepted good practices require governments to publish at least eight key budget reports at various points

in the budget year:

- **The Pre-Budget Statement** presents the broad parameters and macroeconomic assumptions of the Executive's Budget Proposal.
- **The Executive's Budget Proposal** which outlines the government's revenue and expenditure plans.
- **The Enacted Budget** which is the result of legislative consideration of the executive's proposal.
- **Audit Reports** which contain the audit institution's formal, independent evaluation of whether the government has collected and spent public funds as set out in the Enacted Budget, and has done so in accordance with the law. Citizens must have access to this document to be able to gauge the government's performance.
- **A Citizens' Budget** which provides a non-technical presentation of the budget (either the Executive's Budget Proposal or the Enacted Budget) that is widely accessible to all citizens.
- **Execution reports (In-Year Reports and Mid-Year Review)** provide timely feedback on the progress of budget execution, thus allowing for mid-course corrections, reallocations or supplemental allocations, where necessary.
- **Year-End Reports** allow for a comparison between planned and actual spending, increasing accountability and informing decisions for the coming budget year.

In order for these reports to be useful, they need to provide adequate details that will enable citizens to get a comprehensive picture of how their governments are collecting and spending their monies. This means that budget reports should provide information on both the flows (expenditure, revenues, balance) as well as stocks (government debt, financial and non-financial assets and liabilities). Budget reports should also include performance information (objectives, outputs and outcomes) of key programs. This information should be supplemented by statements of fiscal strategy and reports on how they are being met. Finally, governments should report on how it is managing fiscal risks, such as government guarantees, macroeconomic shocks, and financial sector exposure.

The publication of key reports during budget planning, implementation and evaluation is recommended in the IMF's fiscal transparency code, the OECD's best practice guidelines on budget transparency, and the IBP's Open Budget Survey, which describe the information that should be provided in these key budget reports. The IMF offer periodic assessments of fiscal transparency through their fiscal transparency ROSCs. The [OECD](#) and the IBP evaluate budget transparency through their respective surveys. The World Bank-led PEFA framework also assesses some of these issues. Good practices on the timeliness and comprehensiveness of published budget reports are provided by the IBP in its Open Budget Survey, the IMF in its fiscal transparency Code, and the OECD in its best practice guidelines on budget transparency.

Recommendations

1. Publish a comprehensive Pre-Budget Statement at least one month before the publication of the Executive's Budget Proposal.
2. Publish a comprehensive Executive's Budget Proposal, ideally three months before the start of the budget year.
3. Publish a comprehensive Enacted Budget, ideally as soon as the budget is approved by the legislature.
4. Publish a comprehensive Citizens Budget, ideally alongside the Executive's Budget Proposal or Enacted Budget
5. Publish comprehensive monthly or quarterly In-Year Reports on revenues collected, expenditures made, and debt incurred, ideally within 30 days or six weeks after the end of the relevant reporting period.
6. Publish a comprehensive Mid-Year Review, ideally within 30 days or six weeks after the mid-point of the budget year.
7. Publish a comprehensive Year-End report, ideally within six months to a year after the end of the budget year.
8. Publish comprehensive Audit Reports, ideally within six months to a year after the end of the budget year. In addition to Audit Reports, government should also publish reports on steps taken to address audit recommendations.

Standards & Guidance

- IBP guide to transparency in government budget reports http://internationalbudget.org/wp-content/uploads/Government_Transparency_Guide1.pdf
- IBP open budget survey <http://internationalbudget.org/what-we-do/open-budget-survey/full-report/>
- IMF fiscal transparency code <http://www.imf.org/external/np/fad/trans/code.htm>
- OECD best practice guidelines on budget transparency <http://www.oecd.org/gov/budgeting/best-practices-budget-transparency.htm>
- World Bank: Fiscal Transparency Tools and Resources <http://wbi.worldbank.org/boost/about>

Country Examples

A few countries publish all eight key budget documents

France, Honduras, Italy, New Zealand, the UK, Uganda, Slovakia and South Africa are among the countries that publish all eight key budget documents. The Executive Budget Proposals in countries New Zealand, South Africa, and the United Kingdom also meet international best practice criteria.

- <http://survey.internationalbudget.org/#availability>

Honduras publishes all eight key budget documents

Until recently the Honduran government produced most of the budget documents for internal use, but only made limited information public.

After a political crisis in 2009, the new Honduran government began to focus on improving its financial management practices, including making the budget more transparent. It undertook these efforts in order to establish legitimacy with the international community, secure foreign assistance, reduce the fiscal deficit, and tackle development problems more effectively.

An interagency commission was set up under the coordination of the President's office to draw up a plan to improve fiscal transparency and management and requested technical assistance from the International Budget Partnership. This included bringing government and local civil society organisations together to discuss budget transparency issues.

- <http://internationalbudget.org/wp-content/uploads/OBI2012-Report-English.pdf>
- <http://www.opengovpartnership.org/country/honduras/action-plan>

Mexico has established a budget transparency portal

In Mexico the Ministry of Finance has historically published information on public finance. Some of this information was published as part of its regulatory obligations. However, information such as monthly data on of the revenue, expenditure, debt, transfers to local government, etc. was also published by the Executive initiative, as "Public Finance Statistics".

In 2012 the Government decided to create a website with useful information on how resources are spent. The aims were to provide:

- Greater transparency in public-resource management
- Fiscal transparency in citizen language
- Thematic transparency, with particular attention to citizens interests

The portal's design serves to gathered budget information in one place and present it in plain language and open formats. It was developed through dialogue with social organisations and members of academia, and provides a front-end designed for easy user access and a back-end data warehouse to integrate budget information from the information systems of the Ministry, in real time, as it is updated internally. The data can be found in open file format "Excel" or "CSV" that let the users analyse and play with the information.

The portal seeks to link all stages of the budget process: planning, programming, budgeting, exercise and control, monitoring, evaluation and accountability. It includes government finance statistics, resources transfered to local governments, quarterly reports in open formats, year-end report, citizens budget and year end report as well as details of investment projects, indicators, goals and external evaluations.

Social media and a short 'magazine' style presentation of the highlights of the citizen's budget have been used to increase accessibility

- <http://fiscaltransparency.net/wp-content/uploads/2013/11/Mexico-Presentation.pptx>
- <http://www.transparenciapresupuestaria.gob.mx/>
- <http://www.opengovpartnership.org/country/mexico/case-study/inspiring-story-budget-transparency-portal>

Advanced Step: Enable citizen participation in budgeting

Justification

Citizen participation in budgeting is a relatively new concept in public financial management.

Citizen engagement in the budget process is important for a number of reasons. An OECD publication (Tanaka,2007) identifies several such important reasons for public engagement in budgeting.

- Budget decisions have a significant impact on the lives of the public, and therefore should be informed by the views and values of citizens.
- Engaging citizens in the budget process increases the information available to decision makers concerning the likely effects of their decisions in communities, and can help to guard against unintended consequences.
- The scrutiny of citizens can help to ensure that decision makers are diligent in the decisions they make, improving the efficiency, responsiveness and accountability of government, and guarding against corruption.
- Through engaging citizens in the budget process, they can address the same trade-offs that decision makers are forced to make, and generate a more fruitful discussion between citizens and government.
- Engaging citizens in fundamental decisions, such as budget decisions, can help to overcome public distrust and cynicism, and increase the legitimacy of government.
- Citizen engagement can help to ensure that government is responsive to the needs, views and values of citizens.

Recommendations

Develop citizen audit request system, social audit mechanisms, and participatory budgeting systems.

Below, we identify some principles that could guide governments as they develop mechanisms for public engagement in budgeting. These principles have been used in indicators on public engagement in the Open Budget Survey, and are the responsibility of the finance ministry:

1. Take responsibility for developing and implementing a strategy of citizen engagement in the budget process.
2. Identify examples of international, national and local good practice.
3. Define a clear purpose or set of purposes for engaging citizens in the budget process, and define clearly the scope of their involvement.
4. Identify institutional and cultural barriers to engaging citizens in the budget process, and consider ways in which they could be overcome
5. Carefully consider who it should engage in the budget process, and how they can be best involved and at which stage of the process.
6. Develop a range of opportunities for citizens, civil society, and other interested parties to engage in the budget process.
7. Ensure that all engagement with the budget process is open and transparent to allow for effective scrutiny.
8. Report back to participants on the results and impacts of consultation and publish the results for wider scrutiny.

Standards & Guidance

- IBP guide to participatory budgeting <http://internationalbudget.org/wp-content/uploads/A-Guide-to-Participatory-Budgeting.pdf>
- IBP open budget survey <http://internationalbudget.org/what-we-do/open-budget-survey/full-report/>
- World Bank participatory budgeting book <http://siteresources.worldbank.org/PSGLP/Resources/ParticipatoryBudgeting.pdf>

Country Examples

Botswana has developed a “budget pitso” forum

Botswana has introduced a promising initiative that uses an innovative “budget pitso” (or consultation forum) system to enable the public to be part of budget formulation. This “pitso” has its origins in the community participation “kgotla” system, which is one of the oldest forms of public participation in governance in the world.

- <http://internationalbudget.org/wp-content/uploads/OBI2012-Report-English.pdf>

Citizens in South Korea can submit requests for audits of programs or agencies

The Board of Audit and Inspection (BAI) in South Korea has introduced various arrangements that help to incorporate citizen opinions and input into its audit activities. One such arrangement is the Citizens’ Audit Request System, which was introduced in 2001 to promote timely and efficient audits and trust in the national audit agency. Citizens may request audits related to public sector organizations in which the violation of laws or corruption could seriously undermine the public interest. A Citizens Audit Request Screening Committee, established within the BAI, decides for or against a request. For those requests that are approved, the BAI conducts audits and notifies the requesting parties of

the results. The system has become widely known among the general public, and the number of audit requests is increasing.

- <http://www.intosajournal.org/technicalarticles/technicalapr06.html>

Germany invites economists, business and trade unions to give testimony to budget hearings

In Germany the parliament's budget committee holds public hearings in which testimony from economists, trade associations, labor unions, employer federations, and civil service employee associations, among others, is heard. The budget committee determines the focus of these talks.

[NB: this example is drawn from the information collected in the Open Budget Survey. While the Survey references these examples, it does not assess the quality of public engagement as a result of these mechanisms. The Global Initiative for Fiscal Transparency (GIFT) has recently commissioned case studies to assess the quality of public participation in budget decision-making in a number of countries. This guide will be updated with information from these case studies when the case studies are published.]

- <http://internationalbudget.org/wp-content/uploads/OBI2012-Report-English.pdf>

South Africa invites interested parties to present on budget proposals

The South African Money Bill Amendment Procedure and Related Matters Act requires parliament to hold public hearings on the fiscal framework and revenue proposals. Interested parties are invited to make oral presentations during the hearings.

[NB: this example is drawn from the information collected in the Open Budget Survey. While the Survey references these examples, it does not assess the quality of public engagement as a result of these mechanisms. The Global Initiative for Fiscal Transparency (GIFT) has recently commissioned case studies to assess the quality of public participation in budget decision-making in a number of countries. This guide will be updated with information from these case studies when the case studies are published.]

- <http://internationalbudget.org/wp-content/uploads/OBI2012-Report-English.pdf>

South Korea has systems to enable citizens to participate in budget decisions

In South Korea the Budget Office introduced significant public financial management (PFM) reforms in 2003, including a medium term expenditure framework, performance based budgeting and integrated financial management system. This improved the budget process but posed a potential problem. Without credible mechanisms for setting multi-year budget ceilings and sticking to them they could easily be undermined. . In order to help make the budget ceilings effective the authorities developed a process of participation in the budget formulation process . This allows the government to assert that a realistic expenditure ceiling has been established, and the government's hands are tied in any attempt to renegotiate the ceiling. Citizen's involvement has also been encouraged to improve the execution of the budget and to enhance fiscal transparency between national and local government.

There are six main mechanisms for participation, formalised Open Discussions, field trips for central government officials to meet local government officials, a fiscal policy advisory council made up of civil society representatives and

officials from national and local government, an assembly of experts, a budget waste report centre and public participation in audit. These processes are integrated into the annual budget formulation cycle.

Through the Budget Waste Report Center citizens can report any suspected cases of budget waste using an online form or a telephone hotline. Citizens can suggest creative ways to save budget resources. Retired Budget Officials manage the hotline, sending cases to relevant departments. Advertising has been used to increase awareness and encourage participation. Public participation in auditing takes place in three ways. Citizens are encouraged to suggest what public entity should be audited. They can request the audit board examines any reports of impropriety and can gather to collectively request audits, not only on budget waste, but also on delays in program implementation and completion and unreasonable public policy. In 2012 the budget office launched its first contest to gather creative ideas from the public on new fiscal projects. A total of 866 ideas were submitted and 12 suggestions were reflected in the budget.

[Source: World Bank, PREM Notes]

- <http://internationalbudget.org/wp-content/uploads/OBI2012-Report-English.pdf>
- <http://internationalbudget.org/wp-content/uploads/Kang-and-Min-Public-Participation-in-the-Budget-Process-in-ROK.pdf>
- <http://fiscaltransparency.net/wp-content/uploads/2013/11/Korea-Public-Participation-Case.pptx>
- <http://blogs.worldbank.org/governance/public-participation-budget-process-republic-korea>

State governments in India use social audit techniques to monitor government programs

In the Indian state of Andhra Pradesh, social audits techniques are being used to hold government accountable. Social audits, apart from including audit of expenses or decisions, also cover issues of equity and quality in programme implementation, and are conducted jointly by government and civil society. The social audit process used here includes public vigilance and verification at the various stages of project implementation. Social audit forums, or public hearings, are also organised as part of the process. In these forums information is read out publicly and people are given the opportunity to question officials, seek and obtain information, verify financial expenditure, examine the provision of entitlements, discuss the priorities reflected in choices made, and critically evaluate the quality of works as well as the functioning of the programme staff.

- <http://125.22.8.66/SocialAudit/>

Trinidad and Tobago uses stakeholder forums and Facebook to gather budget input

In Trinidad and Tobago the Ministry of Finance holds “post-budget forums” to gather input from and respond to the public. Key groups such as agriculture, youths, etc. are invited to give their perspectives on the budget. All members of the public are invited to call or send text messages to the Minister of Finance; and make comments publicly through Facebook and the ministry’s website.

- <http://internationalbudget.org/wp-content/uploads/OBI2012-Report-English.pdf>

Advanced Step: Publish information on resources received by service delivery units

Justification

Problems frequently arise in front-line service delivery units providing services at the community level (such as schools and health clinics) in obtaining resources that were intended for their use, whether in terms of cash transfers, distribution of materials in kind (e.g. drugs and school books) or provision of centrally recruited and paid personnel. The intended resource provision may not be explicit in budget documentation, but is likely to form part of line ministries internal budget estimates preparation. Front line service delivery units, being furthest in the resource allocation chain, may be the ones to suffer most when overall resources fall short of budget estimates, or when higher level organisational units decide to re-direct resources to other (e.g. administrative) purposes. There may be significant delays in transfers of resources to the unit whether in cash or in kind. Tracking of such information is crucial in order to determine, if the PFM systems effectively support front-line service delivery.

Recommendations

Publish data on resources (cash and in-kind) received by service delivery units (such as, primary schools & primary health clinics)

Standards & Guidance

- Public Expenditure and Financial Accountability Field Guide
<http://siteresources.worldbank.org/PEFA/Resources/PEFAFieldguide.pdf>

Advanced Step: Publish off budget financial information

Justification

Governments often implement financial activities outside of the national budget, for example through pension or social security funds, state-owned enterprises and banks, Public resources from natural resource extraction, foreign aid, debt cancellation and proceeds from privatization operations may also not show up in national budgets.

In recent years there has been an increased emphasis on governments having a balanced budget and low levels of debt. Such prescriptions may increase incentives for governments to use quasi-fiscal activities that mask the true cost of their policies.

Quasi-fiscal activities are subsidies and deficits which don't show up on government financial accounts, such as subsidised bank loans provided by the central bank noncommercial public services provided by state-owned enterprises or multiple currency exchange rates used for different transactions.

Tax expenditures are another financial measure that is generally less well understood and often hidden from public scrutiny. Tax expenditures are usually defined as a government's estimated revenue loss that results from giving tax concessions or preferences to a particular class of taxpayer or activity. The revenue loss, or "expenditure," is calculated as the difference between whatever tax would have been paid under a defined benchmark tax law (which identifies what tax structure should normally apply to taxpayers) and the lower amount that was actually paid after the tax break.

All these issues should be adequately disclosed so that they receive the same level of oversight that the national budget

receives.

Recommendations

1. Publish timely, regular, comprehensive, accessible, and accurate information on financial activities that go beyond the routine items in a national budget including extra-budgetary funds, tax expenditures and quasi fiscal activities.
2. Budget documentation should include statements on the purpose, duration, and intended beneficiaries of each quasi-fiscal activity, based on information provided by those agencies that undertake these activities, whether state-owned enterprises or the central bank.
3. Public corporations should include in their reports specific information on, for example, noncommercial services that the government requires them to provide or lending to other government-owned agencies, while central banks should report on any non-monetary policy activities that they conduct on behalf of the government.

Standards & Guidance


- IBP Looking beyond the budget <http://internationalbudget.org/wp-content/uploads/Looking-Beyond-the-Budget.pdf>
- IMF fiscal transparency code <http://www.imf.org/external/np/fad/trans/code.htm>
- OECD Guidelines on Corporate Governance of State-owned Enterprises <http://www.oecd.org/daf/ca/corporategovernanceofstate-ownedenterprises/34803211.pdf>
- World Bank: Fiscal Transparency Tools and Resources <http://wbi.worldbank.org/boost/about>

Country Examples

 In Azerbaijan, fuel subsidies provided by the national oil company were put on the budget

In Azerbaijan, fuel subsidies provided by the national oil company, SOCAR, were put on budget by recognizing the amount of the subsidy in the budget and granting SOCAR tax credits for the same amount.

- <http://internationalbudget.org/wp-content/uploads/Looking-Beyond-the-Budget-3-Quasi-Fiscal-Activities.pdf>

 In South Africa information on quasi-fiscal activities is provided in the main budget or the budgets of the relevant agencies

In South Africa all quasi-fiscal activities are included either in the main budget or in the budgets of the relevant extra-budgetary agencies. In terms of accounting for extra-budgetary funds, the South African executive's budget and supporting documentation present extensive information on extra-budgetary funds, including both a narrative discussion and quantitative estimates of such funds. The bulk of extra-budgetary funds in South Africa are composed of social security funds, such as the Road Accident Fund, the Unemployment Insurance Fund, and the Compensation Funds. The money for these items is not included in the budget, but information on their payments and receipts is included in the accompanying document, the Budget Review. The Office of the Auditor General of South Africa publicises its reports of audits of all extra-budgetary funds. The reports include all charges against the Revenue Fund, including extra-budgetary funds.

- <http://internationalbudget.org/wp-content/uploads/Looking-Beyond-the-Budget.pdf>

Innovative Step: Fully implement the GIFT Principles on fiscal transparency

Justification

The Global Initiative for Fiscal Transparency (GIFT) is a multi-stakeholder action network working to advance and institutionalise global norms and significant, continuous improvements on fiscal transparency, participation, and accountability in countries around the world. High Level Principles on Fiscal Transparency, Accountability and Participation represent an attempt to distil a set of broad principles from across the body of existing standards and norms. They are intended to guide policy makers and all other stakeholders in fiscal policy in their efforts to improve fiscal transparency, participation and accountability.

In December 2012, the UN General Assembly adopted a resolution titled 'Promoting transparency, participation and accountability in fiscal policies' endorsing the GIFT High Level Principles on fiscal transparency and participation, and encouraging Member States to intensify efforts to enhance transparency, participation and accountability in fiscal policies.

Recommendations

Implement the 10 High Level Principles on fiscal transparency, participation, and accountability developed by GIFT, which are summarised below:

1. Establish a clear presumption in favour of the public availability of fiscal information without discrimination
2. Publish clear and measurable objectives for aggregate fiscal policy, regularly report progress against them, and explain deviations
3. Present high quality financial and nonfinancial information on past, present, and forecast fiscal activities, performance, fiscal risks, and public assets
4. Communicate the objectives being pursued and the outputs produced and endeavour to disclose the anticipated and actual social, economic and environmental outcomes
5. Ensure that all financial transactions of the public sector have their basis in law. Laws, regulations and administrative procedures should be available to the public, and their implementation should be subject to independent review
6. Government financial relationships with the private sector should be disclosed, conducted in an open manner, and follow clear rules
7. Assign clear roles and responsibilities for raising revenues, incurring liabilities, consuming resources, investing, and managing public resources
8. No government revenue should be raised or expenditure incurred or committed without the approval of the legislature through the budget or other legislation
9. The Supreme Audit Institution should have statutory independence, the mandate to access information, and appropriate resources to audit and report publicly
10. Citizens should have the right and they, and all non state actors, should have effective opportunities to participate directly in public debate on budgets

Standards & Guidance

- GIFT High Level Principles on Financial Transparency <http://fiscaltransparency.net/wp-content/uploads/2012/09/GIFT-High-Level-Principles-2012-08-ENG.pdf>

Citizen engagement

 Lead author: [Involve](#)

Introduction

Citizen engagement is what open government is all about. It underpins many of the other topics in this guide - with active citizenship often being a vital link between transparency and accountability. The Open Government Partnership recognises this in its [eligibility criteria](#), stating that: 'Open Government requires openness to citizen participation and engagement in policymaking and governance, including basic protections for civil liberties' (Open Government Partnership).

In an increasingly complex world, citizens' input is a critical resource for policy-making. Good decision-making requires the knowledge, experiences, views and values of the public. Implementing difficult decisions depends on citizens' consent and support. Unless citizens understand and are engaged in the decision themselves, trust is easily lost (OECD, 2009).

Civil liberties provide the critical foundations which enable people to participate without fear and to disagree peacefully with each other and with their government. Basic human rights including freedom of speech, expression and the press; freedom of religion; freedom of assembly and association; and the right to due judicial process are critical in supporting a political culture where citizens are willing and able to participate in public debate.

People around the world consistently indicate that they are not content simply to engage with government through periodic elections. But they are discouraged by the real and perceived control of public decisions and decision-makers by small political and economic elites.. It is important that citizen engagement is well designed and properly resourced, and that it is born from a genuine desire to involve the public and take their input into account. Good citizen engagement can support the effective functioning of democracy, the legitimacy of government, the successful implementation of policy and the achievement of social outcomes. Bad engagement practice can lead to poor decisions, and disengagement by citizens (Brodie et al, 2011).

Overcoming public disengagement, and effectively responding to citizens requires a culture change in how governments interact and cooperate with the public, mechanisms for hearing and taking into account the voices of citizens institutionalized into the behaviour and culture of public institutions.

NB: Our use of the word "citizen" in this chapter is to be understood in its broadest possible sense, including all inhabitants of a country or locality. There is understandable concern that the term can be used to exclude groups without voting rights and/or are not naturalised in a country, including children and young people, migrants and refugees. This is not our intention; indeed, it is groups such as these that should be the focus of particular efforts to engage them with decisions that affect their lives.

References

OECD, 2009, *Focus on Citizens: Public Engagement for Better Policy and Services*

Brodie, E; Hughes, T; Jochum, V; Miller, S; Ockenden, N; & Warburton, D, 2011, *Pathways through Participation: What creates and sustains active citizenship?*

Expert Organisations

Civicus <http://www.civicus.org>

Involve <http://www.involve.org.uk>

Deliberative Democracy Consortium <http://www.deliberative-democracy.net>

International Association for Public Participation <http://www.iap2.org>

Society for Participatory Research in Asia <http://www.pria.org/>

Twaweza East Africa <http://www.twaweza.org>

MKSS India <http://www.mkssindia.org>

National Coalition for Dialogue and Deliberation US <http://ncdd.org>

Division for Public Administration and Development Management, United Nations Department of Economic and Social Affairs
<http://www.unpan.org/DPADM>

World Bank Social Development Department <http://www.worldbank.org/socialdevelopment>

International Center for Not-for-profit Law <http://www.icnl.org>

European Center for Not-for-profit Law <http://www.ecnl.org.hu>

International Association of Facilitators <http://www.iaf-world.org>

Making All Voices Count <http://www.makingallvoicescount.org/>

Summary of illustrative commitments

Initial

- Involve citizens in assessing the institutions of government and identifying priorities for reform
- Reform legislation to create an enabling environment for civil society organisations

Intermediate

- Encourage the use of digital tools to engage with the public
- Develop a compact with civil society to achieve common goals
- Engage citizens in deliberation on a priority issue
- Establish legislation and guidelines on public consultation in policy development

Advanced

- Establish a centre of expertise and designate resources to support the institutionalisation of citizen engagement
- Establish citizen engagement as a core competency of government officials
- Establish mechanisms to engage children and young people as full participants in civic life

Innovative

- Prototype new approaches to citizen participation

Detailed Recommendations

Initial Step: Involve citizens in assessing the institutions of government and identifying priorities for reform

Justification

Over the past three decades democracy has taken root in many parts of the world, and is now the dominant form of governance. However, there is no such thing as a perfect democracy, and democracy can take many forms, rooted in the realities of each country and the aspirations of its people.

For democracy to be effective it must connect people's demands and aspirations to accountable and representative political institutions. The role of the citizen in improving the quality of governance and in political and institutional reform is therefore fundamental.

Assessing the quality of government institutions and processes is part of the long and complex process of building and consolidating democratic institutions. While there are many external tools, frameworks, methodologies, ratings and indexes for assessing governance, initiating a process in which citizens themselves examine their own systems allows people to express their priorities and develop broad based support for reform agendas.

Recommendations

The NGO International IDEA pioneered a 'State of Democracy' approach which has so far been applied to over 20 countries worldwide. These recommendations are drawn from this approach:

1. The process should allow citizens and others who live in the country to assess the quality of their own democracy.
2. The prime purpose of democracy assessment should be to promote public debate and awareness, and the exercise ought to allow for the expression of popular understanding as well as any elite consensus.
3. The assessment should assist in identifying priorities for reform and monitoring their progress.
4. The criteria for assessment should be derived from clearly defined democratic principles and should embrace the widest range of democracy issues, while allowing assessors to choose priorities for examination according to local needs.
5. The assessments should be qualitative judgements of strengths and weaknesses in each area, strengthened by quantitative measures where appropriate.
6. The assessors should choose benchmarks or standards for assessment, based on the country's history, regional practice and international norms, as they think appropriate.
7. The assessment process should involve wide public consultation, including a national workshop to validate the findings.
8. The democracy assessment should not be viewed as an end in itself but a means to assist a democratic reform process by providing the systematic evidence, argument and comparative data on which reforms might be based.
9. Where governments initiate the democracy audit they should take steps to guarantee the independence of the assessment, and commit to responding to its findings.

Standards & Guidance

- Assessing the Quality of Democracy: A Practical Guide <http://www.idea.int/publications/aqd/>

- OGP Eligibility Criteria: Citizen Engagement <http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>

Country Examples

The government of Mongolia has institutionalised on-going national 'State of Democracy' audits

Mongolia has faced the challenge of introducing democratic institutions and procedures into a long-standing traditional society. In 2003 the then government, along with civil society, decided to conduct a State of Democracy assessment. An initial desk study compiled by three international experts was published in 2005. Further research was conducted by local experts and published in 2006 report which resulted in the creation of a National Plan of Action. The on-going assessment of the state of democracy became an institutionalized process through the establishment of the Mongolian Millennium Development Goal 9 (MDG-9) on democratic governance and human rights.

The State of Democracy reports have helped raise public awareness about what democracy involves as they have been broadcast throughout the print and electronic media. The wide dissemination of the findings has generated debates on what standards of democracy citizens should expect from their government.

- <http://www.idea.int/sod/profiles/mongolia.cfm>

The Netherlands carried out a 'State of Democracy' assessment

The Kingdom of the Netherlands is a constitutional monarchy and a parliamentary democracy with representation drawn broadly from all groups in the society. In 2005 the popular rejection of the EU constitution and two prominent political assassinations in generated political turbulence and a vibrant public debate on the functioning of political institutions and practices in Netherlands. At this point the Ministry of Interior and Kingdom Relations identified the need for a comprehensive review of the state of the Netherland's democracy. The ministry involved NGOs, journalists and civil servants in the assessment in order to record the situation and promote discussion on democracy and the need for reform. The final report was published in 2006.

The assessment revealed the need to reconsider issues such as Dutch citizenship and how government itself represents the needs and democratic aspirations of the population. The report was sent to 250 NGOs, government bodies, journalists and the Queen, (who even used one of the eight SoD topics in her Christmas speech). In addition, public debates were held, including on freedom of speech, the structure of government, the media and citizenship. An interactive web-based forum was established for online debate, and the media reported frequently on the findings of the report and the ensuing discussions. Finally, a conference was held, with the ministers present, to outline the steps for the future. The new Dutch government (in 2007) elaborated three broad reforms in the light of the assessment: including a 'charter for responsible citizenship', technical changes to the constitution and a pledge to reduce the complexity of government processes more generally.

- <http://www.idea.int/sod/profiles/netherlands.cfm>

Initial Step: Reform legislation to create an enabling environment for civil society organisations

Justification

A strong and independent civil society (including non-governmental organisations, community groups, faith-based organisations, trade unions, and informal groups) is critical to open government. Civil society organisations have an important role in holding government to account, providing support and services to citizens and advocating for and supporting the mobilisation of citizens.

Throughout history, social movements have served as incubators of new issues that have subsequently become a core part of the State's agenda on issues such as women's rights, the environment, and indigenous people's rights. States that are aware and responsive to these nascent movements can short circuit decades of conflict and frustration (Green, 2013)

The legal frameworks in which people are allowed to organise themselves are often restrictive, either by design, or because of inherited legal and bureaucratic frameworks which are no longer fit for purpose. There have been increasing moves in many countries to limit the scope, the independence and the sources of funding for civil society organisations through legal means or by threats, harassment or violence. Restricting the capacity of civil society organisations to operate violates the fundamental human rights of freedom of association and assembly, and curbs the right of free expression. (ICNL/WMD/NED, 2012)

While laws on the formation and operation of CSOs, and on lawful protests are necessary for maintaining public safety and preventing crime and terrorism they should not be used as a barrier to the right to freedom of association. In an enabling environment, CSO formation and operation should be facilitative rather than obstructive.

The key role played by CSOs has been recognised in the UN Human Rights Council Resolution on Protecting Human Rights Defenders. The resolution calls on states to ensure that registration requirements for CSOs are non-discriminatory, expeditious and inexpensive and allow for the possibility of appeal. It further calls on governments to ensure that reporting requirements for CSOs "do not inhibit functional autonomy.

Recommendations

1. CSO laws should be clear and well-defined.
2. The acquisition of legal status should be voluntary, and based on objective criteria.
3. Registration should not be a prerequisite for access to universal rights of freedom of expression, peaceful assembly and association.
4. The registration process should be quick, easy and inexpensive.
5. There should be a defined and reasonable time limit for registration decisions and written justifications for denials of status, which should be open to appeal.
6. All acts and decisions affecting CSOs should be subject to fair administrative or independent judicial review.
7. Reporting procedures for small, provincial, community-based organisations and alliances should be as simple as possible.

Standards & Guidance

- Civicus Enabling Environment Index <http://civicus.org/what-we-do-126/2013-05-06-10-38-39/1886-download-the-2013-enabling-environment-index-eei-report>
- International Principles Protecting Civil Society <http://www.defendingcivilsociety.org>
- OGP Eligibility Criteria: Citizen Engagement <http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>
- UN Human Rights Council Resolution on Protecting Human Rights Defenders http://ap.ohchr.org/documents/alldocs.aspx?doc_id=21380

Country Examples

Ukraine has established laws to simplify CSO registration and improve access to resources

The Law on Public Organisations was adopted and went into effect in January 2013. The new law simplifies registration and allows CSOs to pursue any lawful aims, engage in economic activities for not-for-profit purposes and acquire membership in public associations.

The new provisions governing the legal status of non-governmental organizations (NGOs) provides for:

- simplification of the registration procedures for public associations;
 - the right of NGOs to pursue any lawful interest or objective (not only the interests of its members);
 - the right of legal entities to establish and to acquire membership in public associations;
 - right of public association to conduct activities throughout the territory of Ukraine, regardless of their place of registration; and
 - the right of NGOs to engage in entrepreneurial activities to support their not-for-profit activities.
- <http://www.icnl.org/news/2012/22-Mar.html>

Intermediate Step: Encourage the use of digital tools to engage with the public

Justification

Digital tools, such as social media, present policy and decision makers with a channel to communicate directly with citizens in real time. The use of digital tools should not be considered an end in itself, but rather for the particular benefits they can offer in a given situation. As such, careful consideration should be given to their appropriateness depending on the intended purpose, context and participants, as well as how they fit with institutional processes and capacity, and how any engagement will be acted upon and feedback given. Digital tools should be considered within a broader range of approaches and tools to ensure their appropriateness.

That being said, citizens themselves are increasingly using digital tools in many countries to engage with organisations (whether asking questions or providing feedback), as well as sharing their experiences of public services and commenting on the policies and decisions of governments. Therefore, in contexts where digital tools, such as social media, are widely used, they can:

- Enable Governments to communicate with citizens in the spaces that citizens already occupy and participate
- Allow policy makers to listen to the views of citizens on their policy area and engage directly with citizens individually
- Be part of conversations that are happening on social media, creating online communities and providing an authoritative voice
- Increase the impact of government communications, through the multiplier effect that social media can have

There are, however, some cultural and technical barriers to the effective use of digital tools, as well as personal and organisational risks, that governments must address in order to leverage their benefits. One step towards this is the

development of social media guidance, which provides government officials with the information necessary to use social media with confidence, to mitigate any risks and to tackle any technical barriers.

Recommendations

1. New channels should be explored for communicating with citizens and other stakeholders in real time - particularly those already being used by the public
2. Public servants should be encouraged to use new digital tools where appropriate to inform and communicate with the public
3. Where social media is used widely by large groups of the public, the Executive should publish social media guidance for public servants, with the aim of supporting them to engage directly with citizens through new media.
 - The guidance should be developed with relevant stakeholders
 - The guidance should be designed based on a review of good practice, but take into account the specific country context
 - The guidance should be developed with reference to the practical and cultural barriers that present a barrier to the effective use of social media
 - Other channels and opportunities for engagement should be developed and maintained so as not to exclude groups of the public
4. Digital tools should only be used if they are appropriate for the given purpose, context and participants

Standards & Guidance

- Center for Technology in Government – Designing Social Media Policy for Government: Eight essential elements http://www.ctg.albany.edu/publications/guides/social_media_policy/social_media_policy.pdf
- Delib: How and When to Use Social Media Channels to Strategically Support Government Goals http://www.delib.net/delib_shared_assets/shared_documents/Delib_Social_Media_for_Government_2012.pdf
- IBM Centre for The Business of Government: Using Online Tools to Engage – and be Engaged by – The Public <http://www.businessofgovernment.org/report/using-online-tools-engage-public>
- IPU: Social Media Guidelines for Parliaments <http://www.ipu.org/PDF/publications/SMG2013EN.pdf>

Country Examples

Australia has developed guidance on online consultation

In July 2010 the Australian Government published the [Declaration of Open Government](#). The Declaration states that: “the Australian government now declares that, in order to promote greater participation in Australia’s democracy, it is committed to open government based on a culture of engagement, built on better access to and use of government held information, and sustained by the innovative use of technology.” In support of these goals the government developed a guidance on online consultation and the use of social media.

- <http://webguide.gov.au/web-2-0/online-consultation/>

In Tanzania the government established wanachi.go.tz a website to submit and track complaints and

 feedback


Wananchi.go.tz is a website was developed by the government to enable Tanzanian citizens to send feedback,opinions,complaints to the government and to track and follow up on queries.

The system aims:

1. To help improve citizen awareness and satisfaction about the services they receive or believe they should be receive by enabling fast and efficient resolutions of relevant citizen submissions
2. To collect data that will assist the Government of Tanzania to identify opportunities for improvement and change, to optimise service and minimise complaint in the future

As part of its OGP commitment the government has committed to improve the website to make it more robust and responsive as a platform for citizens to participate in the running of Government, and produce monthly reports on effectiveness of the citizen"s website.

- <http://www.Wananchi.go.tz>

 In the US the House and Senate and House removed restrictive rules governing Members' use of social media

Before the digital age, Congress established 'franking rules' on communication to constituents. These governed how Members could use public funds to send mass mailings to constituents, while guarding against incumbents using this privilege to advance political campaigns. When these rules were extended to include social media, at first they were restrictively applied, effectively making popular social media services such as Facebook and Twitter out of bounds. This reflected fears that using social media would imply a commercial endorsement through association with advertising, could tarnish the status of the institution, might create security issues, and would make inappropriate political activity harder to catch.

Following emerging experience, debates and a campaign led by the Sunlight Foundation, in 2008, the House and Senate revised these rules and allowed members and staff to use social media to correspond with constituents more freely, while still maintaining the principles of *no product endorsement*, *no partisan material* and *no unrelated personal information*.

While there is no overall social media policy, the [House](#) and [Senate](#) rules now makes clear that Federal law and House Rules on communication apply to all 'official content of material posted by the Member on any website', but not to the broader social media platform itself.

- <http://sunlightfoundation.com/blog/2008/10/03/web-use-reform-happy-ending/>
- [http:// cha.house.gov/member-services/handbooks](http://cha.house.gov/member-services/handbooks)
- <http://www.senate.gov/usage/internetpolicy.htm>

 Mexico set up a digital platform to 'improve your school'

Mexico spends more per student than most industrialized nations but has the lowest levels of academic achievement in the OECD. As part of its OGP Action Plan the government-civil society working group set out to improve the information that parents have about schools, and enable them to 'improve your school'.

The Mexican Institute for Competitiveness (IMCO) cross referenced test results with basic data on all schools and made them accessible on a new website 'Mejora tu Escuela'. Users can search and compare schools, and provide their own comments. Where problems are identified, like deteriorating infrastructure or principals that mismanage the school budget, they are linked to possible solutions that can be implemented by parents and local CSOs. "The more information you have on schools, the more likely you are to demand higher quality education", says Gabriela Segovia of the Federal Institute on Access to Information and Data Protection (IFAI).

- <http://www.mejoratuescuela.org/>
- http://www.opengovpartnership.org/sites/default/files/Mexico_0.pdf

The New Zealand Government has developed social media guidance

The aim is to encourage best practice social media use by government agencies, provide useful templates and tools for planning, and give an overview of the strengths, weaknesses, benefits and risks of this very important and rapidly growing toolset. The intent of the guidance is to encourage best practice social media use by government agencies, provide useful templates and tools for planning, and give an overview of the strengths, weaknesses, benefits and risks of this very important and rapidly growing toolset. Example in practice include a Facebook campaign by the Ministry of Health to provide support and advice to breastfeeding mothers.

- <https://webtoolkit.govt.nz/guidance/social-media/>

The UK is establishing a fund to support developers to produce tools to make use of open aid data

The Open Data Strategy for the UK Department for International Development includes the establishment of a fund to support developers to produce innovative and useful tools to make use of IATI data. As part of the Strategy, the UK has also developed the Development Tracker which allows users to find and explore detailed information on international development projects funded by the UK Government. The site uses data published to IATI, and can also import and use data from other publishers. The site also incorporates data published by the Department for International Development's delivery partners, initially on a small-scale, to prove the concept that aid can be traced through the aid delivery chain using open data.

- http://data.gov.uk/sites/default/files/DFID_Open_Data_Strategy.pdf
- <http://devtracker.dfid.gov.uk/about/>

The US government established a public open source project to facilitate the implementation and evolution of its Open Data Policy

When the US Government established its Open Data Policy it recognised that technology moves much faster than policy ever could. Often when writing policy for technology, agencies are stuck with outdated methods as soon as they publish new policies.

It therefore established Project Open Data on GitHub, a popular code-sharing website used by the 'open source' community. Project Open Data is an online collection of code, tools, and case studies to help U.S. agencies adopt the

Open Data Policy. Anyone – government employees, contractors, developers, the general public – can view and contribute by editing the content, adding new pages, or adding tools.

At the onset, the General Services Administration is providing a moderator role – giving oversight and support, but over time, the vision is that contributors both inside and outside of government can be empowered to take on additional leadership roles.

- <http://project-open-data.github.io/>

Intermediate Step: Develop a compact with civil society to achieve common goals

Justification

While effective civil society depends on separation and independence from the state, there are often common goals between governments and civil society organisations. Civil society organisations often work with, or for governments for example in the fields of social services, environmental protection, or international aid development.

In many countries civil society organisations and governments have recognised a need for a mechanism for cooperation. These have taken the form of negotiated agreements around key principles such as access to information, public funding, consultation and participation.

Often the publication of a framework agreement or compact is the culmination of a long period intensive relationship and trust building between the two sectors. The mechanisms give recognition of the existing practices and benefits, they send a message of political commitment and openness, and they give direction to future cooperation. Framework agreements provide a basis for developing processes of annual review, codes of practice for performance, and mechanisms for mediation. Any negotiated agreement needs to take account of the differentials in power between governments and civil society, and not act as a curb on the independence and diversity of civil society. It is essentially important to develop the policy document in a highly participatory manner to ensure that the document is addressing real needs and to create ownership among the parties.

Recommendations

1. The Compact should be jointly developed by the Executive and representatives from civil society organisations, including grassroots groups as well as large NGOs. Representatives from organisations spanning the breadth of civil society should be involved to ensure widespread ownership
2. The Compact should set out commitments from both government and civil society. The commitments should acknowledge and promote the independence of civil society. They should be realistic and evidence based.
3. The Compact should include commitments relating to civil society's role in the policy process, in the delivery of services and in holding government to account.
4. Develop tools to monitor the implementation of institutional mechanisms.
5. On-going capacity building of key stakeholders (government officials, Parliamentarians, CSOs) is the key for the establishment and proper functioning of the institutional mechanisms for collaboration.
6. Periodically review the compact.

Standards & Guidance

- ECNL: Improving Cooperation Between Public Institutions and Civil Society in the Western Balkans and Turkey <http://www.gamn.org/files/Report%20-%20Keeping%20up%20the%20Momentum.pdf>
- ICNL: Guidelines on the Preparation of Compacts http://www.icnl.org/research/journal/vol3iss4/special_5.htm

Country Examples

Croatia has a programme of cooperation with the not-for-profit sector

The first document between the Croatian Government and NGOs was the “Program of Cooperation between the Government of the Republic of Croatia and the Non-Governmental, Non-Profit Sector” which was signed in 2001.

The Program of Cooperation is based on “common values of modern democracy and the values of civic initiatives founded on social changes, cooperation, solidarity, social justice, transparency, personal ability and responsibility, participation in decision-making, consideration for personality, self-organisation, consideration for organizational diversity and continuous learning. It aims to create effective mechanisms that will enhance the communication between the Government and the Sector.”

Although the Program for Cooperation listed the obligations of the Government and NGOs, it was not perceived as a legally binding document. The Program was conceived as a living document – “a starting point, not a conclusion” – with an “authority evolved from the confirmation” given by both sides. Additionally, the Program of Cooperation anticipated the creation of local and regional compacts so as to decentralize cross-sectoral cooperation.

The implementation of the Program of Cooperation has been evaluated positively. It led to legislative reforms benefiting NGOs, including the new Law on Associations, the Lottery Law, the Law on Volunteerism and draft Law on Foundations, the Code of Good Practice in Grant-Giving, tax law amendments providing deductions for donations to NGOs, and the creation of local compacts in cities throughout Croatia.

- http://www.icnl.org/research/journal/vol10iss4/art_1.htm

The Canadian government developed an Accord with the Voluntary Sector


The Accord is a framework that represents a public commitment by the Government of Canada and the voluntary sector to more open, transparent, consistent and collaborative ways for the two sectors to work together. It has as its base are the values of active citizenship, democracy, equality, diversity, inclusion and social justice.

The Accord establishes the following commitments to action for the Government of Canada and the voluntary sector:

- The Government will consider the implications of legislation, policies and programs on the sector and engage the sector in open, informed and sustained dialogue, and
- The voluntary sector will identify important or emerging issues and trends and bring them to the Government of Canada’s attention and call upon the full depth and diversity of voluntary organizations when at the table.

A Code of Good Practice on Funding and the Code of Good Practice on Policy Dialogue were developed as a resource of tangible, concrete ideas about how to take the spirit and guidelines of the Accord and put them into action in both government and voluntary sector organisations.

- <http://publications.gc.ca/pub?id=106233&sl=0>

 The Government of Macedonia includes a commitment to implement its Strategy for Cooperation with the Civil Sector as part of its OGP Plan.

The Government of Macedonia includes a commitment to implement its Strategy for Cooperation with the Civil Sector as part of its OGP Plan.

 The UK Government has a longstanding compact with the voluntary sector

The UK Government's Compact with the voluntary sector was made in November 1998, and renewed in 2010. It considers areas such as involvement in policy design and consultation, funding arrangements (including grants and contracts), promoting equality, ensuring better involvement in delivering services, and strengthening independence. The Compact was developed by a Working Group including included representatives from leading voluntary and community sector umbrella bodies, representatives from community groups and organisations, volunteering organisations, Councils for Voluntary Service, the National Council for Voluntary Organisations and Black and Minority Ethnic organisations. The group consulted over 25,000 organisations about what the Compact should include and the text was agreed in 1998.

A Reference Group was also set up, with membership drawn from 65 voluntary organisations, to act as a sounding board to the activities of the Working Group before and during discussion with Government. Almost all local authority areas have now developed a similar local Compact in partnership with the voluntary and community sector.

The Compact was agreed by the Government in 1998 and was signed by the then Prime Minister, Tony Blair, but it is not in the statute books. It is not considered legally binding but there is a legitimate expectation that its signatories (both at the national and local levels) will abide by their commitments. The failure to live up to Compact commitments has formed a part in judicial review cases but the Compact has not been the only basis for the challenge. A judge recently stated that the Compact is 'more than a wish list'. The compact is accompanied by an Accountability and Transparency Guide, which outlines steps to take at national and local level if these principles are not followed, including dispute resolution, internal complaints procedures and ombudsmen functions.

Voluntary sector bodies state that the compact has achieved a great deal, such the principle of Full Cost Recovery and 12-week consultation. However, implementation of the Compact is still patchy and the inequality in power between Government and voluntary organisations means there is sometimes need for a separate body to step in.

- <http://www.ncvo-vol.org.uk/thecomcompact>
- <https://www.gov.uk/government/publications/compact-the-agreement-between-government-and-the-voluntary-community-sector>

Intermediate Step: Engage citizens in deliberation on a priority issue

Justification

Mechanisms for hearing the views of citizens and other stakeholders should be institutionalised for all policy decisions. However, some policy decisions warrant and require a broader or deeper level of engagement with citizens than others. This is particularly true where issues of constitutional change are being considered, the issue in question is highly complex

and requires action by many actors, and on issues that will likely impact or concern citizens in a significant way.

For such issues, it can be advantageous to use deliberative methods of citizen engagement, whereby groups of citizens engage deeply with the issue in question. Eliciting the views, values, knowledge and experiences of the public can offer new perspectives on issues and be the source of important new information and ideas - resulting in policies and services that are better designed, more efficiently and effectively implemented, and enjoy greater public support (Andersson et al, 2013).

Involving the public can strengthen the legitimacy of a decision making process and give people a sense of ownership over the final decision, lowering the likelihood that it will be challenged or rejected. In addition, involvement can give people a sense that they have contributed to an important process and that their voice has been heard - increasing their sense of efficacy and their trust in government. Publishing responses to input increases transparency, and builds public confidence that government decisions are based on appropriate criteria and evidence.

Recommendations

1. Engagement should be focused on issues that matter most to people - whether through having a direct impact on their lives or having broader social, ethical, environmental or economic impacts. This helps to ensure that engagement is meaningful, and incentives citizens to take action
2. The input of citizens and stakeholders must be able to influence the decision in question
3. The issue may be a single decision that needs to be taken, or part of an ongoing governance process. However take care that citizen engagement is not over reliant on one-off, intermittent events, which raise expectations that can't be met.
4. The engagement process should be carefully designed to match the purpose, context and participants - with appropriate methods chosen that are appealing and meaningful to citizens.
5. It should be carefully considered who the participants should be, and how they can be involvement
6. The outcomes of the process should be carefully evaluated and reported back to participants and wider society
7. Don't underestimate the power of having fun. Most people associate engagement with dull town-hall meetings - the same participants, talking about the same things and in a way and in an environment that alienates most citizens. Unfortunately this perception is also often a reality. The first step towards changing this is to make engagement fun (though, critically, not at the expense of it being meaningful)

Standards & Guidance

- Civicus – Participatory Policy Making http://www.pgexchange.org/index.php?option=com_content&view=article&id=140&Itemid=132
- IBM Centre for the Business of Government: A Manager's Guide to Evaluating Citizen Participation <http://www.businessofgovernment.org/report/manager%E2%80%99s-guide-evaluating-citizen-participation>
- NCCD: Legal Frameworks for Citizen Participation <http://ncdd.org/rc/wp-content/uploads/2010/09/LogoLink-LegalFrameworks2003.pdf>
- NCCD: Resource Guide on Public Engagement http://www.ncdd.org/files/NCDD2010_Resource_Guide.pdf
- Participation compass <http://participationcompass.org/>
- Participedia <http://participedia.net>

Country Examples

 Estonia set up an online 'People's Assembly' to make proposals for government reform


The People's Assembly Rahvakogu (www.rahvakogu.ee) is an online platform for crowd-sourcing ideas and proposals to amend Estonia's electoral laws, political party law, and other issues related to the future of democracy in Estonia. The Assembly focuses on five political sore spots: party financing, political parties, the electoral system, civil participation in politics and the politicization of public offices.

In a structured process proposals were collected and discussed online, before being worked through by experts and clustered into a series of topics and scenarios, backed by impact analysis. This was then put forward for debate during a one-day 'deliberation day' involving members of the public, selected to proportionally represent (voting) age groups, regions, ethnicities and genders.

1,800 registered users posted nearly 6,000 ideas and 300 people participated in the deliberation day. Parliament has since set a timetable for the most popular proposals to be introduced in the formal proceedings.

The initiative was developed by the President following a series of scandals involving senior politicians widespread criticism of the government and the development of 'Charter 12' an Estonian citizens' initiative signed by 17 prominent public figures, calling for greater democratic accountability. The assembly was organized by volunteers from NGOs such as the Estonian Cooperation Assembly, the Praxis Center for Policy Studies, the Network of Estonian Nonprofit Organizations (EMSL), the e-Governance Academy and the Open Estonia Foundation, with the support of the government. It will not necessarily become a permanent institution.

- <http://www.rahvakogu.ee>

 In Madagascar the government established a mediation process to address tensions over a large infrastructure project

Nosy Be is a remote island off the North Western coast of Madagascar that was ear-marked for a large, privately-funded infrastructure project in the mid-2000s. The project catalyzed social tensions between different layers of government and local communities. In response, the national government development programme and the World Bank commissioned a consultancy firm to facilitate a mediation process and find a way forward using a tool called the Local Governance Barometer (LGB).

They took participatory approach, engaging Government, civil society and the private sector to identify an appropriate local governance model. Over a three-month period the different stakeholders were able to air their grievances and come up with an action plan to increase government accountability and social responsibility within infrastructure development on the island, improve civil society and private sector participation in development planning, and increase awareness about and enforcement of legislation on land rights, women's rights and corruption. A mixed committee was then tasked with taking the plan to national Government and relevant donors.

The initiative increased channels for collaboration and communication between the municipality and local communities, improved awareness of complaints procedures.

Source: DUFILS, J.-M. 2010. The Local Governance Barometer – Measuring Governance in Madagascar. In: CLAASEN, M. & ALPÍN-LARDIÉS, C. (eds.) Social Accountability in Africa: Practitioners Experiences and Lessons. Pretoria: Institute for Democracy in South Africa (IDASA).

- <http://www.un.org/esa/socdev/egms/docs/2013/EmpowermentPolicies/Background%20Paper.pdf>

 The City of Gerardton developed a plan for the city's future through participation

The Greater Geraldton City Region in Western Australia is at a crossroads. It faces big challenges for its future growth and sustainability, with depleting fishing and agriculture on the one hand, and new developments – port and rail, large scale renewable energy and mining – on the other, each having significant implications for the city region. Geraldton is using the challenges that face them environmentally, socially and economically to revitalise their democratic governance, providing opportunities for ordinary people to play their part in co-creating their future.

Over 2,000 people (approximately 6% of the population) have been involved in deliberations. This effort has been supported by 40 volunteer Community Champions, ordinary citizens who have been trained to organise and facilitate small-scale deliberative techniques. In 2010/11, this included 36 World Cafes fostering lively discussions about the region, where people would like to see it in 2029, and how change could be implemented to reach this vision; this was followed by around 20 Conversation Cafes (in local cafes) to help understand what people meant by “the Gero feel” (often mentioned), i.e. Geraldton’s identity.

Importantly, socio-economic inclusivity and full engagement of the community was ensured through the participation of young people and local Aboriginal people in seven separate World Cafes and numerous Conversation Cafes, where they constituted the majority, as well as concerted efforts to elicit their participation in the large-scale public deliberations. Digital deliberative democracy is being generated through an innovative platform, CivicEvolution, which enables self managed groups to develop ideas that interest them into proposals that can be considered by the Alliance Group. Aided by the local newspaper’s social media site, and focusing each week on one of the deliberative proposals generated, over 4,000 residents have been attracted to comment.

These face-to-face and online deliberative processes during 2010/11 resulted in prioritised proposals (by citizens and the Alliance Group) being implemented. These included planting one million trees, now well in progress, plans for both youth and indigenous centres, more cycle pathways and better communication about 2029. Longer-term initiatives have been incorporated into the City Region Strategic Plan, including improvement of public transport and a focus on renewable energy.

A one-day event with over 150 randomly sampled residents deliberated two big issues facing the community. Unexpectedly, they determined that the City Region should focus on becoming carbon neutral, and it should not be supportive of the mining companies’ push for a fly-in-fly-out workforce. Later in 2011, there was a focus on city regional planning. Small-scale deliberations culminated in an Enquiry by Design process involving 250 participants (citizens and stakeholders) over a three-day period. Extraordinarily, over 200 community participants remained engaged from the first full day of deliberation through to the end of the two afternoons/evenings. This process resulted in an agreed overall City Regional Plan with clear guidelines to underlie any future plans. Based on the outcomes of the 2029 process to date, a Community Action Plan was developed and has now become a ‘Community Charter’. This documents the community’s aspirations together with a series of practical reforms, to be jointly ‘owned’ by the citizens, industry and the government departments involved.

- <http://www.involve.org.uk/wp-content/uploads/2013/02/From-Fairy-Tale-to-Reality.pdf>

The Danish Ministry of Foreign Affairs will conduct public hearings on the design of foreign aid programmes

The Danish Ministry of Foreign Affairs will conduct public hearings on the design of future foreign aid programmes, allowing citizens and civil society to contribute input and suggestions to key development assistance issues and budgets of a certain size. This is part of the government’s OGP Action Plan.

- <http://www.opengovpartnership.org/country/commitment/involvement-civil-society-and-new-approaches-public-service>

Turkey sought broad public inputs into development a new constitution

The process was initiated with the call of the Government to all stakeholders to make the “Civil Constitution” that Turkey needed. CSOs set up platforms, networks and civic initiatives to engage in this dialogue and submitted their comments and proposals to the Parliamentary Committee for Developing the Constitution Proposal. The Commission established a website for sharing those comments and proposals. Overall, 401 civil society initiatives and 82.232 citizens submitted their comments and proposals on the new constitution.

- <http://www.gamn.org/files/Report%20-%20Keeping%20up%20the%20Momentum.pdf>

Intermediate Step: Establish legislation and guidelines on public consultation in policy development

Justification

Institutionalising a minimum level of citizen engagement in the policy process is important for ensuring that the views of citizens and other stakeholders are present when decisions are made, and that decisions are better informed as a result.

Public consultation is a formal process through which citizens and stakeholders can give feedback on policy analysis, proposals and options presented by the executive branch of government. It can take place at various stages of the policy process, from exploring ideas set out in policy papers through to scrutinising drafts of legislation. Public consultation typically involves citizens and stakeholders responding to something presented to them by government and, as such, is often considered to be a relatively low level form of engagement as it gives citizens limited influence in the policy process. However, its effective use is essential for any and all policy processes as it helps to ensure that decisions are informed by a good understanding of the likely impact of different policy proposals and that those affected by a decision have the opportunity to present their views.

The techniques used to consult or involve people include written responses, crowdsourcing comments on proposed legislation, focus groups, citizens' juries, public meetings, and user panels. However, while many techniques are widely known, the potential and pitfalls of participation in practice are less well understood. The effectiveness of public consultation processes is determined by the quality of the planning that precedes it, especially the planning of how to reach relevant participants, how to handle the results and how to link the initiative with wider decision-making processes and systems.

Concerns about consultation include the potential for tokenistic engagement of citizen representatives; the capture of resources and local decision-making by local political and economic elites; and the re-creation of existing power relations within new participatory spaces – such as domination by men; or the reluctance of social “inferiors” to publicly challenge someone they rely on for work or housing. Citizen engagement must, therefore, be well designed and sufficiently resourced in order to mitigate these challenges.

Recommendations

1. Commit to institutionalising public consultation in the policy process, and embedding good consultation practice
2. Establish legislation which requires timely and effective consultation in the policy development process. Legislation should establish basic minimum criteria for consultation, acknowledging that such formalised consultation is just one element of citizen engagement in a decision making process. Legislation should cover:

- To what types of decisions the duty should apply
 - At what stage of the decision making process the duty should apply
 - Who should be consulted
 - Equality and confidentiality requirements
 - How consultations should be publicised
 - Information that should be provided about the purpose of the consultation
 - Information that should be provided to citizens and stakeholders (e.g. policy impact assessments)
 - The timescale of consultation
 - The expectation that consultation submissions should be published
 - How consultation input should be responded to
 - How citizens and stakeholders can challenge decisions where the proper process has not been carried out.
3. Develop broader guidance on participation, together with stakeholders (including from civil society, business and government). It should set out a range of principles against which consultation exercises can be assessed, but acknowledge that consultation exercises will vary depending upon the context and the intended purpose and participants.
 4. Consider developing a portal for all active and complete consultations, where citizens and stakeholders can respond to and track issues.

Standards & Guidance

- Involve: People and Participation – How to put citizens at the heart of decision-making <http://www.involve.org.uk/wp-content/uploads/2011/03/People-and-Participation.pdf>
- NCDD: Legal Frameworks for Citizen Participation <http://ncdd.org/rc/wp-content/uploads/2010/09/LogoLink-LegalFrameworks2003.pdf>
- OECD: Focus on Citizens – Public Engagement for Better Policy and services <http://www.oecd.org/governance/regulatory-policy/focusoncitizenpublicengagementforbetterpolicyandservices.htm>
- Public Deliberation: A manager’s guide to citizen engagement <http://www.businessofgovernment.org/report/public-deliberation-managers-guide-citizen-engagement>

Country Examples

Croatia requires public consultation in policy making

Croatia made improving the quality of their public consultations a key tenet of their OGP Action Plan; ensuring citizens are given every opportunity to discuss new laws, regulations and acts. The Croatian government developed a law requiring consultation in legislation and regulation. It was later amended to ensure that not only must consultation take place, but the results are recognized as an integral part of decision making, and are reported on with feedback.

- <http://www.opengovpartnership.org/sites/default/files/Inspiring%20Story%20-%20Croatia.pdf>

In Australia consultation is required before any regulatory change

A Regulation Impact Statement (RIS) is required, under the Australian Government's requirements, when a regulatory proposal is likely to have an impact on business or the not-for-profit sector, unless that impact is minor or does not substantially alter existing arrangements. The primary role of the RIS is to improve government decision-making processes by ensuring that all relevant information is presented to the decision maker when a policy decision is being made.

Departments are required to demonstrate that a consultation commensurate with the magnitude of the problem and the size of the potential impact of the proposal has been undertaken, and guidelines and support are in place to assist them.

Public participation is enshrined in the Constitution of South Africa

The South African Constitution enshrines the principle that 'The public must be encouraged to participate in policy making'. The Constitutional Court interprets this principle to include the responsibility to build public capacity for involvement and to give weight to public responses. Courts may strike down as invalid any legislation passed without adequate public participation

Parliamentary rules require the publication of a notice of intention to introduce a bill in the *Government Gazette* before it is tabled. The notice will usually contain an invitation to submit written submissions on the draft bill. In addition to oral and written submissions, public participation is enabled through setting up of public participation offices. increasing access to constituency offices and conducting parliamentary roadshows.

The Public Service Commission (PSC) has over the years investigated the mechanisms implemented by government departments to facilitate public participation in the Public Service. Overall, the PSC's studies have found that the nature and extent of public participation is generally adhoc and inadequate, and that concerted efforts are necessary to improve the situation. One of the critical measures it identified was the need for departmental guidelines on how public participation is carried out and used to inform policy and practice. The PSC therefore developed a generic template which departments can in turn use to develop their own internal guidelines.

- http://www.parliament.gov.za/live/content.php?Item_ID=299
- <http://www.psc.gov.za/documents/docs/guidelines/Temp%20Develop%20Guide.pdf>

The UK government has issued guidance on consultation

In the UK there are a range of laws establishing requirements for the Government to consult certain groups on certain issues. The UK Government first established a Code of Practice on Consultation in 2000 to provide guidance above and beyond these statutory requirements. The guidance has been updated several times since.

The current guidelines adopted in 2012 commits the government to improving policy making and implementation with a greater focus on robust evidence, transparency and engaging with key groups earlier in the process. The emphasis is on understanding the effects of a proposal and focussing on real engagement with key groups rather than following a set process.

The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before;
 - departments will need to give more thought to how they engage with and consult with those who are affected;
 - consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and
 - the principles of the Compact between government and the voluntary and community sector will continue to be respected.
-
- <https://www.gov.uk/government/publications/consultation-principles-guidance>

Tuscany established a law promoting participation in development of regional policies

At the end of 2007 the Region of Tuscany passed Law no. 69 defining Rules on the Promotion of Participation in the Formulation of Regional and Local Policies, an innovative legal provision explicitly aimed at pro-actively promoting citizen engagement in local and regional decision making. This law institutionalizes citizen participation; through group dialogue of citizens and stakeholders in decision-making about issues or problems of public interest.

- <http://www.publicdeliberation.net/cgi/viewcontent.cgi?article=1185&context=jpd>

Advanced Step: Establish a centre of expertise and designate resources to support the institutionalisation of citizen engagement

Justification

Building a body of expertise and experience in citizen engagement and working to shift organisational structures, processes, and cultures to support greater openness in policy and decision-making are essential for opening up government organisations.

Government organisations have a long history of being inwardly focused and opaque, with organisational structures, processes and cultures that support these ways of working. Organisational change of any kind requires time and proper resourcing in order for it to have a chance of success. If citizen engagement is to be institutionalised - in order that it becomes part of the way government organisations function - then resources need to be dedicated to make it happen. Designing, commissioning, delivering and evaluating effective citizen engagement is not straightforward. Careful consideration needs to be given to the purpose of engagement, the context in which engagement will take place, and the citizens and stakeholders who should be engaged. The practice of citizen engagement therefore benefits considerably from the presence of a body of expertise and experience from which government officials can draw.

While ad hoc and low impact engagement can operate within existing organisational structures, processes and cultures, the comprehensive use of citizen engagement requires that organisations fully embrace openness - being transparent about what they do and responsive to what citizens tell them. For most organisations this requires significant culture change. A centre of expertise can help to build - and commit to organisational memory - the body of knowledge and experience of citizen engagement necessary to ensure that practice is evidence-based and develops over time. It can

support the evaluation of practice, the testing of new approaches, the development of the business case for engagement, the spread of relevant knowledge and skills, and the removal of organisational barriers. As such, the presence of specific engagement expertise is an addition to - not a substitute for - all government officials developing their own citizen engagement capabilities.

Recommendations

1. Build a body of expertise and knowledge of citizen engagement
2. Prototype and evaluate new approaches to citizen engagement
3. Build and make the case for citizen engagement, and support its adoption across government institutions
4. Develop organisational capacity and capabilities for citizen engagement, through mentoring, training and networking
5. Support the growth of organisational processes and cultures that enable and promote citizen engagement

Country Examples

Denmark set up a centre of expertise on collaborative democracy, starting with a focus on technology issues

The Danish Board of Technology (DBT) (now the Danish Board of Technology Foundation) was set up by the Danish parliament to disseminate knowledge about technology, including the potential impact of technology innovation on society and on the environment. The DBT conceived its central mission as promoting debate and public enlightenment in order to evaluate technology and to advise the Danish Parliament and other governmental bodies. The Board pioneered a range of different methods for engaging citizens in the evaluation of new technologies.

It has also established the Center for Collaborative Democracy (CfSD) to strengthen the Danish tradition for democratic dialogue and cooperation among citizens, elected officials, experts, businesses and organizations. CfSD offer advice to municipalities, regions, agencies, ministries, associations, organizations and companies on planning and execution of participatory processes and on using the results. CfSD's ambition is to improve decision-culture by providing professional involvement;

The purpose of CfSD is to apply this knowledge and methodological expertise in new areas that do not need to have to do with technology. It may be, for example in "Participatory Budgeting", with people involved in local government budgeting, employee involvement in innovation in the welfare sector, the development of associations and organizations strategies, urban planning, CSR and many other areas.

- <http://participedia.net/en/cases/board-technology-denmark>
- <http://www.tekno.dk/>
- <http://cfsd.tekno.dk/>

Denmark's Mindlab involves citizens and business in in problem solving with government ministries

MindLab is a Danish cross-governmental innovation unit which involves citizens and businesses in developing new solutions for the public sector. MindLab is instrumental in helping key decision-makers and employees from its parent ministries view their efforts from the outside-in, to see them from a citizen's perspective. MindLab uses this approach as a platform for co-creating better ideas.

It works with service users, citizens and other stakeholders at early planning stages of service delivery. For example,

Mindlab worked with users to test mobile devices for doing tax returns and collected their feedback, which resulted in changing government plans and avoiding costly service mistakes. It developed social networks with and for highly skilled migrant workers to motivate them to stay in Denmark.

MindLab was created in 2002 for the Ministry of Economic and Business Affairs as an internal incubator for invention and innovation. At that time, the vision of an in-house laboratory as a centre of creativity and innovation was unique for a ministry.

In 2007, a new strategy and a new goal were set for MindLab: its focus would be the active involvement of both citizens and companies in developing new public-sector solutions. At the same time, MindLab acquired two additional parent ministries, namely the Ministries of Taxation and Employment. In this manner MindLab also became a fulcrum of intra-governmental cooperation. Finally, the strategy involved MindLab taking on a number of professional researchers, with the aim of establishing a more robust methodological foundation for its work.

Today, MindLab has considerable experience with innovation processes that are based on the realities experienced by citizens and businesses, and which also promote collaboration across the public sector. MindLab has become a part of three ministries and one municipality: the Ministry of Business and Growth, the Ministry of Education, the Ministry of Employment and Odense Municipality and form a collaboration with the Ministry for Economic Affairs and the Interior.

- <http://www.mind-lab.dk/>

The City of Edmonton has set up a Centre for Public Involvement

The Centre for Public Involvement was proposed in 2009 as a partnership between the City of Edmonton and University of Alberta. It was proposed in response to a demonstrated and recognized need for decision-makers and the public to actively seek, consider and apply the most effective means for public involvement. The collaboration is designed to advance research and learning in the area of public involvement, with the objective of enhanced decision-making at all levels.

As an independent and non-aligned third-party organization, the Centre for Public Involvement (CPI) is focused on building the will and capacity for innovation in public involvement. Using this foundation, CPI facilitates a rich collaboration, identifying best practices, and seeking and achieving results locally, nationally and internationally.

The Centre promotes innovation and identifies and tests new models and processes in partnership with public involvement professionals, researchers, organizations, and the public. At its base, the Centre links University of Alberta faculty and students with City of Edmonton staff and decision makers. This is enhanced through additional collaborations whereby the Centre works in partnership with members of the public involvement industry to accelerate evidence based, emerging and innovative public involvement applications.

The UK government set up a center for public engagement on science policy following a national controversy

In the UK in the late 1998 Genetically Modified (GM) foods became a hot topic in the UK, when a televised documentary claimed that GM had potentially harmful effects on health, followed in 1999 by a staged protest event led by Greenpeace. The ensuing public outcry would ensure GM occupied the headlines for several months. By mid-1999, supermarkets withdrew all GM products from their shelves under heavy public pressure. Following the public controversy around GM technology and the House of Lords 'Science and Society' report, a new policy of upstream engagement was pursued by the UK government. It set up the Sciencewise programme in 2004 which aims to enable better policy making by fostering capacity within the policy making community to commission and use excellent public

dialogue.

Sciencewise Expert Resource Centre established in May 2007, provides co-funding and specialist advice and support to government departments and agencies to develop and commission public dialogue activities in emerging areas of science and technology. Sciencewise is managed on behalf of the Department for Business Innovation and skills (BIS) by a consultancy in partnership with the British Science Association and the community participation charity, Involve. It is managed by a Programme Board and a Programme Management Team, who are supported by the Sciencewise Steering Group, which provides strategic advice and guidance. Two stakeholder advisory sub-groups – the Citizens' Group and the Business Insight Group – report directly to the Steering Group.

The main aim of Sciencewise is to enable better policy-making by fostering capacity within the policy-making community to commission and use excellent public dialogue. This will ensure that all future policy involving science, technology and innovation is robustly developed, informed by public concerns and aspirations and based on all the available evidence. It offers an online resource of information, advice and guidance together with a wide range of support services aimed at policy makers and all stakeholders concerned with policy involving science and technology issues, including the public. It provides co-funding to Government departments and agencies to develop and commission public dialogue projects, helps to build capacity among departments to carry out dialogue and develops and promotes best practice. Sciencewise also provides general dialogue training and mentoring to policy makers across Government departments involved in science and technology policy issues.

- <http://www.sciencewise-erc.org.uk/>

Advanced Step: Establish citizen engagement as a core competency of government officials

Justification

The changing context in which governments operate requires that government officials are increasingly able to engage and collaborate with citizens and stakeholders. This shift in the required approach of government necessitates that the skills and competencies of government officials must shift too. Among other things, it requires a much more open approach to policy making, whereby:

- a shared understanding of the issue in question is developed between relevant stakeholders (including citizens)
- possible policy solutions are developed with relevant stakeholders (including citizens), and collaborative solutions are sought
- policy decisions are informed by the views and expertise of a broad range of stakeholders (including citizens), and the reasoning and evidence base for a decision is open to all
- the implementation of a policy decision is informed by, and conducted in partnership with, relevant stakeholders (including citizens)
- the impact of a policy decision are properly evaluated, including by those it affects

The ability of government officials to engage and collaborate with citizens and external stakeholders should, therefore, figure in their recruitment, appraisal and personal development.


Recommendations

1. Undertake a review of the skills and competencies required for effective policy making, and create accessible opportunities for interested parties to contribute towards the review
2. Address any barriers to engagement and collaboration presented by organisational systems and processes
3. Explore the role of citizen engagement in the policy process, and consider the skills and competencies necessary for undertaking effective citizen engagement
4. Include these skills and competencies in the job descriptions, appraisal processes and personal development objectives of government officials
5. Develop a programme of learning and development that addresses the knowledge and skills necessary for effective citizen engagement


Standards & Guidance

- IBM Centre for the Business of Government: A Manager's Guide to Evaluating Citizen Participation
<http://www.businessofgovernment.org/report/manager%E2%80%99s-guide-evaluating-citizen-participation>

Country Examples

 Finland is committed to developing dialogue skills in public administration as part of its OGP action plan

Finland OGP Action Plan includes a commitment to emphasizing dialogue skills in the job descriptions of civil servants. Competences needed to enhance open government will be specified and the importance of dialogue skills will be highlighted in job descriptions, in recruitment criteria and in assessing personal performance in positions demanding such competences. In addition training in customer oriented service design will be arranged for civil servants and citizens.

 UK Open Policymaking team crowdsourced suggestions of 'Ideal Policy Team Behaviors'

Using a simple and low cost blog, the UK Government's Open Policymaking team, in partnership with the civil society organisation The Democratic Society, have been hosting an online discussion space exploring: 'what open policymaking means in practice, and how we make it excellent and democratic.'

As part of this, they conducted a light touch review of 'Ideal Policy Team Behaviours', asking 'policymakers- and anyone involved in delivering policy or influencing its creation- to vote on what policy teams should be doing to ensure that policymaking gets better.'

The top five to emerge were:

1. Marketing the engagement exercises so that relevant stakeholders are able to contribute to the process
2. Understanding how an end-user interacts with a policy area in practice
3. Prototyping proposed solutions and processes
4. Clearly stating (in plain English) the scope of any related consultation or engagement exercises as well as the

desired outcomes

5. Asking the right questions

- <http://openpolicy.demsoc.org/policymaking-behaviours/>

Advanced Step: Establish mechanisms to engage children and young people as full participants in civic life

Justification

Governments should place particular emphasis on engaging groups of the public that are subject to exclusion and/or unable to express their views in other ways. We focus this illustrative commitment on children and young people due to the need to foster active citizenship from an early age. Commitments could, however, similarly be formed for other segments of the population including women, ethnic and religious minorities, migrants and refugees, and old people.

Under 18s make up over 30% of the global population, and in many developing countries up to 50% of the population may be under 18. Under Article 12 of the [UN Convention on the Rights of the Child](#), children and young people have a right to have their views listened to, and taken into account on decisions that affect them.

Although most young people around the world do not have the right to vote, governments are making policy decisions every day, on health, education and welfare, with large impacts on the lives of children and young people. Listening to the views of children and young people can:

- Lead to better designed policies - drawing on the lived experience, insights and innovative ideas of young people
- Engage all people under 18 as allies in *the development and sustainability of new mechanisms throughout society* - whether reporting when teachers don't turn up to school, giving feedback on projects, or getting involved in implementing social programmes
- Give children and young people a greater stake in society - and increase the likelihood that they will be civically active as adults
- Promoting the involvement of children and young people may involve:
 - Making sure consultation opportunities are accessible - for example, by using clear language, and offering a range of ways to input rather than only accepting formal written submissions.
 - Specific outreach to involve young people - through dedicated consultations, events and project activities that give young people an opportunity to share their feedback, express their views and get involved in influencing policy.
 - Establishing formal youth engagement structures - such as a credible and independent National Youth Council, backed by a range of local structures that support children and young people to get involved.

In many countries young adults (18 - 30) are also commonly excluded from public consultation or opportunities for decision making, even though they may have formal voting rights. Many of the recommendations below should also be applied to youth in these cases.


Recommendations

1. Establish shared values & leadership. The government should affirm a public commitment to involving children, young people and young adults in all decisions that affect them.
2. Set out clear standards for the involvement of children and young people - drawing on international good practices
3. Work with a group of children and young people to assess current participation opportunities, and to identify future areas for development
4. Develop training in child and youth participation for professionals working with young people, and for decision makers

Standards & Guidance

- UNICEF: Child and youth participation resource guide [http://
http://www.unicef.org/adolescence/cypguide/index_intro.html](http://http://www.unicef.org/adolescence/cypguide/index_intro.html)
- Youth participation in development guide <http://ygproject.org/>

Country Examples

 In Uganda a consultation with young people provided inputs to the National Development Plan

In Uganda a consultation process was carried out to involve youth in the development of Uganda's Five-Year National Development Plan (2009 to 2014), especially regarding the key issues affecting young people, such as unemployment, education, health and poverty. Fifty-two young people (providing national representation for Uganda's districts and youth-led organisations), were recruited from youth NGOs, student associations and youth disability groups. This group discussed the key thematic areas of the NDP and formulated recommendations for the government. Key members of the staff team responsible for the consultation were also young people.

National newspaper advertisement invited contributions via SMS, and the young people involved were provided with training on strategy analysis. Four groups created strategies in the key areas of education, employment, health and population, and gender and social development and twelve key strategic recommendations were agreed. Two young people presented the recommendations to the National Planning Authority and Ministry of Children and Youth and consultation outcomes were disseminated across all key ministries and decision-makers in Uganda.

The draft NDP mentions youth entrepreneurship (USD\$5m earmarked for start-ups); vocational skills for out-of-school youth with attention to quality and moral aspects and youth-friendly sexual and reproductive health and rights. There is an emphasis on vulnerable youth in the sections on gender and social protection. The government is now considering follow-up regional consultations, and youth participation in monitoring and evaluation of the plan.

- <http://ygproject.org/case-study/national-development-plan>

Innovative Step: Prototype new approaches to citizen participation

Justification

Citizen engagement is a continuously developing field, with new evidence of its benefits and limitations in different contexts emerging on an ongoing basis. There is no one "correct" model that should be adopted in any given scenario, but a range of possible approaches, the design of which can be tweaked to result in different outcomes. A common finding of evaluations of citizen engagement programmes is that context is key.

It is therefore important that governments and other actors continue to explore the efficacy of different approaches to citizen engagement in different scenarios, but do so in an agile way that enables the development of the approach as evidence of its impact emerges. As such, high quality evaluation is needed to ensure that approaches are developed in the best possible way, and to add to the body of knowledge to inform the development of new approaches by others.

Recommendations

1. Consider what other approaches have been tried in similar contexts, and their benefits and limitations.
2. Commit to ongoing evaluation in order to develop the approach as necessary.
3. Support independent formative evaluation of the approach to build the evidence base of what works, in which contexts and why.

Standards & Guidance

- IBM Centre for the Business of Government: A Manager's Guide to Evaluating Citizen Participation <http://www.businessofgovernment.org/report/manager%E2%80%99s-guide-evaluating-citizen-participation>
- Participation compass <http://participationcompass.org/>
- Participedia <http://participedia.net>

Country Examples

 The plan for rebuilding New Orleans was developed through participation with people across 16 cities

Hurricane Katrina shattered the city of New Orleans and exposed deep racial and economic disparities. Much of the city's infrastructure was decimated: more than 70% of housing was damaged and entire neighborhoods were virtually destroyed; schools, hospitals and police stations were shut down. Almost 100,000 jobs were lost and 18 months later more than half of the city's population had not returned. In the aftermath, plans to rebuild New Orleans faced a ravaged infrastructure, financial losses of enormous scale, decision-makers scrambling in crisis mode, and a citizenry whose trust in government had been abused. City officials' early planning efforts were met with anger and protest as the community struggled with the challenges of distributing resources and reviving an entire city.

After a number of unsuccessful attempts, New Orleans approved a blueprint for rebuilding. The foundation-funded Unified New Orleans Plan would be run by the Community Support Foundation and overseen by a community advisory board comprised of neighborhood representatives and delegates from the Mayor's office, the City Council, and the City Planning Commission. The Unified Plan would address all city-wide systems, tackling infrastructure needs like housing, flood protection, transportation and public services. It would also produce 13 district-level plans with recovery priorities for the city's neighborhoods. The urgent need to revive the city left a remarkably short time frame for this process: the city-wide and 13 district plans were to be completed – with full community participation – in less than five months.

At the heart of the Unified Plan process were two public forums unprecedented in their size and scope. The "Community Congresses" engaged 4,000 New Orleanians across the country in developing collective recovery priorities for their city. With key decision-makers listening, citizens discussed how to ensure safety from future flooding, empower residents to rebuild safe and stable neighborhoods, provide incentives and housing so people could return, and establish sustainable, equitable public services.

To ensure the Community Congresses had representative participation, AmericaSpeaks partnered with a wide array of grassroots organizations, service providers and leaders in diaspora cities across the country. Registrants received pre-recorded calls from the Mayor; Public Service Announcements featured celebrities and free meals, childcare, transportation, and translation into Spanish and Vietnamese enabled participation for many who might otherwise have

been left out.

AmericaSpeaks' 21st Century Town Meeting methodology used networked laptops and individualised keypad polling to support facilitated, small-group discussions at diverse tables. These discussions fed into large-group sharing and decision-making. Interactive television connected participants in New Orleans with those in Baton Rouge, Houston, Dallas, and Atlanta. At the December Community Congress, participants in 16 other cities viewed the program through a webcast and submitted their views in real-time over the internet. Public television viewers in New Orleans were able to follow the programming from their homes. At day's end, the citizens' collective priorities were provided in writing to every participant.

- <http://americaspeaks.org/projects/case-studies/unified-new-orleans-plan/>

Construction

 **Lead author:** [Construction Sector Transparency Initiative \(CoST\)](#)

Introduction

The construction sector is responsible for building crucial infrastructure which contributes to positive economic and social outcomes including poverty reduction. Up to 30 percent of public budgets is spent on construction, across sectors such as transport, energy, water, health, education, and housing. The sector also receives high levels of foreign direct investment and of international and regional development aid. This means that the concerns about mismanagement and corruption in the sector have both local and international significance.

It is estimated that upwards of \$4 trillion annually is lost through mismanagement, inefficiency, and corruption in public construction - on average 10 to 30 percent of a project's value. These losses have a negative effect on the quality, safety, and value of the built environment. Specific investigations have found much larger losses in some cases, including projects that were paid for but never built and structures that collapsed with injury and loss of life.

Corruption and mismanagement in public infrastructure are linked to weak governance, both in policy, legal and regulatory systems and institutional capacity. The nature of the construction industry and the manner in which infrastructure services are operated create structural vulnerabilities that can encourage corruption. Transparency International's 2005 report into corruption in infrastructure highlights 13 different features of infrastructure projects that make them particularly prone to corruption including size, uniqueness, complexity, the length and phasing of projects and the number of contractual links.

Strengthening transparency and accountability in public construction yields domestic and international benefits. Efforts to improve openness in the sector promise multiple benefits: improving the use of funds in public construction, resulting in better and more reliable infrastructure; freeing savings to extend social and economic services; and raising investor confidence. These benefits are shared amongst government, private sector and civil society.

For governments the benefits include, greater efficiency of public spending, improved quality of public services, improved business environment, public confidence, political reputation, reduction in risks to public safety and increased prospects for investment. For the private sector benefits include greater confidence that a 'level playing field' exists, a more predictable business environment and improved levels of trust, reducing reputational risk and improved access to financial markets. For the public the benefits include greater opportunities for public involvement and accountability, checks and balances to ensure value for money, assurances that corruption is being mitigated and better public services and infrastructure.

References

Construction Sector Transparency Initiative (2012), 'Openness and accountability in public infrastructure could save [1] US\$2.5 trillion by 2020', October 2012; Transparency International (2005), 'Global Corruption Report 2005', Transparency International, Berlin

Expert Organisations

Construction Sector Transparency Initiative (CoST) <http://www.constructiontransparency.org/>

World Bank Information and Communication Technologies <http://go.worldbank.org/0SVRFYVD90>

World Bank Transport <http://go.worldbank.org/0SYVJWB40>

World Bank Water <http://www.worldbank.org/en/topic/water>

World Bank Sustainable Development <http://www.worldbank.org/en/topic/sustainabledevelopment>

Summary of illustrative commitments

Initial

- Commit to proactive disclosure of information on public construction projects in a timely manner
- Engage with the Construction Sector Transparency Initiative (CoST)
- Establish assurance of construction project information disclosure

Intermediate

- Enable the sharing and discussion of assurance findings in multi-stakeholder forums
- Integrate proactive disclosure of construction project information into existing government frameworks
- Join the Construction Sector Transparency Initiative (CoST) and develop a national programme

Advanced

- Publish all construction sector disclosures in machine-readable format

Innovative

- Integrate mechanisms for real-time citizen reporting and feedback on construction projects
- Make national experience of construction transparency and accountability available for international exchange

Detailed Recommendations

Initial Step: Commit to proactive disclosure of information on public construction projects in a timely manner

Justification

Proactive disclosure promotes transparency in public construction by ensuring that basic information on projects is disclosed by procuring entities to the public at key points throughout the project cycle.

A public disclosure process for the construction sector should be viable and appropriate to country conditions, is sustainable in the medium and long term as a government system and can achieve a credible and substantial level of compliance from the procuring entities.

Recommendations

1. **Identify a standard of project information for proactive disclosure in all public construction projects.** The Construction Sector Transparency Initiative (CoST) identifies 38 items of information in its standard for disclosure.
 - **Project identification:** Project owner, Sector, subsector, Project name, Project Location, Purpose, Project description
 - **Project preparation:** Project Scope (main output), Environmental impact, Land and settlement impact, Contact details, Funding sources, Project Budget, Project budget approval date
 - **Procurement:** Procuring entity, Procuring entity contact details, Procurement process, Contract type, Contract status (current), Number of firms tendering, Cost estimate, Contract administration entity, Contract title, Contract firm(s), Contract price, Contract scope of work, Contract start date and duration
 - **Project completion:** Project status (current), Completion cost (projected), Completion date (projected), Scope at completion (projected), Reasons for project changes, Reference to audit and evaluation reports
 - **Implementation:** Variation to contract price, Escalation of contract price, Variation to contract duration, Variation to contract scope, Reasons for price changes, Reasons for scope and duration changes
2. **Support the disclosure process by formal requirements that align with and complement the country's existing institutional functions, policies, and laws** relating to public financial management and transparency. This can be achieved through a formal disclosure requirement - the administrative or legal basis providing the authority and the requirement for procuring entities to disclose project information into the public domain. Wherever possible, this information should be disclosed in a machine-readable format.

Standards & Guidance

- CoST project information standard
http://www.constructiontransparency.org/_db/_documents/List_of_CoST_Project_Information.pdf

Initial Step: Engage with the Construction Sector Transparency Initiative (CoST)

Justification

The Construction Sector Transparency Initiative (CoST) is a country-centred initiative to improve the value for money spent on public infrastructure by increasing transparency in the delivery of construction projects. Its primary purpose is to help raise the standards of transparency and accountability in the public construction sector internationally.

Participation in the CoST programme is open to any country, any government department or agency with responsibility for public sector construction projects. By joining CoST, the government is committing to a process of development and progressive implementation of disclosure that will be under local control and timing, but with access to international assistance. Thus, joining does not involve commitment to any prior specific changes or systems, but only to embarking on a programme for disclosure and accountability.

Recommendations

1. Initiate an 'engagement phase' with the CoST International Secretariat to determine how CoST could be aligned with existing initiatives and structured to help meet national priorities.
2. The request to engage can come from a government official or industry body, or from outside government. In most cases the initiator forms a small group to participate in the discussions.
3. Engagement could evolve in many ways. Relevant activities might include:
 - meetings and presentations aimed at raising awareness of performance and transparency concerns;
 - within the domestic construction sector, explaining CoST, and sharing experiences of other CoST countries;
 - bilateral meetings between the International Secretariat and each of the main stakeholder groups;
 - discussions with CoST representatives (by email, audio or video-conferencing, or visits) on practical matters including how disclosure, assurance and multi-stakeholder working might be implemented;
 - information gathering on cases in the construction sector that can be used to stimulate public demand for greater transparency on public infrastructure; and
 - information gathering on the existing policy environment relating to disclosure that can help inform stakeholders on how CoST might be implemented
4. At the end of this, determine whether to apply to join CoST by sending a formal request and developing an implementation plan.

Standards & Guidance

- CoST Guidance Notes http://www.constructiontransparency.org/db/documents/CoST_Guidance_Note_2_Joining_CoST.pdf
- CoST resources- one-stop-shop <http://www.constructiontransparency.org/resources.cfm>

Country Examples

El Salvador joined COST after an initial period of engagement

El Salvador joined COST after an initial period of engagement. El Salvador has, since 2009, worked on reforming its Ministry of Public Works based on the principles of transparency and ethical behaviour. Before embarking on the reform programme, the Ministry had been in large debt with 80% of its contracts paralysed by legal problems.

- http://www.constructiontransparency.org/db/documents/PRESS_RELEASE_CoST_El_Salvador_May_2013_ENGLISH_FINAL.pdf

Initial Step: Establish assurance of construction project information disclosure

Justification


For transparency to be effective, stakeholders need to be able to understand the disclosed information and to identify issues of potential concern.

An assurance process helps to achieve this by monitoring the compliance of the participating procuring entities with the formal disclosure requirement in terms of completeness and accuracy of the disclosed information. It also identifies issues of potential concern across the participating procuring entities, where more detailed review can take place

Recommendations

1. Establish an assurance process for construction industry transparency disclosures
2. The design of the assurance process should include identifying existing systems within government systems to avoid duplication.
3. Assurance should address the coverage, completeness and accuracy of the disclosed information, and identify issues of potential concern.
4. The Assurance Team could be a trusted and impartial institution with requisite capacity such as a national audit office or watchdog, or a team of consultants employed by the Multi-Stakeholder Group (MSG) in the case of countries implementing CoST.
5. Findings of the assurance process should be published in a timely manner.
6. Once it becomes established the assurance process should be embedded in relevant government institutions.

Country Examples

 Countries participating in CoST have enabled assurance of disclosed CoST project information and published findings

Ethiopia, Guatemala, Malawi, Philippines, Tanzania, United Kingdom, Vietnam and Zambia are participating in CoST and have created assurance systems to verify disclosed project information.

The responsibilities of the Assurance Team in each country include collecting and disclosing information, verifying this information, and analysing it. The Assurance Teams are then required to produce reports on their findings in language intelligible to a non-specialist audience. Some CoST countries have chosen to disclose these reports while others have chosen not to do so.

- http://www.constructiontransparency.org/db/documents/27_International_AT_report.pdf

Intermediate Step: Enable the sharing and discussion of assurance findings in multi-stakeholder forums

-

Justification

Enabling the sharing and discussion of assurance findings in multi-stakeholder forums promotes transparency and corrective action in public construction by ensuring that the stakeholders, including government, business and civil society, have access to information at key points throughout the project cycle and are able to propose and action corrective measures.

Recommendations

Governments should enable the sharing and discussion of assurance findings in multi-stakeholder forums.

Standards & Guidance

- CoST resources- one-stop-shop <http://www.constructiontransparency.org/resources.cfm>

Country Examples

Disclosing information enabled Ethiopia to save money and improve governance in the construction sector

During the pilot, CoST Ethiopia revealed a number of causes for concern relating to the amount of excavation on the Gindeber to Gobensa Road Project which led to the Ethiopian Roads Authority (ERA) commissioning a new design. On this particular [project](#), disclosing information for a second time demonstrates that the new design has saved \$3.7m and the design consultants have been suspended for two years by ERA.

- http://www.constructiontransparency.org/db/documents/CoST_Briefing_Note_1_Impact_Stories.pdf

District monitoring committees in Timor Leste are monitoring and helping resolve problems with public projects

After a long history of violent conflict, Timor Leste celebrated its first decade of independence in 2012. Reconstructing the country's physical and social infrastructures is a priority, but building a large number of infrastructure projects that either were destroyed or did not exist in the pre-independence era comes with risks. Whether they are managed by government agencies or private contractors, such projects are prone to corruption and misappropriation of resources. Therefore improving transparency and accountability is critical.

Economically, the country sources almost 90 per cent of its income from petroleum revenues, making it one of the world's most oil-dependent economies. The government established the Petroleum Fund, where oil revenue is deposited in order to secure the national budget for development. In 2009 an anti-corruption commission was established (Comissão Anti-Corrupção, or CAC).

NGOs such as Luta Hamutuk have developed community monitoring programmes to enable people to convey their concerns to those who are responsible for infrastructure projects, and to engage with key stakeholders in order to foster greater accountability at local, district and national levels.

Volunteers in the community collect evidence about the delivery of specific infrastructure projects, write reports and engage with local leaders and national policy-makers.

Where the local government is responsive, a monitoring committee may be established. These committees (there are currently three) focus on particular local projects, ranging from road rehabilitation to developing schools and healthcare facilities. The district monitoring committees bring together local authorities, community representatives and contractors to discuss community monitoring findings and jointly resolve identified problems. This had led to improvements in infrastructure and service delivery, including water pumps and school facilities.

- <http://www.localfirst.org.uk/concept/case-study-5/>

In Guatemala the government has taken action where multistakeholder reviews found problems in public construction projects

Having joined the Construction Sector Transparency Initiative (CoST) in 2010, CoST Guatemala recently published their third CoST Assurance Report, disclosing information from 25 public construction projects. The first disclosure in July 2011 examined six projects including roads, sporting facilities and river dredging. An average of 53 per cent of the project information required by CoST was disclosed by the procuring entities, which marked a great improvement.

The CoST Guatemala programme has highlighted several issues that have led to government action. Following a recommendation from the assurance team procuring entities have to ensure that sufficient budget is in place before contracting firms. This is to avoid unnecessary delays in starting construction. The Multi Stakeholder Group also voiced concerns about NGOs being used to siphon off funding intended for infrastructure projects. The General Directorate for Roads has annulled the works contract for the design and reconstruction of the Belize Bridge in Guatemala City, based on the Assurance Team highlighting the inappropriate use of procedures for contracting in emergencies such as natural disasters. Over time the average level of proactive disclosure of project information has risen from 25% in the CoST baseline study to 65%. Disclosure is becoming a routine process for CoST Guatemala.

- <http://cost-guatemala.org/>
- http://www.constructiontransparency.org/db/documents/CoST_Briefing_Note_1_Impact_Stories.pdf
- <https://openknowledge.worldbank.org/bitstream/handle/10986/10092/636620BRI0CoST00Box0361520B0PUBLIC0.pdf>

Intermediate Step: Integrate proactive disclosure of construction project information into existing government frameworks

Justification

Integration of public disclosure into existing government systems and frameworks enables the institutionalisation of transparency and opportunities for accountability and improved performance.

Recommendations

1. Governments should integrate proactive disclosure of construction project information into existing government

systems and frameworks.

Standards & Guidance

- CoST project information standard
http://www.constructiontransparency.org/db/documents/List_of_CoST_Project_Information.pdf

Country Examples

Ethiopia launched a new Procurement Proclamation which requires disclosure of contracting information

In Ethiopia there has been strong support for procurement transparency from the Commissioner, Federal Ethics and Anti-Corruption Commission. This support was strengthened when the Ethiopian Roads Authority, the Ministry of Health, the Ministry of Education, and the Ministry of Water and Energy—signed memoranda of understanding with the Construction Sector Transparency Initiative (CoST) to participate as a pilot country. A senior representative of the Public Procurement and Property Administrator Agency (PPPAA) joined the initiative's multi sector group, alongside other representatives from government - from the Federal Ethics and Anti-Corruption Commission, Roads Authority, Ministry of Urban Development and Construction- as well as from the private sector and civil society.

Initial studies found that there was a gap between requirements for disclosure and the procuring entities' understanding of those requirements. It also revealed that the procurement law prohibited the disclosure of information relating to tender submissions and evaluations. This contributed to poor governance of projects resulting in wide differences between budgeted costs and timelines, and the actual costs and times of delivery. In 2010 a new Procurement Proclamation was issued requiring disclosure of key information related to public contracts.

CoST Ethiopia has developed an e-procurement system with the PPPAA where procuring entities will be required to disclose the CoST Project Information Standard. The Ethiopian MSG will then train the procuring entities on using the e-procurement system. This includes the Ethiopian Roads Authority who is in a good position to mainstream information disclosure due to the development of a new database and a number of disclosure policies that are already in place.

- <http://www.ppa.gov.et/>
- [http://www.constructiontransparency.org/db/documents/25_Briefing_note_10_\(Ethiopia\).pdf](http://www.constructiontransparency.org/db/documents/25_Briefing_note_10_(Ethiopia).pdf)
- [http://www.constructiontransparency.org/db/documents/Briefing_note_12_\(Success_Stories\).pdf](http://www.constructiontransparency.org/db/documents/Briefing_note_12_(Success_Stories).pdf)

The Government of Guatemala is working through CoST to bring disclosure of public construction data up to international standards

The Construction Sector Transparency Initiative (CoST) in Guatemala, launched in 2010, is working to ensure that the Guatemalan electronic disclosure system is in line with the CoST Project Information Standard.

Procuring entities in Guatemala use electronic means to register and disclose project information, and the GUATECOMPRAS system is the main source for public access to information. Currently, procuring entities are only legally required to disclose a limited number of items included in the CoST Project Information Standard on GUATECOMPRAS.

CoST's multi-stakeholder group, through the Assurance Team, checks GUATECOMPRAS to see if the procuring entities have disclosed this information and then requests the additional information that CoST requires to be disclosed. In due course, it is anticipated that all items in the CoST Project Information Standard will have to be disclosed on

GUATECOMPRAS.

- http://www.constructiontransparency.org/viewitem.cfm?cit_id=382731

Intermediate Step: Join the Construction Sector Transparency Initiative (CoST) and develop a national programme

Justification

Joining CoST promises multiple benefits from improving value for money in public construction, resulting in better quality and more reliable infrastructure, to freeing savings to extend public services. It also helps to create a business environment in which corruption is less likely to occur and can raise investor confidence.

CoST uses a multi-stakeholder approach where cooperation between government, the private sector and civil society promotes the sharing of ideas and experiences in the pursuit of common goals. Typically this achieved by forming a Multi-Stakeholder Group (MSG) who oversees the CoST national programme and sets the standard for transparency and accountability in the national construction sector.

Initially a national programme sees the disclosure and assurance processes described above tested by the participating procuring entities on sample of construction projects. The national programme then begins to scale-up disclosure and assurance based on the lessons of the testing period across an increasing number of procuring entities and projects. In due course, the disclosure and assurance process becomes mainstreamed within government systems.

The investment of time and resources needed to establish a national programme will depend on the existing institutional capacity and systems available to disclose information. However, from a relatively small investment countries have seen substantial cost savings achieved on individual projects, as well as legal and policy improvements to project delivery that could lead to further savings in future.

Recommendations

The International Secretariat works with local stakeholders to develop an application to join CoST. It should include

1. A letter from a government office or an alternative organisation with government endorsement, indicating:
 - A desire to enhance transparency and accountability in the construction sector and to adopt CoST principles;
 - A scheduled public announcement to confirm the intent to implement a programme for increasing transparency in the provision of public infrastructure and in accordance with international good practice;
 - An commitment from government to engage with the private sector and civil society in oversight of the national programme;
 - A commitment from at least one public infrastructure procuring entity to participate in the initial implementation of the programme; and
 - A commitment to liaise and share information with the international programme during implementation of the national programme.
2. An implementation plan indicating:
 - Administrative arrangements, including official contact for coordination with the international programme;

- Schedule for key activities including: multi-stakeholder engagement and oversight, design and authorisation of disclosure requirements, management and coordination arrangements, engagement and training of procuring entities, and rollout of disclosure; and
- Budget and financing plan.

Standards & Guidance

- CoST Pilot Results http://www.constructiontransparency.org/resources/pilot_results.cfm

Country Examples

CoST participation countries have disclosed project information

Countries participating in the Construction Sector Transparency Initiative (CoST) – Ethiopia, Guatemala, Malawi, Philippines, Tanzania, United Kingdom, Vietnam and Zambia – have disclosed CoST project information.

- [http://www.constructiontransparency.org/db/documents/Briefing_note_12_\(Success_Stories\).pdf](http://www.constructiontransparency.org/db/documents/Briefing_note_12_(Success_Stories).pdf)

Malawi is reforming its construction sector after CoST review

At the start of the CoST pilot, Malawi undertook a baseline study which revealed that public sector construction projects were subject to large overruns in terms of both time and cost. Following this review, the Malawi Parliament has approved a reform package to fix the inadequacies in the public construction sector. The Malawi government has also begun a review of the Public Procurement Act with the intention of incorporating CoST disclosure requirements.

- [http://www.constructiontransparency.org/db/documents/Briefing_note_12_\(Success_Stories\).pdf](http://www.constructiontransparency.org/db/documents/Briefing_note_12_(Success_Stories).pdf)

Tanzanian authorities work alongside CoST to ensure high levels of scrutiny in the construction sector

CoST Tanzania initially received written confirmation that the construction of a certain office building in Dar es Salaam would be part of the pilot project. This agreement to participate was later withdrawn without explanation. The Public Procurement Regulatory Authority subsequently decided that the project should be subject to a full technical audit. Though the audit results are not yet available, this is an example of how statutory authorities are monitoring and reacting to procuring entities' perceived reluctance to subject themselves to scrutiny.

- [http://www.constructiontransparency.org/db/documents/Briefing_note_12_\(Success_Stories\).pdf](http://www.constructiontransparency.org/db/documents/Briefing_note_12_(Success_Stories).pdf)

The government of Vietnam has provided sustained high-level political support to the CoST initiative


CoST Vietnam made good progress in a relatively short period of time. Several factors help explain this progress, but important among them is that the Prime Minister personally endorsed CoST in its early stages. This high-level political support was maintained by the Minister for Construction who was subsequently appointed CoST Champion.

- [http://www.constructiontransparency.org/db/documents/Briefing_note_12_\(Success_Stories\).pdf](http://www.constructiontransparency.org/db/documents/Briefing_note_12_(Success_Stories).pdf)

 The Philippines integrates CoST into existing civil society initiatives

Since the Philippines already had transparency initiatives and active civil society participation in the construction sector, efforts have been made to align CoST with existing initiatives and to integrate it into existing systems and procedures. Also, to operate in the country, CoST in the Philippines had to create a legal entity (the CoSTPhils Foundation). This has facilitated the transfer of funds for CoST and put in place a clear governance and accountability structure for the project.

- [http://www.constructiontransparency.org/db/documents/23_Briefing_Note_9_\(Philippines\).pdf](http://www.constructiontransparency.org/db/documents/23_Briefing_Note_9_(Philippines).pdf)
- [http://www.constructiontransparency.org/db/documents/Briefing_note_12_\(Success_Stories\).pdf](http://www.constructiontransparency.org/db/documents/Briefing_note_12_(Success_Stories).pdf)

 The UK government works with CoST as part of its programme for reducing the costs of infrastructure projects

The UK's CoST pilot project disclosed information on eight construction projects in roads, flood defence, housing, and schools. Soon after its completion, Infrastructure-UK (I-UK), the government department responsible for the National Infrastructure Plan, announced that it planned to work with CoST as part of its programme for reducing the costs of infrastructure projects. Its interest in CoST was sparked by the opportunity provided to routinely capture data in a simple format and the potential this gives to benchmark UK infrastructure costs against international prices over time.

- [http://www.constructiontransparency.org/db/documents/Briefing_note_12_\(Success_Stories\).pdf](http://www.constructiontransparency.org/db/documents/Briefing_note_12_(Success_Stories).pdf)

Advanced Step: Publish all construction sector disclosures in machine-readable format

Justification

In order for construction information to be properly understood, stakeholders need to analyse and use the data. Modern technology allows data to be relayed in formats that can be easily used. For example, excel spread sheets are frequently used by practitioners across the globe. In order to facilitate the use of construction data, governments should publish the data in machine-readable format.

Recommendations

1. Governments should publish all information in machine-readable format.

Country Examples

 In the United States provides machine-readable information on construction contracts

The Federal Funding Accountability and Transparency Act (FFATA) of 2006 required that the Office of Management and Budget (OMB) establish a single searchable website, accessible to the public at no cost, which includes for each Federal award:

1. the name of the entity receiving the award;
2. the amount of the award;
3. information on the award including transaction type, funding agency, etc;
4. the location of the entity receiving the award; and
5. a unique identifier of the entity receiving the award.

USAspending.gov was first launched in December 2007 to fulfil these requirements. Prime award information shown on the website is provided by Federal Agencies through four main source systems. USAspending.gov receives and displays data pertaining to obligations (amounts awarded for federally sponsored projects during a given budget period), not outlays or expenditures (actual cash disbursements made against each project).

- <http://www.usaspending.gov>

 The UK is developing a new format for capturing data from publicly funded construction projects through the CoST initiative

The CoST multi-stakeholder group (MSG) in the United Kingdom is currently working with Infrastructure UK to develop and test a new format for capturing data from publicly funded construction projects after challenges had been identified of accessing cost data in a format that provides qualitative information for policy-makers to make decisions on infrastructure investment.

- http://www.constructiontransparency.org/cost_countries/united_kingdom.cfm

Innovative Step: Integrate mechanisms for real-time citizen reporting and feedback on construction projects

Justification

In many countries civil society organisations are already working with communities to monitor project information and assess the effectiveness of construction projects, such as clinics, roads and schools.

Some have developed online platforms to help community monitors collect data and to make it more easily available both to civil society organisations, the media, procuring entities and funders in order to generate pressure for improved services and projects. International initiatives as [development check](#) are experimenting in supporting these initiatives with ready made platforms, and a means for cross-country comparison and collective advocacy.

Community monitors can enter data, upload project documents as well as photos and videos (for example using smartphones). Local partner organisations share their findings with the community, government and contractors. Through constructive engagement with these key stakeholders, they can fix problems and improve development projects;

In an initial pilot of this system by Integrity action. 30%-50% of identified problems were resolved to the communities satisfaction.

Linking these kinds of platforms with e-government tools, such as data portals, online budget monitoring, and e-procurement sites would enable citizen reporting to provide real-time data to decision makers.


Recommendations

1. **Make sure that procuring entities integrate mechanisms that enable real-time citizen reporting and feedback for accountability and improved performance.**

Standards & Guidance

- Civicus – Monitoring and Evaluating Public Services http://www.pgexchange.org/index.php?option=com_content&view=category&id=59&Itemid=135
- CoST resources- one-stop-shop <http://www.constructiontransparency.org/resources.cfm>

Country Examples

 In Afghanistan, DRC, Liberia, Nepal, Palestine, Sierra Leone and Timor-Leste, civil society organisations work with communities to monitor and assess the effectiveness of construction projects

Through the Network for Integrity in Reconstruction, civil society organisations in Afghanistan, Democratic Republic of Congo, Liberia, Nepal, Palestine, Sierra Leone and Timor-Leste have received organisational and capacity building support to help empower people to monitor project information and assess the effectiveness of construction projects, such as clinics, roads and schools.

In Afghanistan, for example, community-based monitors have been trained to access project information on reconstruction projects selected by the communities, survey beneficiaries, and assess the reality of projects on the ground.

- <http://www.u4.no/publications/social-accountability-in-situations-of-conflict-and-fragility/>
- <http://DevelopmentCheck.org>
- [http:// www.integrityaction.org](http://www.integrityaction.org)

Innovative Step: Make national experience of construction transparency and accountability available for international exchange

Justification

International exchange of experience enables collective learning and action. Country participants can share tools and lessons learned of what works and does not work to improve the transparency, accountability and performance of the construction sector.


Recommendations

1. Stakeholders, including governments, business and civil society should facilitate international exchange of experience.

Standards & Guidance


- CoST resources- one-stop-shop <http://www.constructiontransparency.org/resources.cfm>

Country Examples

 Approximately 20 countries have taken part in experience exchange on construction sector transparency facilitated through CoST

CoST has facilitated international exchange of experience between approximately 20 countries, including El Salvador, Ethiopia, Guatemala, Malawi, Philippines, Tanzania, United Kingdom, Vietnam and Zambia, as well as regional events in Africa, Asia and the Americas.

- http://www.constructiontransparency.org/resources/pilot_results.cfm

 CoST in Guatemala has benefited from the support of international partners, helping them avoid potential pitfalls and build on what has worked in other countries

Guatemala started its CoST pilot scheme later than other pilot countries but was able to progress quickly. According to the CoST Guatemala coordinator, the CoST pilot countries operate as a community of practice and share lessons among each other. And, while each CoST country has unique characteristics, the experiences of other countries have helped Guatemala avoid potential pitfalls and build on what worked in other countries.

- [http://www.constructiontransparency.org/_db/_documents/Briefing_note_12_\(Success_Stories\).pdf](http://www.constructiontransparency.org/_db/_documents/Briefing_note_12_(Success_Stories).pdf)

Consumer Protection

 **Lead author:** [Consumers International](#)

Introduction

A consumer can be defined broadly as a person who needs, uses or has used a particular service or product. In this sense, we are all consumers. Consumers make up the largest economic group, affecting and effected by almost every public and private economic decision. Yet often their views are not heard.

Individual consumers tend to be dispersed, while producers and traders can be organised and powerful, with greater access to information. Consumers are therefore more vulnerable to exploitation through deceptive advertising and selling, provision of substandard, fake and adulterated products, predatory loans and fraudulent, unethical and monopolistic trade practices. This can result in not only poor value for money, which undermines welfare and efficiency, but also presents risks to health and safety. Children, elderly people, disabled people, the poor, uneducated and illiterate are particularly vulnerable.

The principle of 'Caveat Emptor' (buyer beware) is not sufficient, and consumers need specific protections, and the rights to safety, choice, information, and redress. Consumer protection supports economic prosperity as it enables honest and efficient businesses to compete, and enables consumers to make the best use of resources.

The choices people make as consumers can have impacts on their health, safety, welfare and financial security, and that of those around them, and the wider environment. They also offer a means, by which, people can influence society. Demographic changes, economic growth, international trade and technology innovation are opening up new opportunities for consumer welfare, but are also creating new challenges. Enabling people to be informed and active consumers is critical to developing a participative, critical and competent citizenship.

In 1985 the UN General Assembly adopted the Guidelines on Consumer Protection (the "[UN Guidelines for Consumer Protection](#)") to assist countries in the development of legislation and policies to meet key 'legitimate needs' for consumers:

1. Protection from hazards to health and safety;
2. Promotion and protection of economic interests;
3. Access to adequate information to make informed choices;
4. Consumer education, including on environmental, social and economic impacts;
5. Availability of effective consumer redress;
6. Freedom to form consumer and other relevant groups and the opportunity to present their views in decision-making processes;
7. Promotion of sustainable consumption patterns.

Other closely related topics in this guide are [Public Services](#) and [Privacy](#) (forthcoming).

Expert Organisations

Consumers International <http://www.consumersinternational.org>

OECD Committee on Consumer Policy <http://www.oecd.org/sti/consumer/>

Competition and Consumer Policies Branch (CCPB), UNCTAD <http://unctad.org/en/Pages/DITC/CompetitionLaw/Competition-Law-and-Policy.aspx>

Foundation for Effective Markets and Governance (FEMAG) <http://femag.org.au/>

ASEAN Committee on Consumer Protection <http://www.aseanconsumer.org>

EU Consumer Protection Cooperation Network http://ec.europa.eu/consumers/index_en.htm

International Consumer Protection and Enforcement Network (ICPEN) <http://https://icpen.org/>

IberoAmerican Forum of Consumer Protection Agencies (FIAGC) <http://www.fiagc.org/fiagc/>

Summary of illustrative commitments

Initial

- Develop consumer protection laws in line with the UN Guidelines for Consumer Protection
- Establish institutional mechanisms for enforcement of consumer protection

Intermediate

- Establish consumer education programmes
- Establish mechanisms for consumer redress

Advanced

- Ensure that consumers are involved in standard setting
- Establish legal and institutional means for consumers and their organisations to participate in law and policy making

Innovative

- Develop a strategic plan for consumer protection
- Enable consumers to access their own data

Detailed Recommendations

Initial Step: Develop consumer protection laws in line with the UN Guidelines for Consumer Protection

Justification

The basic law on consumer protection, in most countries, is called the Consumer Protection Act. This legislation deals with matters such as unfair trade practices, consumer contracts, product safety and compensation for injury and damage caused by unsafe products. It establishes the powers of public authority in relation to consumer protection and sometimes creates a Consumer Protection Council comprising government, business and consumer representatives. It will also establish the redress mechanisms consumers can use when they have problems with traders.

All countries should have some form of legislation to provide a basic platform for consumer protection.

Recommendations

1. **Set priorities for the protection of consumers.** Taking into account the UN Guidelines for Consumer Protection and relevant international agreements, each Government should set its own priorities for the protection of consumers in accordance with the economic, social and environmental circumstances of the country and the needs of its population, bearing in mind the costs and benefits of proposed measures.
2. In general, consumer laws should:
 - Protect consumers from products or services which are dangerous or unsafe, or whose use might cause injury to others.
 - Require all necessary information to be given to consumers about the goods and services they acquire, especially in relation to therapeutic goods and toxic products.
 - Ensure that necessary information about goods and services is required to be accurate and comprehensible.
 - Provide consumers with cost-effective, speedy and accessible means to enforce their legal rights.
 - Establish procedures which ensure consumers are informed about their consumer rights, particularly consumers with special needs.
 - Encourage the promotion of ethical and socially responsible practices by the producers and suppliers of goods and services.
 - Protect consumers from unethical, unconscionable, and illegal practices especially in the supply or provision of: health care; housing and accommodation; education; water; energy; financial services; employment; retirement services; children's services; insurance; investment services; and food.
2. **Enact a product liability act** to provide strict liability where such an act is not in place. Product liability should be included in the Principal Consumer Protection Act.

Standards & Guidance

- Consumers International: Charter of Consumer Rights <http://www.consumersinternational.org/media/321878/a%20consumer%20charter%20for%20global%20business.pdf>
- OECD: Consumer Policy Toolkit http://www.keepeek.com/Digital-Asset-Management/oecd/governance/consumer-policy-toolkit_9789264079663-en#page1

- OECD: Guidelines for Consumer Protection in the Context of Electronic Commerce <http://www.oecd.org/fr/sti/consommateurs/oecdguidelinesforconsumerprotectioninthecontextofelectroniccommerce1999.htm>
- United Nations: Guidelines for Consumer Protection <http://unctad.org/en/docs/poditccclpm21.en.pdf>

Country Examples

Kenya's Consumer Protection Act gives consumers the right to demand quality goods and services

Kenya's Consumer Protection Act 2012 (CPA) provides punishment for businesses that knowingly sell substandard goods and lie on pricing. It also provides for warranties for damaged or injurious goods. According to the Act, firms which have been proven to have supplied substandard or injurious products will be liable to a raft of punitive measures including recalling such products from the market, repairing defects, replacing faulty products or issuing refunds to aggrieved customers. Such firms would be required to publicly disclose the nature and danger of defects on their products in conjunction with a newly created regulatory agency, The Competition Authority.

The law prohibits unfair trade practices and transactions that affect consumer rights like under-cutting and over-pricing of goods and services. The law will also seek to create consumer awareness on goods and services in the market to ensure they are of high quality and meet health standards. The law also prohibits misleading information to sell goods and services, which is expected to make companies more responsible in designing advertisements.

The CPA lists banks, consultancies, and insurance firms as service providers. It also includes all those involved in the provision of, or the use or enjoyment of facilities for amusement, entertainment, transport, broadcasting, tourism, recreation, education or instruction. Analysts say that banks and insurance firms are expected to improve disclosure of information to customers.

Finally, Kenya's CPA requires regulators to involve consumers when making major decisions about services and products.

- <http://www.parliament.go.ke/plone/statutory-documents/consumer-protection-act-no-46-of-2012/view>
- <http://www.consumersinternational.org/news-and-media/news/2013/05/kenyacpa/>

Nepal's Consumer Protection Act protects the rights of consumers

Nepal's Consumer Protection Act from 1998 clearly states that any activity that intends to deceive consumers is strictly punishable by law. Provisions of the Act protect consumers from irregularities such as the quality, quantity and prices of consumer goods or services; ensuring that no one lowers or removes the attributes or usefulness of consumer goods or services; preventing circumstances in which monopolies and unfair trading practices may lead to an increase in prices, as well as false and misleading propaganda about the use and usefulness of consumer goods or services. The Act includes provisions on selling, supplying, importing, exporting and storing safe and quality consumer goods or services, and protecting the rights and interests of consumers through the establishment of an agency for redress.

Initial Step: Establish institutional mechanisms for enforcement of consumer protection

Justification

While the enactment of appropriate policies and laws is an important step in setting up an effective consumer protection regime, it is equally important that the policies and laws are implemented consistently and effectively. This requires adequately skilled and resourced government agencies. Today, many countries either have no such agency, or have an agency which does not have the capacity to enforce consumer protection laws.

The administrative approach to providing consumer protection signifies that government departments (administrators) take responsibility for consumer protection using their administrative powers. In practice this usually means that an administrator overlooks compliance with consumer legislation on businesses seeking access to markets. The administrator has discretion in applying the consumer protection rules, restricted only by the extent of its enabling legislation, and the safeguards imposed by courts that prevent administrative bodies from misusing their administrative power.

Recommendations

1. **Take special care to ensure that measures for consumer protection are implemented for the benefit of all sectors of the population, particularly the rural population and people living in poverty.**
2. **Ensure that enforcement action is undertaken in a strategic way** designed to achieve particular articulated outcomes in the marketplace.
3. **Issue guidelines** on how the administrator will apply its broad-based powers to ensure certainty on behalf of consumers and businesses, with regards to how the consumer protection provisions are applied.
4. **Use a consistent, and as far as possible, standard set of reporting indicators** to enhance the ability of the community to compare regulatory performance across jurisdictions.
5. **Establish procedures to collect and disseminate information** on particular goods and services that are unsafe, including establishing a centralised database on product and service-related injuries and deaths.
6. **Encourage the inclusion of formal and non-formal consumer education.**

Standards & Guidance

- CGAP: Implementing Consumer Protection in Emerging Markets and Developing Economies: A Technical Guide for Bank Supervisors <http://www.cgap.org/sites/default/files/Technical-Guide-Implementing-Consumer-Protection-August-2013.pdf>
- Consumers International: Charter of Consumer Rights <http://www.consumersinternational.org/media/321878/a%20consumer%20charter%20for%20global%20business.pdf>
- OECD: Consumer Policy Toolkit http://www.keepeek.com/Digital-Asset-Management/oecd/governance/consumer-policy-toolkit_9789264079663-en#page1
- OECD: Guidelines for Consumer Protection in the Context of Electronic Commerce http://www.oecd.org/fr/sti/consommateurs/oecdguidelinesforconsumerprotectioninthecontextofelectroniccommerce_1999.htm
- United Nations: Guidelines for Consumer Protection <http://unctad.org/en/docs/poditccclpm21.en.pdf>

Country Examples

 Brazil developed a consumer protection system before hosting the World Cup

For the FIFA Football World Cup 2014 in Brazil, the Brazilian government developed a series of initiatives to protect

foreign consumers. The Secretary of Consumer Defence (SENACON) was in charge of these duties.

A key strength of the Brazilian strategy was the 'Integrated Centre for Foreign Consumer Protection', a special service created specifically to operate during the tournament. The 'Integrated Centre', was a partnership created in April 2013 between the Federal Government and states, municipalities and market representatives; with the mandate to act pre-emptively in order to protect and ensure the rights of consumers quickly and effectively during the event.

Under this system, consumers received protection for their transactions within all main sectors of tourism, including air and ground transportation, hospitality, food, healthcare and telecommunications. In the event of a claim, the consumer protection agency of the relevant host city was the first to be notified, and was called upon to mediate the conflict locally. If the conflict was not resolved at the local level, SENACON, as Executive Director of the Integrated Centre, took up the matter as appropriate with the help of any necessary technical resources.

Another initiative developed for the World Cup was the 'Technical Committee for Consumption and Tourism', which monitored matters relating to consumer protection for national and foreign tourists. Different agencies supported monitoring at the local level close to stadiums and airports. The actions of the Committee continue after the World Cup and will be applied to the 2016 Olympic Games.

In addition, SENACON, in partnership with Embratur (the Brazilian Tourism Board), launched a "Foreign Consumer Guide" in Portuguese, English and Spanish providing guidance to tourists about their rights.

In addition to SENACON, the Integrated Centre and the Committee were also joined by a number of federal government bodies, including the Ministry of Tourism, the Civil Aviation Secretariat, the Ministry of Health, the Ministry of Transport, Embratur, the Brazilian Airport Infrastructure Company (Infraero), ANAC, the National Health Surveillance Agency (ANVISA) and the National Ground Transportation Agency (ANTT).

Brazil's infrastructure for consumer protection also included a newly-launched web portal (www.consumidor.gov.br), functioning as an alternative channel to resolve disputes between consumers and providers of goods and services. The portal discloses data on the Brazilian market and consumer complaints.

- <http://www.brasil.gov.br/centro-aberto-de-midia/news/brazil-may-export-world-cup-consumer-protection-system-to-russia>

Intermediate Step: Establish consumer education programmes

Justification

Consumer education enables people to make effective choices, and is crucial to the formation of a participative, critical and competent citizenship. It supports and empowers people to become critical consumers, to use their resources effectively in order to understand product quality-standards, health concerns, units and measurements, and their rights to information and redress.

Consumer education is a cost effective mechanism for protecting consumers against abuses in the market place, by educating them to protect themselves and to recognise fake and unsafe products and services.


Recommendations

1. **Develop targeted consumer education programmes** which take local priorities and regulatory and related policies into

account.

- Consumer education campaigns should focus on key issues, use clear, concise language, and offer practical advice.
 - The consumer education programmes should take an integrated approach to meet the needs of different age groups and different social and economic backgrounds.
 - Government should explore how to supplement consumer education as a life-long process, including how education can be structured to build knowledge in a cumulative fashion over time.
 - Consumer education should be disseminated in a variety of ways, taking advantage of both online and offline resources. In the case of online resources it is, however, important to take the accessibility of information and communication technology into account, as well as the ability of targeted groups to use it.
 - Governments should create awareness of consumer rights in relation to product safety through informative campaigns on products, including those in cross-border transactions.
2. **Promote and encourage independent comparative consumer product testing** on a broad range of consumer products.

Country Examples

 The Government of the Philippines promotes consumer rights through various initiatives

In the Philippines, the Department of Education has initiated a pilot project to train teachers on the use of consumer education instruction materials. Consumer rights and responsibilities are posted in public areas with infomercials on consumer rights in cinemas, and a consumer welfare 'month' in October. In addition, the Department of Trade and Industry (DTI) awards a 'Seal of Excellence' to any certified responsible establishment that upholds the rights and welfare of consumers. The 'Bagwis' (wing) award is classified into gold, silver and bronze levels ranging from legal compliance, basic business ethics and development of a consumer welfare desk to advanced quality management.

Intermediate Step: Establish mechanisms for consumer redress

Justification

Consumer protection can be meaningful only if there are provisions for consumers to seek redress for perceived wrongs, and to prevent future abuses. The right to redress means the right to a settlement of just claims, covering not only direct losses, but also resulting damages.

Consumers have adequate redress if they can require a trader/business to compensate a loss they have suffered which was caused by a breach of law. Ultimately this may mean achieving redress through the court system. However going to court can involve formal and lengthy procedures, presenting barriers such as accessibility, expense, time and the risk of having to pay the other party's costs. Particularly where the consumers' claims are small, or where they are seeking conciliation of a dispute, the expense and risks involved often do not warrant full scale adversarial proceedings. In many jurisdictions the normal court system is not geared to the institution of common or grouped claims where many individuals have suffered detriment.

These problems are common to consumers all over the world and many jurisdictions have addressed them by introducing

reforms to the court system or establishing alternative redress systems for the benefit of consumers.

Recommendations

1. **Establish procedures** so that consumers of allegedly hazardous goods and services can notify the authorities and track the progress of complaints.
2. **Consider developing multiple channels of redress**, such as court action, quasi-judicial action, alternative dispute resolution, media channels, industry-linked consumer redress and non-governmental organisations' complaint centres including consumer groups.
3. **Tailor the redress mechanisms** so that they are proportionate to the economic value at stake.
4. **Set-up sufficiently accessible and easy to use procedures** to enable consumers to elect the conduct procedure without need for legal representation or assistance as far as possible (e.g. through the use of standard forms to facilitate the submission of necessary documents).
5. **Provide clear, comprehensible, and accurate information on the options and procedures**, including the process of initiating a complaint and selecting a dispute resolution mechanism, expected costs and duration of the procedure, possible outcomes, avenues for appeal, and whether the outcome is binding or not.
6. **Establish domestic frameworks for consumer dispute resolution and redress** to address domestic cases and provide consumers with remedies across borders. Consider the special needs of disadvantaged or vulnerable consumers so that they, or their representatives, can access these mechanisms.
7. **Establish a central database for complaints handling** to enable regulators and policy makers to assess gaps in the process of complaints handling and redress, trends in complaints, as well as best practices in complaints handling and redress.

Standards & Guidance

- Consumers International: Charter of Consumer Rights <http://www.consumersinternational.org/media/321878/a%20consumer%20charter%20for%20global%20business.pdf>
- OECD: Consumer Policy Toolkit http://www.keepeek.com/Digital-Asset-Management/oecd/governance/consumer-policy-toolkit_9789264079663-en#page1
- OECD: Guidelines for Consumer Protection in the Context of Electronic Commerce <http://www.oecd.org/fr/sti/consommateurs/oecdguidelinesforconsumerprotectioninthecontextofelectroniccommerce1999.htm>
- United Nations: Guidelines for Consumer Protection <http://unctad.org/en/docs/poditccclpm21.en.pdf>

Country Examples

Argentina's Consumer Arbitration Tribunals help solve consumer disputes

Argentina's Consumer Protection Act from 1994 provides the legal framework for the establishment of Arbitration Tribunals. These Tribunals were initiated in 1998. They have received more than 35,000 requests for arbitration and have solved more than 10,000 cases.

For cases that comprise more than USD 100, the tribunals have three arbiters: one representing consumers, one representing businesses and the third one representing the government. For cases below that sum, there is a single arbiter provided by the government.

The procedure is easy and quick, whereby consumers can file a case using a form. The arbitral audience is normally held in the next 15 days. Most cases are solved in a single audience, and if the arbitral decision is not obeyed, it can be

pursued in a Court. Most decisions from the Arbitration Tribunals are reached by consensus.

- http://books.google.co.uk/books?id=xugOBAAAQBAJ&pg=PR27&vq=argentina&output=html_text&source=gbs_search_r&cad=1

India's consumer protection system enables inexpensive and speedy redress

The Indian Consumer Protection Act from 1986 enables ordinary consumers to secure redress of their grievances using a three-tier structure of National and State Commissions and District Forums. To provide inexpensive, speedy and summary redressal of consumer disputes, quasi-judicial bodies have been set up in each District and State and at the National level, called the District Forums, the State Consumer Disputes Redressal Commissions and the National Consumer Disputes Redressal Commission respectively. At present, there are 629 District Forums and 35 State Commissions with the National Consumer Disputes Redressal Commission (NCDRC) at the apex.

Malaysia introduced a Tribunal for consumer claims enabling consumers to seek redress without going to court

Malaysia's Consumer Protection Act 1999 introduced a specific consumer redress mechanism for the Malaysian consumer by establishing the Malaysian Tribunal for Consumer Claims (MTCC). MTCC is an independent body recognised to hear and adjudicate consumer claims subject to the provisions under the Act. Its objective is to provide a channel and alternative dispute resolution facilities to consumers. The jurisdictions of the tribunal include hearing any matter within its jurisdiction as provided for under the Act where the total amount claimed does not exceed RM 25, 000; and hearing any other matters prescribed by the Minister's order published in the Gazette.

Advanced Step: Ensure that consumers are involved in standard setting

Justification

Standards are hugely important for consumers. They have an impact on almost every product and service that consumers come into contact with – the transport they use to travel to work, the electrical goods they use at home, the products supplied in their local shops, and the services offered in their communities. Consumers have been influential in raising key environmental and safety issues for standardisation.

Standards provide the basis for assurance that products are safe, that they are interoperable, and that environmental claims are robust. These standards are generally set by national standards institutions, which may be private voluntary associations or institutions mandated by, or under the control of government. Under the World Trade Organisation rules, governments are required to base their national regulations on international standards, as much as possible, thereby making these standards regulatory.

International best practice is that standards should be developed through consensus among all interested parties. However while representatives from industry, trade, government, and professionals are well represented in standards' work, consumers have traditionally had fewer opportunities to participate. Consumer representatives face difficulties due to a lack of financial resources and technological expertise. The leading organisation for standardisation (ISO) has a

Consumer Policy Committee (COPOLCO) which works to train consumer advocates to participate in standards development.

Recommendations

Governments should seek to involve consumers in the development of standards, and in drawing up their standards work programmes. The way they do this will depend on the history, culture and infrastructure of the country (for example whether standards are set by central government standardising bodies or private institutions). Key best practices are to:

1. **Develop a process for identifying priority areas** of work of consumer interest.
2. **Instigate consumer participation** in the initiation and planning of programmes of standardisation.
3. **Invite consumers to participate** in all national technical committees dealing with standards projects on consumer interests. In many countries the obvious starting point for liaison with the national standard setting institution is the national consumer organisation or organisations. Where this does not exist it may be necessary to draw together a committee of ordinary members of the public. In most of the European countries and in countries such as India, Malaysia, Korea, Singapore and Thailand consumer representatives take part in national technical committees on standards.
4. **Provide funding to enable consumers to participate** in key priority areas of consumer interest when they are not able to finance their own participation.
5. **Seek the active participation of consumers in national delegations** to international Technical Committees primarily of interest to consumers.
6. **Provide guidance and training** to consumer representatives on technical issues.
7. **Provide early notices of meetings and consultations** to enable consumers and their organisations to participate.
8. **Disseminate information widely** to consumer organisations, other relevant organisations and the general public, including using the internet for communication and consultations.
9. **Enable consumer organisations to request the development of new standards projects.**

Standards & Guidance

- ISO: Code of Good Practice for Standardization (ISO/IEC: Guide 59:1994) http://www.iso.org/iso/catalogue_detail.htm?csnumber=23390
- ISO: The Consumer and Standards: Guidance and principles for consumer participation in standards development <http://www.iso.org/iso/standardsandconsumer.pdf>

Advanced Step: Establish legal and institutional means for consumers and their organisations to participate in law and policy making

Justification

Consumer issues and concerns are changing. New technologies and business models such as mobile payments, alternative currencies, 3D printing and self-driving cars, and the products and businesses that grow around them will create new challenges for safety, systemic risk, access, data protection and privacy, and will require new regulations and standards. Increases in consumer awareness and access to technology empower more and more people with the capacity to demand their rights as consumers, and to address the environmental and health impacts of consumption. At the same time, millions of consumers around the world continue to lack access to the most basic goods and services.

As governments address these issues with policies and laws, they need to consult with both producers and consumers. However, commercial interests are often well organised and powerful, compared with the interests of individual consumers. Therefore when governments are consulting on issues relevant to consumers they need to take specific steps to ensure that consumers are heard.

The [UN Guidelines for Consumer Protection](#) call on governments to facilitate the formation of consumer and other relevant groups or organisations, and provide them the opportunity to present their views in decision-making processes affecting them.

Recommendations

1. **Establish the fundamentals of good practice in consumer representation within consumer policy**, and assess government expectations against these fundamentals.
2. **Develop an overall 'Statement of Principles' on the participation of consumers**, addressing issues such as the transparency of the selection process, the need for timely and responsive actions, developing partnerships with the state/territory-based consumer organisations, and accountability to the network of consumer organisations, and empowering consumers.
3. **Explore and adopt a set of principles that can guide representatives** with input to committees on consumer protection.
4. **Appropriately resource the services of consumer organisations** that serve as consumer representatives on departmental and national committees. The funding should be based on a realistic assessment of the resource requirements to provide consumer representatives with high quality information.
5. **Research and engage citizens in dialogue on new consumer issues** such as resource scarcity and climate change, individual versus systemic risk, the risks and benefits of new technologies and the challenges of urbanisation and ageing populations.

Country Examples

Chile has a fund for Consumer Associations projects

In Chile, the consumer law establishes a fund that twice a year awards consumer associations with resources to carry on and implement projects. A call for projects is made every year, and consumer groups can present them to the national consumer authority (SERNAC). A panel of experts analyse each project proposal, and award funds following a strict criteria that is settled each year.

Sri Lanka has a Consumer Protection Fund that supports consumer organisations and finances consumer education

In Sri Lanka all fines imposed under the Consumer Protection Act, 50% of the proceeds of the sale of any articles forfeited under the Act, and any other public allocations of resources for consumer education are paid into a Consumer Protection Fund. The Fund is used to support the promotion, assistance and encouragement of consumer organisations, and consumer education and the dissemination of information.

Innovative Step: Develop a strategic plan for consumer protection

Justification

A Strategic Plan is a useful tool for enabling countries to plan and implement programmes which build on the infrastructure for consumer protection. The Strategic Plan for consumer protection should set out a national vision, a programme of legislation, and define the roles of different agencies in consumer protection. The Plan should be developed in consultation with relevant stakeholders.

Recommendations

The Strategic Plan should be led by the lead agency involved with consumer protection but should involve all relevant agencies as well as consumers' organisations and other relevant stakeholders. Key steps are to:

1. **Prepare an analysis of country context.**
2. **Agree on objectives** and key policy issues to be addressed.
3. **Prioritise goals.** The most useful plans are succinct and easily translated into useful measures.
4. **Design and sequence delivery strategies** on the basis of an assessment of the likelihood of success within the required time scale.
5. **Devolve operational planning to delivery agencies.** While overall goals and strategic direction need to be agreed as part of a National Policy Framework, operational planning should be devolved to selected delivery agencies, to be developed through stakeholder dialogue within agreed time scales.
6. **Convene an open forum** to present and discuss the draft plan.

Country Examples

 The US Federal Trade Commission publishes five year strategic plans

The US Federal Trade Commission's Strategic Plan for 2009 – 2014 aims to prevent business practices that are anti-competitive, deceptive or unfair to consumers; to enhance informed consumer choice and public understanding of the competitive process; and to accomplish this without unduly burdening legitimate business activity.

Innovative Step: Enable consumers to access their own data

Justification

Increasingly businesses collect and analyse a large amount of personal data on their customers. Giving people greater access to electronic records of their credit rating, or their past buying and spending habits can help them make better buying choices. For example, data that a phone company holds about your mobile use may help you choose a new tariff.

It is of key importance that consumers are aware of the data they are giving to businesses, and the potential uses for this information. They must have control over their personal data and have mechanisms in place to prevent businesses deleting or replacing incorrect or sensitive data from their records; allowing them to prohibit the collection of personal data if they

do not want to share it.

Recommendations


1. **Identify key sectors for the release of personal data.** Work with sector regulators, information commissioners and consumer groups to identify key sectors such as banking, mobile phones and energy as priorities for the private sector to release personal data to consumers electronically.
2. **Ensure secure access to data.** Work with companies to develop systems to make sure consumers can access their own data securely.
3. **Encourage businesses to develop applications (apps)** that will help consumers make effective use of their data.
4. **Enact and enforce legislation** that provides consumers with adequate mechanisms to manage the type, amount and use of personal data by businesses.
5. **Consider regulation** to compel companies to disclose data to customers.

Country Examples

 The UK government is working with industry to release more data back to consumers

The UK government has established a 'midata project' to work with businesses to give consumers better access to the electronic personal data that companies retain on them and to give consumers greater control of their data. Following a public consultation the government announced in November 2012 that it would use the law to compel businesses to release consumers' electronic personal data if they did not do it voluntarily. The power to do this was approved by Parliament through the Enterprise and Regulatory Reform Act 2013. Initially the government will be working with banks, mobile phone companies and energy companies to voluntarily release data.

Elections

 **Lead author:** [National Democratic Institute](#)

Introduction

Democratic elections serve two essential functions in any country: to provide the vehicle through which the people express their will as to who shall have the authority to govern; and to resolve peacefully the competition for governmental power. Through democratic elections citizens hold incumbents to account for their performance and promise to hold to account those who seek to be elected.

The obligation of governments to organise *genuine* elections, based on universal and equal suffrage, is interwoven with the right of citizens to participate in government and public affairs. Article 21 of the [Universal Declaration of Human Rights](#) (UDHR) states that the basis of the authority of government derives from the will of the people expressed in periodic and genuine elections. Article 25 of the [International Covenant for Civil and Political Rights](#) (ICCPR) states the governmental obligation to provide each citizen with the right and opportunity, without discrimination or unreasonable restriction, to vote and to be elected at genuine elections.

Citizens not only have a right to participate in elections, but also the right to know for themselves whether the electoral process is valid and free of corruption. The right to information is integral to electoral rights because it is impossible to participate meaningfully without information needed to make informed electoral choices. Access to information about electoral processes, including government held electoral data, and the steps taken by governmental institutions to establish accountability in the electoral context is fundamental to creating and reinforcing public confidence in the integrity of elections and the government that derives from them.

Genuine elections require administrative measures that ensure political impartiality of state institutions and personnel, vigorous enforcement of equality before the law and equal protection of the law. Unless the population is assured that citizens can participate in electoral processes free from the harms of violence, intimidation, threat of political retribution and other forms of coercion – and unless the population believes that votes will be accurately counted and honoured – barriers may undermine participation and the credibility of the electoral mandate. Unless electoral competitors are assured that they will be able to participate free from such harms and that they will have access to redress, including effective remedies for violations of their political rights, they may either choose not to participate or to turn to “self-help”, such as political violence.

Even in established democracies maintaining public confidence in administrative impartiality and effectiveness can often become points of sharp controversy. Moreover, where electoral problems are significant and transparency is lacking, public trust in government can be severely damaged, which is hard to repair in any country. That damage can have important effects on governmental stability.

The growing arena of campaign and political finance is also important to electoral integrity. The role of money in politics, whether from private individuals or corporations, or whether from legal sources or organised crime, can impact significantly upon who competes in elections, how well they are able to spread their messages to the electorate, how they are able to develop their other organisational efforts and potentially how they may perform if they enter government (Transparency International, 2013; Öhman and Zainulbha, 2009; International IDEA, Political Finance Database; Open Congress, International Campaign Finance Literature Review). Attention is increasingly turning to how to control the impact of money in politics so as to nurture its positive aspects, while controlling and counteracting negative influences.

Transparency International (2013), Buying Influence, Money and Politics in the Balkans,
http://www.transparency.org/news/feature/buying_influence_balkans

Magnus Öhman and Hani Zainulbha, 2009, Political Finance Regulation: The Global Experience, International Foundation for Electoral Systems

International IDEA, Political Finance Database, <http://www.idea.int/political-finance/sources.cfm>

Open Congress, International Campaign Finance Literature Review,
http://www.opencongress.org/wiki/International_Campaign_Finance_Lit_Review

Expert Organisations

ACE Electoral Knowledge Network <http://www.aceproject.org>

International IDEA <http://www.idea.int>

Electoral Institute for Sustainable Democracy in Africa (EISA) <http://www.eisa.org.za>

Global Network of Domestic [Citizen] Election Monitors <http://www.gndem.org>

National Democratic Institute for International Affairs (NDI) <http://www.ndi.org>

The Carter Center http://www.cartercenter.org/news/publications/peace/democracy_reports.html

Transparency International <http://www.transparency.org>

Summary of illustrative commitments

Initial

- Establish a legal framework for impartiality, effectiveness and transparency in elections
- Make available information related to electoral processes

Intermediate

- Establish measures to safeguard administrative impartiality and provide training and access to information about them
- Establish open contracting rules for election related procurements
- Make election related data available proactively
- Require consultation for any significant changes to electoral processes

Advanced

- Broaden and deepen opportunities for participation in public policy decisions related to election management
- Empower an ombudsman or similar office to receive, investigate and address citizen complaints concerning electoral processes

Innovative

- Establish an independent expert panel to monitor procurement and application of election technologies

Detailed Recommendations

Initial Step: Establish a legal framework for impartiality, effectiveness and transparency in elections

Justification

There is international consensus that a critical starting point for safeguarding electoral integrity and creating public confidence in governmental institutions that relate to elections is establishing a legal framework that warrants public trust in electoral administration, ensures fair competition, and safeguards a free and informed vote. The legal framework should guarantee political impartiality of governmental entities, administrative effectiveness and transparency for the numerous complex, time-sensitive, and large-scale processes required for genuine elections.

There is also international consensus that factors in the broader political environment, which is affected by an array of government institutions and other actors, can at times negate or substantially subvert electoral integrity. Legal frameworks therefore must ensure access to justice mechanisms, equal protection of the law and effective remedies in the election context. Beyond the letter of the law, visible and forceful steps to ensure political neutrality, proper actions and openness by state institutions are also crucial for establishing public confidence in the credibility of electoral processes. Assurances of commitment to proper actions by political competitors and by civil society actors, often through voluntary codes of conduct, are also important initial measures for establishing transparency and electoral credibility.

Legal frameworks are never perfect. They must be re-evaluated and improved as lessons are learned and countries advance through more substantial steps on their democratic paths, though rules must be clear well in advance of specific elections. Increased access to electoral data and other government held information that relates to electoral processes should be part of that progress.

Recommendations

A sound legal framework for elections should:

1. **Set out an inclusive process for appointing an impartial electoral management body (EMB, e.g., election commission)**, with clear criteria for selecting its members, requiring broad agreement of the political competitors (e.g., through a super-majority of legislators that includes governing and opposition parties) and the opportunity for public scrutiny of the process. Criteria are likely to include the ability to act impartially towards political competitors, demonstrated personal integrity and capacities to oversee complex electoral processes. In some countries the first criteria is relaxed in favour of management bodies that are designed to achieve political impartiality through a balanced number of representatives from opposing parties. Similar criteria and a selection process that includes opposing political parties are needed for selecting the chief executive officer of the EMB's staff.
2. **Include budgetary procedures that guarantee the ability of election administration to act impartially** (free and independently from political pressures), effectively (with timely and adequate funding), transparently (budget proposals and the budget documents made publicly available in a timely and easily accessible manner) and accountably (through legislative oversight and public scrutiny).
3. **Recognize electoral competitors' right to observe all aspects of the election process** to ensure their rights are respected, including to gather information and to seek remedies.
4. **Recognize the rights of citizens to associate through organizations that monitor electoral processes** (e.g., non-partisan citizen organizations and news media), and require timely accrediting, without unreasonable restrictions, of such organizations to observe all aspects of election administration, including, among others, delimitation of election districts, voter registration, voting, vote counting and electoral results tabulation and transmission.
5. **Require timely publication of all EMB decisions, rules, regulations and an electoral calendar** that includes the

dates of all steps in the election process, through announcement of results and seating of elected officials.

6. **Require immediate publication of denials (including rationale) by the EMB or other responsible government entity** of the legal recognition and qualification of electoral contestants (including ballot qualification), legal recognition and accreditation of citizen organizations to monitor the various election processes and accreditation of news media to witness election processes, and include a means for judicial appeal of such denials.
7. **Require that data on critical pre-election processes**, such as delimitation of election districts and related census data, voter registration and voter registries and candidate/party ballot qualification, be made timely available for scrutiny and claims for remedies by persons with a direct interest and impartial election monitors.
8. **Require that election results be publicly posted**, both at the location where ballots are cast and initially counted (e.g., polling stations) and at each point where they are consolidated (e.g., ward, district, regional/provincial and national results consolidation centres); require that results be released immediately at each juncture of results tabulation in a format that includes results recorded at the initial ballot counting location as well as in an aggregated form.
9. **Require that consolidated results be made immediately available through a searchable catalogue** (e.g., a website) that provides access to results recorded at the location where ballots were counted (e.g., polling stations) as well as aggregated results, and ensure that the data's format is reasonably structured for automated processing (analysis); and require that results also be maintained permanently and be publicly available in such easy to analyse formats.
10. **Require that all state-owned and state-controlled mass communications media remain impartial toward all electoral contestants**; include sanctions for non-compliance; provide that data collected by governmental agencies that may monitor the media be made publicly and timely available, and provide that public requests for information from state-owned or controlled media and media monitoring agencies shall receive timely responses.
11. **Provide a mechanism for complaints, review and sanction** concerning any government employee who uses governmental office, resources or employee time to pursue the advantage or disadvantage of an electoral contestant, and require timely public reports on the number, nature and disposition of such complaints.
12. **Establish criminal liability for anyone, including government employees, acting in a manner that violates the rights of prospective voters or electoral contestants** (including through bribery, threats of political retribution concerning jobs, scholarships or service provision, violence, threats of violence or other forms of coercion), and require timely public reports on the number, nature and disposition of such cases.
13. **Provide EMBs with the powers and the financial resources to investigate** on their own initiative possibilities of misfeasance and malfeasance by electoral officials, including any action that could affect an electoral outcome.
14. **Ensure that access to electoral complaint mechanisms and judicial proceedings concerning electoral processes** are not hindered by unreasonable filing fees and deposits, arbitrary or impracticable procedures and timelines, and ensure that requirements for lodging complaints or otherwise seeking administrative or judicial redress are broadly enough defined to allow the pursuit of any reasonable claim and timely, effective remedies.

Standards & Guidance

- American Convention on Human Rights <http://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm>
- Document of the 1990 Copenhagen Meeting of the Conference [now the Organisation] for Security and Cooperation in Europe <http://www.osce.org/odihr/elections/14304>
- Electoral Justice: The International IDEA Handbook http://www.idea.int/publications/electoral_justice/
- Electoral Management Design: The International IDEA Handbook <http://www.idea.int/publications/emd/>
- Electoral System Design: The New International IDEA Handbook <http://www.idea.int/publications/esd/index.cfm>
- European Union's Compendium of International Standards for Elections http://eeas.europa.eu/eueom/pdf/compendium-of-int-standards-for-elections_en.pdf
- Inter-American Democratic Charter http://www.oas.org/charter/docs/resolution1_en_p4.htm

- Promoting Legal Frameworks for Democratic Elections- An NDI Guide for Developing Election Laws and Law Commentaries <http://www.ndi.org/node/14905>
- The African Charter on Elections, Democracy and Governance <http://www.africa-union.org/root/au/Documents/Treaties/text/Charter%20on%20Democracy.pdf>
- The Carter Center's Database of Obligations for Democratic Elections <http://www.cartercenter.org/des-search/des/Introduction.aspx>
- United Nations Human Rights Committee General Comment No. 25 <http://www.unhchr.ch/tbs/doc.nsf/0/d0b7f023e8d6d9898025651e004bc0eb>
- United Nations Human Rights Committee General Comment No. 34 <http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>

Country Examples

Canada's electoral management body allows citizens to file complaints online

Elections Canada is an independent, non-partisan agency that reports directly to Parliament. It is responsible for conducting election at all levels of government, administer political financing provisions, monitor compliance and enforce electoral legislation. It is also mandated to conduct voter education and information programmes, and provide support to the independent boundaries commissions in charge of adjusting the boundaries of federal electoral districts.

Elections Canada also has an Access to Information and Privacy Directorate within the commission itself, which is responsible for processing information requests in accordance with Canadian freedom of information legislation.

Elections Canada's website www.elections.ca/home.aspx provides information on a broad range of election processes, including about methods for public scrutiny, information about lodging electoral complaints and historic election data, including turnout and results information. Its website also allows citizens to file complaints, presents definitions of electoral crimes and provides information about cases referred for prosecution.

- <http://www.elections.ca/home.aspx>

Kenya adopted reforms to allow independent monitoring of electoral processes

Following the 2007-2008 electoral tragedy in Kenya that left over 1,000 people dead and 600,000 displaced in a conflict over presidential election results that were neither sufficiently transparent nor effectively administered, a new constitution was adopted in Kenya along with electoral and judicial reforms. The reforms led to enhanced transparency provisions allowing parties, citizen observers, media and international observers to monitor electoral processes.

The reforms also led to an open and inclusive process for appointing members of the Independent Electoral and Boundaries Commission (IEBC). Appointments of the chairperson and eight members of the IEBC are done through a multi-staged process that involves the President, a Selection Panel and the National Assembly. The Selection Panel is responsible for advertising the positions, public interviews and shortlisting of candidates, who are in turn approved by the National Assembly and appointed by the President. The procedure for the appointment process is regulated by the Constitution of Kenya and the IEBC Act.

The IEBC receives its budget independently from the legislature and is constitutionally mandated as an independent body with specific review by the courts. Though Kenya has yet to pass a freedom of information law, the Article 35(1) of

Constitution of Kenya guarantees every citizen the right to access to information held by the state, and state-established institutions, such as the IEBC.

- <http://www.iebc.or.ke/>

Mexico has a comprehensive electoral code

The Instiuto Federal Electoral (or Federal Electoral Institute (IFE)) is a special electoral prosecutor and a special electoral court to resolve disputes concerning federal elections in Mexico.

The Federal Transparency and Access to Public Government Information law applies to the IFE, which adds greater possibilities for transparency in federal elections, and the Constitution provides IFE with autonomy, which among other things allows it to negotiate its budget directly with the legislature.

The main directive body of the IFE is the General Council, consisting of nine members with a right to vote and to participate in debates, and additional members who have the right to participate in debates but who are not entitled to vote. The nine members of the General Council are elected through the vote of two thirds of the members in the Lower Chamber of the Congress, from among proposals put forward by the parliamentary groups of the same Chamber, after an open consultation.

As a requirement, the President Councillor and the Electoral Councillors must not have been registered as candidates for any elective post or have performed any directive position at a national or local level for a political party during the last four years prior to the designation.

- [http://www.ife.org.mx/portal/site/ifev2/IFE Nature and Attributions/](http://www.ife.org.mx/portal/site/ifev2/IFE_Nature_and_Attributions/)

South Africa has an Independent Electoral Commission

South Africa's Independent Electoral Commission, established in 1993, is the permanent body created by the South African Constitution to manage free and fair elections at all levels of government. The Commission is selected through an inclusive process.

It provides a range of election related material on its website including electoral timetables, laws and regulations, and annual reports and strategic documents. It also makes available the results data (in a machine-readable format) for every election since 1994 and allows voters to check their registration and voting location.

Its Municipal Demarcation Board provides information related to drawing electoral boundaries and must report annually to the national and each state legislature on its activities.

- <http://www.elections.org.za/content/>

Initial Step: Make available information related to electoral processes

Justification

Advancing beyond rudimentary levels of confidence in general electoral performance requires making public the underlying workings of the electoral process including details of:

- electoral oversight by the legislature;
- activities and interactions of other governmental bodies that have important electoral related functions;
- decision making on electoral technologies and procurement of sensitive electoral materials;
- drawing up of boundaries of electoral districts (which are central to equality of suffrage);
- qualification of political parties and candidates for the ballot;
- campaign and political finance;
- voter registration;
- voting, ballot counting and tabulation of results and results announcement;
- laws, sanctions, remedies providing redress and accountability.

Making government held data and other information available in each of these areas and providing opportunities for electoral contestants, citizen organizations, the media and the public to scrutinize them is central to increasing public confidence in the credibility of elections and related governmental processes.

Recommendations

1. **Publish and actively inform the public about all election related laws and procedures**, including time requirements for various applications, requests for corrections, appeals and specific definitions of electoral related crimes, along with appropriate penalties.
2. **Publish widely an easily understandable guide to** electoral rights and processes, including how citizens, including electoral contestants, can access mechanisms for redressing electoral violations via administrative and judicial avenues, the required procedures and available remedies, and procedures for requesting electoral related information from the EMB and other governmental agencies.
3. **Require that EMBs and other governmental institutions that play important roles in electoral processes receive and respond to public requests for election related data and other information** under the assumption that information held must be made timely available, unless well justified reasons, such as personnel matters or public security, are provided in writing to the requestor with the possibility for appeal of request denials.
4. **Appoint a public information officer** with the authority to ensure that such information is provided, and broadly inform the public of procedures for requesting information.
5. **Provide training to personnel of EMBs** and other government institutions that play important electoral roles (including at the sub-national level) concerning the public's right to information (RTI) in the electoral arena and procedures to timely provide that information.
6. **Establish key classes of election related data to be made proactively available.**
7. **Require that the EMB publish annual data and a comprehensive public report within a year of major elections.** All governmental institutions that play an important role in electoral processes including, among others, law enforcement agencies and public prosecutors, should be required to make an annual public report on such matters. The EMB's annual comprehensive report should cover all elements of the electoral process including lessons learned for fostering transparency, participation and accountability and actions to be taken to ensure effective administration and electoral integrity, and should be presented to the legislature for its oversight purposes and for consideration of improvements to the legal framework for elections.

Standards & Guidance

- Article 19 of the International Covenant on Civil and Political Rights
<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
- United Nations Human Rights Committee General Comment No. 34
<http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>

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- <http://www.elections.ca/home.aspx>

In the UK, the Electoral Commission produces a report after every election

In the UK, the [Electoral Commission](http://www.electoralcommission.org.uk) is statutorily required to produce a report after every election, including problems and possible instances of malfeasance, as well as recommendations for improvement. After the 2010 general election it issued a special report on the problems experienced at the polls that year along with data about how many people had problems, what types, and where they occurred.

- <http://www.electoralcommission.org.uk/i-am-a/journalist/electoral-commission-media-centre/news-releases-reviews-and-research/report-on-2010-electoral-malpractice-cases-published>

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Its Municipal Demarcation Board provides information related to drawing electoral boundaries and must report

annually to the national and each state legislature on its activities.

- <http://www.elections.org.za/content/>

Intermediate Step: Establish measures to safeguard administrative impartiality and provide training and access to information about them

Justification

Where the foundation is established for impartial and effective election administration, including public access to election related information, confidence in the election process must be reinforced to assure the public and electoral contestants that administrative impartiality is being protected. Safeguards against the effects of conflicts of interest, whether economic or political, and other forms of corruption are central to maintaining electoral integrity, and public disclosure of information about those safeguards is essential for maintaining public confidence.

Recommendations

1. **Publish clear requirements for all government personnel (including EMB personnel) concerning avoidance of conflicts of interest and management of potential conflicts of interest** (economic, political and otherwise) that could undermine electoral integrity, disseminate them to all personnel and appoint an ethics officer to whom questions about such requirements should be directed.
2. **Promulgate for EMB personnel and other government employees whose work affects election processes clearly defined restrictions on accepting gifts** (including subsidized trips) from vendors, other companies (both international and domestic) and politicians, and include meaningful sanctions for non-compliance with the restrictions.
3. **Require disclosure of personal financial assets of members of EMBs and key senior administrative EMB personnel.**
4. **Promulgate protections against firing or other retributions for persons who lodge complaints** or otherwise in good faith make known to the public information concerning wrongdoing by any governmental official or employee that would likely subvert the integrity of elections.
5. **Establish training programs for personnel** of EMBs and all governmental institutions that play important roles in electoral processes (including law enforcement and prosecutor offices) at all levels concerning legal framework provisions, right to information requirements, access to justice mechanisms, complaint procedures and remedies, conflict of interests, gift restrictions, asset disclosure and other accountability measures relevant to electoral integrity.

Standards & Guidance

- African Union's Convention on Preventing and Combating Corruption http://www.africa-union.org/Official_documents/Treaties_%20Conventions_%20Protocols/Convention%20on%20Combating%20Corruption.pdf
- Code of Conduct for the Ethical and Professional Administration of Elections http://www.idea.int/publications/conduct_admin/
- Managing Conflict of Interests: Frameworks, Tools, and Instruments for Preventing, Detecting, and Managing Conflict of Interest <http://www.oecd.org/site/adboecdanti-corruptioninitiative/40838870.pdf>

- The Inter-American Convention against Corruption <http://www.oas.org/juridico/english/Treaties/b-58.html>
- The Parliamentary Assembly of the Council of Europe's Draft Resolution on the protection of 'whistle-blowers' http://fairwhistleblower.ca/files/fair/docs/ti/Council_of_Europe_Draft_WB_Resolution.pdf
- United Nations Convention against Corruption http://www.unodc.org/pdf/crime/convention_corruption/signing/Convention-e.pdf

Country Examples

Conflict of interest rules protect the independence of South Africa's Electoral Commission

According to the South African Electoral Act from 1998, election observers must disclose to the Independent Electoral Commission any relationship that could lead to conflict of interest regarding the performance of their duties as observers. The law also states that these observers are not to accept any gifts or favour from a political party, organisation or person involved in the election process, and not participate in any function or activity that could lead to a perception of sympathy for a particular candidate or political party.

- <http://www.eisa.org.za/WEP/soulaws7.htm>

The Philippines Commission on Elections maintains rules on conflict of interest

The Philippines Commission on Elections (COMELEC) maintains explicit requirements against conflicts of interest, acceptance of gifts from suppliers, disclosure and related matters affecting the impartiality of its officials. Resolution No. 9307 'Code of conduct governing procurement activities of the Commission on Elections' includes provisions against conflict of interest, and Resolution No. 7789 provide a detailed 'Code of conduct and ethical standards for COMELEC officers and employees'.

- <http://www.comelec.gov.ph/>

Intermediate Step: Establish open contracting rules for election related procurements

Justification

Public confidence in elections and the government that results from them requires trust that election processes are free from corruption in any form and trust that sound procedures were followed in acquiring sensitive election materials, such as ballots and/or electronic technologies that may be employed in compiling voter registries, voting, vote tabulation and transmission of election results. If procurement processes are tainted by corruption, the public will have a significant reason to doubt that election outcomes are honest. Plus, with the adoption of electronic electoral technologies, transparency in procurement, including design, testing, certification, delivery, deployment, maintenance and application of the technologies, is crucial to understanding that the technologies accurately portrayed the will of the electorate.

Recommendations

Require that Election Management Bodies:

1. **Announce widely in advance intentions to make electoral related procurements**, at a minimum for those over a specified amount and for all related to voter registries, voting, vote counting, results tabulation and transmission, as well as related technical requirements.
2. **Publish a clear description of the procurement decision making procedure.**
3. **Make public the tender documents related to election processes procurements**, at least those over a specified amount and for all procurements related to voter registries, voting, vote counting and results tabulation and transmission.
4. **Require the public release of the names of all vendors or others that respond to procurement solicitations and the amounts of their bids**, as well as the name of the company that received the contract and the contract amount.
5. **Provide for transparency (such as monitoring by party representatives and nonpartisan observers) of all aspects** of the design, testing, certification, operation and auditing of electronic electoral technologies that relate to voter registries, voting, vote counting and the tabulation and transmission of election results.

Standards & Guidance

- Council of Europe Recommendation on Legal, Operational and Technical Standards for E-voting (2004) <http://https://wcd.coe.int/ViewDoc.jsp?id=778189>
- Open Contracting: A New Frontier for Transparency and Accountability <http://pro-act.org/profiles/blogs/research-highlights-open-contracting-practices-from-around-the-wo>

Country Examples

 The Australian Election Commission tenders all contracts over \$10,000 through and open online system

The Australian Election Commission places all open tender opportunities of \$10,000 or more on the Australian government's electronic tender system (AusTender). AusTender provides centralised publication of Australian Government business opportunities, annual procurement plans, multi-use lists and contracts awarded. On July 1 of every year, the Election Commission publishes an annual procurement plan with information on proposed procurement activities for the year ahead.

- <https://www.tenders.gov.au/>

 The Philippines Commission on Elections publishes invitations to bid on procurement projects

The Philippines Commission on Elections (COMELEC) provides invitations to bid on procurement projects on its website www.comelec.gov.ph. It also provides periodic bulletins and resolutions of its Bids and Awards Committee concerning suppliers deemed eligible to bid on the project, their bid amounts and the status of the matter. COMELEC's code of conduct governing procurement activities is stated in [Resolution No. 9307](#) from 2011, which provides detailed guidance, including grievance procedures and penalties.

- <http://www.comelec.gov.ph/>

Intermediate Step: Make election related data available proactively

Justification

Proactive disclosure of data related to the conduct of elections can be a key measure for building public confidence by making it easier for electoral contestants, citizen organizations, the media and the public to understand and verify electoral integrity. Individual citizens, citizen organizations and political contestants can confirm the accuracy of critical processes, identify omissions and seek corrections (for example in voter registries). Rapid disclosure of vote count data, with appropriate information about likely unevenness of reporting geographically and the differences between preliminary results and final results after quality checks and appeals processes are completed, can reduce political tensions, help unsuccessful contestants understand and accept results and gain public trust.

Disclosure of election related complaints, incidence of malfeasance, electoral related crimes and measures taken to address them demonstrates that governmental institutions are committed to deterring and prosecuting electoral offenders and establishing accountability around elections.

Making timely information available in easily accessible, machine-readable formats like spreadsheets, downloadable databases, through an application programming interface (API) or other such means, as well as in online searchable formats, allows electoral contestants, citizen election monitors, data journalists and academics to conduct analysis, make fact-based findings and contribute to electoral integrity efforts. Online disclosure can be the cheapest and most efficient way to reach multiple audiences in many countries and can reduce the workload of EMBs and other government agencies that conduct election related activities. However, where the Internet is not widely available or a practical solution, data related to elections can be made available through CD-ROMs or other inexpensive and timely means.

Recommendations

Data which should be proactively disclosed includes:

1. **Data related to voting rights and the drawing of electoral boundaries**, including the description of electoral boundaries (ideally available in an electronic format such as GeoJSON, KML, or other relevant format), as well as data used to draw boundaries, such as data on the number of eligible voters, minority populations, and the actual number of registered voters for each electoral level.
2. **A searchable version of the voter registry** that is reasonably formatted for automated processing (analysis) both in its preliminary and final forms.
3. **Data on the number of objections and claims for correction** to voter registry information, along with the voting districts related to them and the disposition of the matters.
4. **Population data** (including data on age, gender and ethnic/minority groups), geographic and administrative district information relevant for verifying the accuracy of voter registries and for determining the boundaries of election districts.
5. **Detailed information on where to vote**, including the address and contact information for every Election Day polling location and if applicable, when and where early voting and/or absentee voting may occur.
6. **Voter turnout information (including by age, gender and ethnic/minority group)**, including the number of voters registered and the number of voters participating at the point of voting (e.g., polling station) as well as by aggregates for each electoral district and nationally, in addition to election results at the location of initial counting of ballots (e.g., polling station) and in the aggregate.
7. **Detailed information on vote counts**, including unused, invalid and blank ballots cast as well as votes cast for each electoral contestant, at the place of balloting, intermediate tabulation centres and the national consolidation centre, disaggregated by the place of balloting and in the aggregate.
8. **Information from past elections** (along with relevant population and other data), including voter registration and

voter turnout by age group, gender and ethnic/minority group, at the polling site level as well as in election district and national aggregates.

9. **Data on campaign finance** clearly identifying all individual contributions made by donors and parties, including the names of contributors.
10. **Data on the number of complaints received concerning electoral violations, actions taken and the outcomes of such cases**, including the number of administrative investigations, actions and disposition of cases concerning malfeasance and significant misfeasance.
11. **Data on the number of complaints and challenges to electoral results**, the parties lodging the matter, the remedy employed (if any) and the outcome of the action.
12. **Data on incidents of electoral related violence**, the types and scales of such incidents, which law enforcement and/or public security body responded.
13. **Data on criminal** investigations of electoral abuses, the number electoral related prosecutions and the charges involved, the parties to the actions and the outcomes of the cases and the number and types of penalties, fines and incarcerations that were imposed.
14. **The number of administrative and civil actions (cases) involving vendors and other contractors** that concern electoral related procurements and other contracts, the names of the parties in the case, the nature of the claims and the outcomes of the cases (including penalties, if awarded).

Standards & Guidance


- Article 19 of the International Covenant on Civil and Political Rights <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
- Open Data Index <http://https://index.okfn.org/>
- United Nations Human Rights Committee General Comment No. 34 <http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>

Country Examples

 In Costa Rica, the Supreme Electoral Tribunal publishes statistics on voter registration

The Costa Rican Supreme Electoral Tribunal (Tribunal Supremo de Elecciones) regularly publishes on its website www.tse.go.cr statistics on the composition of the voter registry. These statistics encompass provincial, county and constituency levels and include, for example, number of women registered and the change in the total number of registered voters from previous months.

- <http://www.tse.go.cr/>

 New Zealand allows voters to register online and provides election results online

The Electoral Commission in New Zealand offers a range of voter services and election related information on its website www.elections.org.nz. For example, it offers voters to register online and check the accuracy of their registration. The website also contains election results by polling station and various enrolment statistics.

- <http://www.elections.org.nz/>

South Africa has an Independent Electoral Commission

South Africa's Independent Electoral Commission, established in 1993, is the permanent body created by the South African Constitution to manage free and fair elections at all levels of government. The Commission is selected through an inclusive process.

It provides a range of election related material on its website including electoral timetables, laws and regulations, and annual reports and strategic documents. It also makes available the results data (in a machine-readable format) for every election since 1994 and allows voters to check their registration and voting location.

Its Municipal Demarcation Board provides information related to drawing electoral boundaries and must report annually to the national and each state legislature on its activities.

- <http://www.elections.org.za/content/>

The U.S. Federal Election Commission allows users of its website to view candidate finances

The U.S. Federal Election Commission's website www.fec.gov contains a Campaign Finance Disclosure Portal which provides information on campaign finance for individual political candidates searchable by donor name, business name, locality of origin etc.

- <http://www.fec.gov/finance/disclosure/norindsea.shtml>

Intermediate Step: Require consultation for any significant changes to electoral processes

Justification

Even where public confidence in electoral processes is established, it is easily shaken unless political contestants and the general public possess direct knowledge about how policies were established, decisions were made and how they were implemented.

When making policy and procurement decisions such as shifting to a system of electronic voting or electronic voter registration (e.g., electronic poll books or recording biometric data), public engagement is crucial to retain and build trust, and it can help to strengthen the processes themselves. Public engagement is most effective when it takes place with legislative bodies in their electoral related policy and oversight functions, as well as with EMBs and other administrative/executive branch agencies that support electoral processes. Such engagement is important at all levels of government, including at local levels.

Recommendations

1. Require that Election Management Bodies:

- **Make timely, public announcements**, including on a website and other media that are accessible to the

population, meeting times and agenda items and hold open public meetings.

- **Establish a liaison committee** with electoral contestants that meets regularly to discuss policy making issues under consideration by the EMB, as well as other electoral matters; whenever possible liaison committees should be developed at intermediate (e.g., provincial or regional) and local levels.
 - **Conduct public consultations concerning policy decisions**, giving the public and political contestants timely notification of upcoming deliberations about adopting significant changes to electoral processes and a meaningful opportunity to ask questions and express views on the matters.
2. **Require, among other open-legislature measures, that the legislature hold public consultations when policies concerning election systems and processes are being considered**, whether they concern changes to legislation, budget or oversight matters, and provide a meaningful opportunity for citizens to ask questions and express views on the matters.
3. **Where other agencies in addition to the EMB conduct important activities related to elections** (e.g., concerning census data, establishing electoral boundaries, political party legal recognition or regulation, candidate ballot qualification, political finance, media regulation in the electoral context, nongovernmental organization regulation, including those that monitor or otherwise engage with election issues, and/or electoral security):
- **Make timely, public announcements, including on a website and other media** that are accessible to the population, meeting times and agenda items and hold open public meetings.
 - **Conduct public consultations concerning policy decisions**, giving the public and political contestants timely notification of upcoming deliberations about adopting significant changes to electoral processes and a meaningful opportunity to ask questions and express views on the matters
 - **Convene electoral security joint operation centres or other consultative measures** that include political party and civil society representatives along with EMB and public safety officials to consider security risk factors and measures to ensure violence free elections.

Standards & Guidance

- ACE Electoral Knowledge Network <http://www.aceproject.org>
- Article 19 of the International Covenant on Civil and Political Rights <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
- Deepening Democracy: A Strategy for Improving the Integrity of Elections Worldwide <http://www.global-commission.org/report>
- Inter-Parliamentary Union's Tools for Parliamentary Oversight <http://www.ipu.org/PDF/publications/oversight08-e.pdf>

Country Examples

South Africa's Independent Election Commission maintains committees to liaise with political parties

South Africa's Independent Election Commission maintains Party Liaison Committees at the national, provincial and municipal levels for regular consultation and cooperation on electoral matters. These committees are enshrined in the electoral law (Regulations on Party Liaison Committees, 1998) and members at the various levels can access agendas, meeting minutes and other materials on the Election Commission's website. In addition, with regard to public consultations, article 59 of the South African Constitution states that the National Assembly must facilitate public involvement in the legislative and other processes of the Assembly and its committees.

- <http://www.elections.org.za/content/Elections/Laws-and-Regulations-Electoral-Commission/>

Advanced Step: Broaden and deepen opportunities for participation in public policy decisions related to election management

Justification

Public confidence in electoral processes is highest when political contestants and concerned civil society organizations (often through chosen experts) have a voice in policy formulation and decision making about electoral related processes. Proactively explaining the rationale and responding to inquiries about the procedures and rationale for policy formulation and decision making are essential for confidence building and developing an informed public.

Recommendations

Require EMBs at each level of administration to:

1. **Regularly (at least twice annually) conduct public consultations in which citizens are permitted to make comments and suggestions on issues they choose**, including about ways to make information available, and require that EMBs must receive written public comments (including by electronic means) and that they must provide a regular (at least annual) report analyzing such comments.
2. **Invite experts selected by political competitors and citizen organizations to participate in the budget development process and in the procurement process, at a minimum** concerning contracts over a specified amount; provide a website that shows all electoral related procurements in process above that amount, along with descriptions of decision making procedures, and publish all electoral related contract awards over the specified amount.
3. **Provide to the public, in a widely available format (e.g., a website), a calendar of all meetings scheduled as well as those held with vendors, their agents and politicians.**
4. **Provide a means for political contestants and the public to submit proposals for drawing electoral district boundaries** that maximize equal suffrage and non-discrimination; require that the governmental body charged with delimiting electoral districts receive and consider such proposals, hold public consultations and issue a report on the criteria, methodology and rationale for boundary delimitation.
5. **Require legislative hearings that are open to the public and that provide for public testimony, which review the conduct of electoral processes**, including the performance of EMBs and other governmental institutions that play important roles in electoral processes, and hearings on the financial performance of EMBs. The public report of the EMB should be presented to the legislature as part of these hearings, and a comprehensive report with findings and recommendations should be issued as a result of the hearings.

Standards & Guidance

- Council of Europe's Code of Good Practice in Electoral Matters <http://assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileID=9544&Language=en>
- Existing Commitments for Democratic Elections in OSCE Participating States <http://www.osce.org/odihr/elections/13957>
- United Nations Human Rights Committee General Comment No. 25 <http://www.unhcr.ch/tbs/doc.nsf/0/d0b7f023e8d6d9898025651e004bc0eb>

Country Examples

 South Africa's electoral commission publishes a report each year and after major elections

South Africa's Independent Electoral Commission is required to provide an annual report to the National Assembly, including description of its activities and audited financial statements, and a report following major elections. It is also required to issue publicly reports on its readiness before elections.

- <http://www.elections.org.za/content/About-Us/IEC-Annual-Reports/>

Advanced Step: Empower an ombudsman or similar office to receive, investigate and address citizen complaints concerning electoral processes

Justification


Administrative processes for citizen complaints about electoral matters may fail to deliver effective or sufficient redress. Recourse to courts of law may not always provide timely or suitable venues for citizens to pursue such matters. Many countries have an Ombudsman, Inspector General, People's Advocate/Defender or similar offices, which could take up such citizen complaints. Those offices, if empowered to address electoral matters, or if established where they do not exist, can provide effective resolution of important election related problems and at the same time enhance public confidence in governance.

Ombudsmen's offices may also at times take a proactive role to monitor and seek improvements in election processes, which can provide an important independent governmental voice and a bridge for constructive interactions among parliaments, to which they often report, EMBs and other agencies, electoral contestants and the public. As an independent entity, whether operating under the legislative or executive branch of government, Ombudsmen's Offices and similar entities should be free of conflicts of interest and well positioned to address electoral issues.

Recommendations

1. **Empower an Ombudsman's Office or similar body to receive citizen complaints concerning election related matters**, with authority to interact with EMBs and other governmental agencies that have significant roles in electoral processes, and with authority to both work out solutions to complaints and to make public reports.
2. **Empower an Ombudsman's Office or similar body to, on its own initiative, monitor electoral related activities** of governmental agencies and public officials, for example, concerning violations of electoral related rights of prospective voters and candidates, use of state resources for electoral advantage and failure of police, prosecutors or courts to provide equal and proper protection to all citizens in the electoral context.
3. **Require the Ombudsman's Office or similar body to develop expertise in the broad context of election processes**, over the election cycle, in order to properly understand and address election related matters, including the right to government held election information and electoral data.
4. **Require the Ombudsman's Office or similar body so empowered to report publicly** and to the legislature on an annual basis regarding its activities concerning electoral matters, and require that it respond in a timely manner to citizen requests for information about such activities.

Country Examples

 Kenya's Ombudsman monitored misuse of public resources in the 2013 elections

For the Kenyan elections in 2013, which were the first general elections under Kenya's new constitution, Kenya's Commission on Administrative Justice (the office of the Ombudsman) undertook election monitoring, checked against abuse of power, improper conduct and misbehaviour in public office, observed the election and conducted post election monitoring. The office of the ombudsman then issued a report on its actions, including recommendations: [Championing Values in Hard Times: Election Monitoring and Observation Report No. 4/2013](#)

- <http://www.ombudsman.go.ke/>

 The UK Electoral Commission and Parliamentary Ombudsman provide complaints mechanisms

In the United Kingdom, citizens can file complaints either by mail or email with the Secretary to the Commission Board of the Electoral Commission. If the person is not satisfied with the outcome of the complaints process, she or he may appeal to the Parliamentary Ombudsman through the office of his or her Member of Parliament (or the Scottish Public Services Ombudsman for complaints relating to Scottish local government elections).

- <http://www.electoralcommission.org.uk/complaints>

Innovative Step: Establish an independent expert panel to monitor procurement and application of election technologies

Justification

Open policy making and other transparency measures in developing and implementing electronic electoral technologies are crucial to building and maintaining public confidence. A high level of technical expertise is required to scrutinize the efficacy of such technologies. Political party and candidate representatives, non-partisan citizen election monitors and journalists are faced with particular challenges in verifying electoral integrity when electronic technologies are used for voter registries, voting, vote tabulating and transmitting official electoral results. It is wise therefore to consider innovative measures to assure the public, including electoral contestants, that the technologies are properly employed and the outcomes they report are accurate.

Independent, impartial and trusted expert panels, themselves created through a transparent and politically inclusive process, are one innovation that can make important contribution to ensuring the integrity of such technologies and building public trust to the degree such trust is warranted.

Recommendations

1. **Establish and an independent expert panel** to review development requirements, certification and testing, production and delivery, maintenance and auditing of electronic voting, vote tabulation, voter registration and other sensitive electronic electoral technologies:
 - **Require that the panel include experts selected or approved by the political contestants and civil society organizations.**
 - **Provide that the panel be adequately funded.**

- **Provide the panel with access to meetings** that deliberate policies and/or make decisions concerning application of such electronic technologies.
- **Provide the panel with access to EMB, vendor generated and all other reports** related to such technologies.
- **Empower the panel to conduct real-time tests** of technologies in use during elections.
- **Require the panel to report publicly its findings** (which may respect proprietary interests of vendors and other technology suppliers) in the period before, immediately following and within six months after an election, and annually in non-election periods.

Standards & Guidance

- Council of Europe's e-voting project <http://www.coe.int/t/dgap/democracy/activities/ggis/E-voting/>


Country Examples

 In Belgium, an impartial College of Experts evaluates electronic voting technologies

In Belgium, the College of Experts is appointed by the Chambers of Parliament and is empowered to evaluate the country's electronic voting technologies. The College begins reviewing the automated voting systems 40 days before elections. Members are entitled to request any information from technology vendors, including source codes and copies of software. They also may visit polling stations, copy software in use on election day and conduct other activities. The College must report its findings to Parliament and the Ministry of Interior within 15 days following elections, and reports are generally published thereafter.

In addition, each political party that has at least two Members of Parliament may designate an IT expert to receive the source codes of the e-voting systems and examine them, while they must keep the source codes confidential.

- http://www.e-voting.cc/wp-content/uploads/downloads/2012/07/199-211_Vegas_Belgian-E-voting.pdf

 The Philippines used an Advisory Council to enable a electronic vote counting to be introduced with confidence


Prior to the Philippines' nationwide transition to electronic counting for the 2010 elections, the national legislature mandated the created of the Commission on Elections Advisory Council, which consisted of nine members from government, academia, the IT community, and civil society.

The Advisor Council participated during all stages of the transition to the new technologies and provided oversight and recommendations to the Philippine's Commission on Elections (COMELEC). In particular, the Council recommended the most appropriate, secure and cost-effective technology; observed and participated as non-voting members of the Special Bids and Awards Committee; participated as non-voting members of the steering committee that implemented the new system; planned and tested the technology; and conducted an evaluation of the new system after the election.

The Advisory Council has been cited as an important factor in building public trust and confidence during the transition.

- http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/philippines-may%202010-elections-finalrpt.pdf

Environment

 **Lead author:** [The Access Initiative](#)

Introduction

People depend on a healthy environment for life and livelihoods. However decisions that have significant environmental and social consequences are often made without the involvement of those whose interests are directly at stake. In order to safeguard the quality of the environment, it is essential to empower communities, individuals and civil society organisations (CSOs) to take part in decision-making.

Public participation improves the legitimacy of decisions, helps build stakeholder capacity, improves implementation and improves sustainability of decisions (UNEP, 2012). Open and transparent processes enable citizens to identify environmental issues and problems, become engaged in decision-making processes and hold government agencies, officials and companies accountable (Foti et al, 2008). They also allow the private sector to address environmental issues earlier on and in a cost effective manner.

Principle 10 of the Rio Declaration from 1992 states that environmental issues are best handled with the participation of all concerned citizens (UNCSD, 1992). It states that each individual shall have:

- **Access to information** concerning the environment;
- The **opportunity to participate** in decision-making processes; and
- Effective **access to justice**.

Many countries, regardless of their level of economic development, have promoted these pillars as policy aspirations or as enforceable legal rights. Yet, even where progress has been significant, more work remains if such laws are to be implemented in a way that is meaningful to all citizens.

References

UNCSD, 1992, Rio Declaration

UNEP, 2012, Bali Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters, http://www.unep.org/civil-society/Portals/24105/documents/Guidelines/GUIDELINES_TO_ACCESS_TO_ENV_INFO_2.pdf

Foti, Joseph with Lalanath de Silva, Heather McGray, Linda Shaffer, Jonathan Talbot, and Jacob Werksman, 2008, Voice and Choice: Opening the Door to Environmental Democracy, Washington DC: WRI. http://pdf.wri.org/voice_and_choice.pdf

Expert Organisations

The Access Initiative <http://www.accessinitiative.org/>

United Nations Environmental Programme (UNEP) <http://www.unep.org/environmentalgovernance/>

United Nations Institute for Training and Research: Principle 10 Project <http://www.unitar.org/egp/rio-principle-10-projects>

United National Economic Commission for Europe <http://live.unece.org/env/pp/welcome.html>

Summary of illustrative commitments

Initial

- Adopt legal requirements for the collection and production of environmental information
- Establish independent mechanisms for access to justice in environmental affairs
- Establish procedures for ensuring poor and marginalised groups are included in public engagement on environmental decisions
- Introduce procedures for public comments and hearings for environment related decisions

Intermediate

- Publish the decisions, responses and reasons on environmental approvals

Advanced

- Develop public disclosure programmes on corporate environmental impacts
- Reduce the costs to initiate and carry out environmental litigation
- Support citizens and their organisations to access and use environmental information

Detailed Recommendations

Initial Step: Adopt legal requirements for the collection and production of environmental information

Justification

Effective implementation of Right to Information (RTI) laws helps to expand access to environmental information, which is critical for people to make informed judgements.

Many countries have enacted RTI laws, but in practice obtaining government-held information can still be a subjective and inconsistent process. Getting a law on the books is just the first step in the process to ensuring freedom of information. The topic on RTI [\[link\]](#) provides guidance on strengthening and implementing RTI laws.

Meaningful access to environmental information requires governments to proactively gather, analyse, and disseminate information. However, most information laws require government agencies to release information reactively, only when that information is requested. For example, over 100 countries have laws requiring environmental impact assessments for projects but fewer make clear that these are public documents that must be made available proactively with no charge. Proactive disclosure programs focused on environmental information enable more effective access to this key class of information, promoting pollution prevention, abatement, good corporate behaviour, legal enforcement and problem solving.

Recommendations

1. Adopt and implement a law on proactive access to environmental information. This should ensure timely, accessible and standardised publication of the five most important classes of environmental information:
 - **Environmental impact assessment (EIA) reports** covering the location, scope, extent and nature of the project, predicted environmental impacts, and an assessment of environmentally friendly alternatives to the project of proposed developments.
 - **Air and water quality data** including daily air and water pollution data should be made available on government websites and well known locations.
 - **Permits, approvals and licences for development projects and industrial facilities.**
 - **Facility and project monitoring and compliance inspection data** collected in the course of compliance monitoring and investigation of complaints. Often this information is provided through pollutant release and transfer registers (PRTRs).
 - **State of the environment reports** issued regularly (every 2–3 years) by the apex public environment ministry. These reports assess the air and water quality across the country, environmental threats and challenges, environmental indicators, and trends and key policy changes required to protect, preserve and enhance the environment.
2. Ensure that competent public authorities regularly collect and update relevant environmental information and establish relevant systems to ensure an adequate flow of information about proposed and existing activities that may significantly affect the environment. Information should be systematic, timely, reliable, comprehensive, user friendly, accessible, inexpensive and accurate.
3. Make this information available on the internet, in standardised, and as far as possible machine readable formats, with information made available to local communities in formats such as television, radio, newspaper, paper records and through mobile phones.
4. Hold government staff accountable for their access related duties by including these in their job descriptions and

assessing their performance—and adjusting their compensation—based on how well they discharge these duties.

Standards & Guidance

- Jakarta Declaration for Strengthening the Right to Environmental Information for People and the Environment <http://insights.wri.org/news/2013/05/new-jakarta-declaration-aims-strengthen-rights-environmental-information-asia>
- UN Environment Programme: Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters http://www.unep.org/civil-society/Portals/24105/documents/Guidelines/GUIDELINES_TO_ACCESS_TO_ENV_INFO_2.pdf
- UN/ECE: Aarhus Convention: An Implementation Guide <http://www.unece.org/fileadmin/DAM/env/pp/acig.pdf>

Country Examples

Chile requires that environmental information is published in an accessible form

In Chile a law was approved in 2012 which created the Agency for Environmental Assessment. Specific language in the Law establishes the obligation for the government and the investors to deliver information to local communities in a format which is accessible, taking into account their socio and cultural background as well as their level of education.

- <http://www.eldinamo.cl/blog/mejorar-la-informacion-y-la-participacion-en-las-decisiones-ambientales-no-puede-esperar-mas/>

Ghana has developed an environmental law database and placed all its environmental legislation online

Ghana is also the first African country to create AKOBEN an environmental performance rating and disclosure initiative of pollution by the Environmental Protection Agency (EPA), which provides access to information on the release of mining and other wastes into the environment.

- <http://www.epaghanaakoben.org/>

Hungary publishes a state of the environment report

Hungary's Ministry of the Environment and Water produces three publications: State of the Environment Indicators, The Environmental Data Compendium, and The Statistical Compendium (joint publication with other ministries). The Ministry designates a team of scientists and specialists to gather the data for the three reports, and the reports contain a wide range of indicators and data. However less progress has been made in communicating these reports in user friendly ways.

- http://pdf.wri.org/voice_and_choice.pdf

Thailand requires environmental information to be proactively released

Thailand has adopted rules that specify the type of environmental and health information that must be proactively released under their [Official Information Act art 9\(8\)](#).

- <http://www.accessinitiative.org/blog/2011/10/partner-spotlight-thailand-environment-institute>

Initial Step: Establish independent mechanisms for access to justice in environmental affairs

Justification

It is crucial that citizens are able to turn to impartial arbiters to resolve disputes over access to information and participation in decision making on environmental matters. This serves four principal purposes in the context of environmental decision-making:

- Strengthens freedom of information, allowing civil society to press governments for information they are otherwise denied;
- Allows citizens the means to ensure that they participate meaningfully and are appropriately included in decision making on environmental matters;
- Empowers groups to enforce environmental laws that may not otherwise be enforced; and
- Increases the public's ability to seek redress and remedy for environmental harm, and allows the public to hold officials accountable for carrying out proper procedures in environmental decision making and enforcement.

Redress and remedy can be provided by several different institutions, including the judicial branch of government, special administrative forums in the executive branches of government, extra-governmental dispute resolution mechanisms, and even traditional forms of mediation. The institutions providing justice might order the government to revisit or reverse its decision, require a polluter to halt its activities, or compensate victims. Access to justice does not mean that the complaining party always wins, but that environmental rights and values are protected as provided for in law.

Recommendations

In opening both regular and specialised courts for environmental decisions, a number of 'institutional design' choices must be made. These will have strong consequences for the performance of the court. When establishing these courts, governments should consider:

1. Whether to establish a judicial court or administrative tribunal and at what level of independence;
2. What substantive laws, policies and principles the court or tribunal will have jurisdiction over;
3. Whether the court or tribunal should be a first-instance, intermediate appellate, and/or supreme (final review)-level institution and whether it should have civil, criminal or administrative authority, or a combination of these;
4. What territory should be covered by the court or tribunal, from a town to a city to a state or province to an entire nation;
5. Whether the jurisdiction will make the workload appropriate or too low or too high;
6. Providing broad standing, meaning what qualifications will be required of parties to bring an action in the court or tribunal or otherwise participate in a case;

7. What it costs for parties to bring cases and prosecute them to final decision, and taking steps to reduce those costs;
8. How the court or tribunal will manage to get adequate, unbiased input on the increasingly complex scientific/technical issues in environmental cases;
9. Establishing alternative dispute resolutions (ADRs) which can often be a cheaper, faster and better way to resolve environmental conflicts, and how these might be incorporated into the procedure;
10. Qualifications, training, tenure and salary for decision makers to ensure the quality of the court's or tribunal's decisions;
11. What process mechanisms will permit the court or tribunal to move cases through the decision-making process more efficiently and effectively and less expensively;
12. What powers will be needed to make the court's or tribunal's decisions effective, from mediated agreements to injunctions to criminal fines and incarceration, and all the creative alternatives in between.

Standards & Guidance

- UN Environment Programme: Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters http://www.unep.org/civil-society/Portals/24105/documents/Guidelines/GUIDELINES_TO_ACCESS_TO_ENV_INFO_2.pdf
- UN Environment Programme: Johannesburg Principles on the Role of Law and Sustainable Development <http://www.unep.org/Documents.Multilingual/Default.asp?ArticleID=3115&DocumentID=259>

Country Examples

India's Green Tribunal enables citizens to get access to justice in environmental protection cases

India's National Green Tribunal was established in 2010 to ensure speedy disposal of cases relating to environmental protection and natural resources and facilitate the enforcement of legal rights relating to the environment. It handles a wide range of matters including the conservation of forests and providing compensation for damages and decisions on environmental permitting. The body is a specialised tribunal with the jurisdiction of higher courts. It grants wide standing for citizens to place cases before the tribunal and provides access to all its decisions online.

- <http://envfor.nic.in/rules-regulations/national-green-tribunal-ngt>

Initial Step: Establish procedures for ensuring poor and marginalised groups are included in public engagement on environmental decisions

Justification

Decisions that have significant environmental and social consequences are often made without the involvement of those whose interests are directly at stake. Those most affected by local pollution, loss of land or access to natural resources are often not consulted. For poor people whose lives and livelihoods often depend on natural resources, and who are therefore most vulnerable to environmental risks, the consequences of exclusion can be especially severe.

Poor people in many countries face a daunting array of barriers to access, including low literacy levels, high costs (including the costs of corruption), exposure to risk through participation, lack of documentation of legal identity or rights to a

resource, and difficulty in understanding technical information. Additionally, cultural norms that limit who may speak in public disproportionately exclude the poor.

Recommendations

1. Specify the right of poor people, marginalised groups and tribal communities to participate in environmental consultations and create a requirement for decision-makers to consult these groups.
2. Establish operational guidelines for agencies to involve poor and excluded communities – for example providing simple but accurate versions of background documents in local languages, identifying intermediaries and ensuring cost and other barriers to participation are addressed.
3. Make targeted efforts to prioritise delivery of information to those most affected by decisions about natural resources. This requires dedicating staff time and energy to identify target audiences and create information campaigns that address the needs of these audiences.

Standards & Guidance

- UN/ECE: Aarhus Convention <http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>
- UN: Convention on the Elimination of All Forms of Discrimination against Women <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>
- UN: Declaration on the Right to Development <http://www.un.org/documents/ga/res/41/a41r128.htm>
- UN: Declaration on the Rights of Indigenous Peoples http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf
- UN: International Covenant on Civil and Political Rights <http://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf>
- UN: Millennium Declaration <http://www.un.org/millennium/declaration/ares552e.htm>
- WRI: A Seat at the Table http://pdf.wri.org/a_seat_at_the_table.pdf

Country Examples

Environmental impact assessment regulations in Chile make special provisions for indigenous people

According to recently enacted Environmental Impact Assessment Procedures in Chile, indigenous people are considered protected populations. Every time that a project or activity may affect them, they have the right to engage in the decision-making process.

- <http://www.iaia.org/conferences/iaia13/proceedings/Final%20papers%20review%20process%2013/Indigenous%20Consultation%20and%20Participation%20under%20Chilean%20Environmental%20Impact%20Assessment%20.pdf>

In the Philippines local people's organisations must be included in the management board for protected areas

The Philippines has enacted a law on the establishment of national protected areas. The law explicitly acknowledges that many poor people (and, in some areas, communities of indigenous peoples) have either settled within national park boundaries or use national park resources to support livelihoods including slash-and-burn agriculture and the gathering of timber and non-timber products.

To engage poor users in national park management and to improve a sense of community ownership for park protection, the law established a Protected Area Management Board which must include members of people's organisations or local non-governmental organisations.

- http://pdf.wri.org/a_seat_at_the_table.pdf

South Africa has guidelines on involving excluded groups in environmental decision-making

In South Africa, there are legal provisions for citizens to contribute in environmental impact assessment processes. The government has a constitutional obligation to encourage public participation by local communities in matters that affects their day to day lives. Several relevant departments have also developed guidelines and policies on public participation in environmental impact assessments, particularly on how to engage excluded groups, such as rural population, poor people, black women, illiterate people, and young people.

- <http://www.dwaf.gov.za/Documents/Other/GPPG/guide.pdf>
- <http://www.saiea.com/calabash/html/South%20Africa.html#2>

The US established an executive order on environmental justice for minority and poor populations

In 1994, following public concern that toxic waste sites were disproportionately located near low-income and minority populations, the US Government enacted Executive Order 12898 '[Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations](#)'.

The regulation requires specific efforts to inform and involve poor and minority communities in agency decisions that affect the environment, and established an Interagency Working Group on Environmental Justice to design a set of operational guidelines for federal agencies. It also mandated that federal agencies develop strategies to improve and ensure enforcement of environmental laws in poor and minority communities; foster greater public participation; and improve information collection on environmental health and resource consumption in poor and minority communities.

There have been some challenges in the implementation of the law as a result of lack of funding and political will. The presidential memorandum exempted the regulation from any sort of legal action, stating that it, "is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable by law or by equity by a party against the United States, its agencies, its officers or any person." Because of this, the Order is arguably not reviewable by any court.

- http://pdf.wri.org/a_seat_at_the_table.pdf

Initial Step: Introduce procedures for public comments and hearings for environment related decisions

Justification

Decision-making related to environmental matters takes place through the preparation of environmental impact assessments, permitting processes, and through legislation, policy-making and planning bodies.

Decision-making can take many forms. At one end of the spectrum it can be direct – where stakeholders collectively make a decision, either by majority or by consensus. At the other end of the spectrum is indirect decision-making, where a third party, usually a government official, makes the decision with or without the participation of stakeholders.

Either way better decisions are made if a wide range of stakeholder voices are heard. Decision-makers should listen and, to the greatest extent possible, respond to these voices. Citizens should know about their right to participate and should have ample guidance on how, when and where to exercise this right.

Recommendations

1. Introduce mandatory, low-cost procedures for public comments and hearings in decision-making processes involving all new development projects, the siting and operational compliance of industrial facilities and the creation or revision of national, state, provincial or local policies, plans, laws and regulations affecting the environment. This should apply to all levels of government.
2. Ensure that processes for engagement are known in advance and logistical barriers are minimised.
3. Decisions should be publicised before implementation so that aggrieved people can seek remedies and redress if they wish.

Standards & Guidance

- IAIA: Public Participation Best Practice Principles <http://www.iaia.org/publicdocuments/special-publications/SP4%20web.pdf>
- UN Environment Programme: Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters http://www.unep.org/civil-society/Portals/24105/documents/Guidelines/GUIDELINES_TO_ACCESS_TO_ENV_INFO_2.pdf

Country Examples

Ghana has taken steps to strengthen participation in environmental impact assessments

Ghana's [Environmental Assessment Regulations](#) from 1999 established a framework for public participation in Environmental Impact Assessments (EIAs). This framework has been progressively strengthened. The regulations make it illegal for a project to proceed without an approved environmental impact statement and permit and require that developers make environmental management plans publicly available.

EIA processes must be announced ahead of time in a variety of ways, including newspaper ads and announcements on the national radio and television stations. Local media—such as the beating of the “gong gong”—are used in more remote areas of the country, and paper notices must be posted in areas likely to feel the effects of the project.

In addition, the project proponent must describe the project and the predicted environmental impact in the local language. Members of the local community—including invited leaders, farmers' organisations, and NGOs—are given time to air their opinions, and the project proponent is expected to respond.

The success of the EIA process is evident in a number of outcomes. Public hearings have affected many decisions in Ghana, including the size of a shopping mall, the siting of a Shell Company service station, and involuntary resettlement in gold mining projects. In an internal survey, the government of Ghana found that 76.2 percent of government institutions used EIA data, and that 66 percent of those did so regularly, including in the siting, design, and implementation of projects.

- http://pdf.wri.org/voice_and_choice.pdf

In Austria the law provides for citizens groups to participate in Environmental Impact Assessment

Austria's Federal Act on Environmental Impact Assessment law from 2000 grants standing to neighbouring public, citizens' groups, and certain environmental organisations to participate and make appeals throughout the environment impact assessment process. The law also requires the government authority to publicly announce when a proposed project is subject to an environment impact assessment and provides that citizens may participate in post-approval monitoring of the development.

- http://www.ris.bka.gv.at/Dokumente/Erv/ERV_1993_697/ERV_1993_697.pdf

Intermediate Step: Publish the decisions, responses and reasons on environmental approvals

Justification

The single most important factor that improves accountability for decisions affecting the environment and mitigates abuse and misuse of official authority is a legal requirement to publicly provide written reasons for the decision. When decision-makers are forced to make written reasons for decisions publicly available, it also ensures that they take relevant considerations into account, exclude irrelevant considerations and are open to scrutiny by the public, stakeholders and other accountability mechanisms.

The public, where involved in an environment approval process, may be asked to submit comments or objections to a new development in order to influence the outcome of the regulatory authority's decision. Providing a response to the public's comments ensures an understanding by the public of how their comments were taken into account and establishes a basis to judge the reasonableness of the regulatory authority's decision making process.

Recommendations

1. Establish a requirement to publicly provide written reasons for decisions on approving/rejecting or modifying development projects and environmental permits.
2. This should include a requirement to publish a summary of objections, comments and proposed alterations in relation to permitting, planning and regulatory decisions.

Standards & Guidance

- UN Environment Programme: Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters http://www.unep.org/civil-society/Portals/24105/documents/Guidelines/GUIDELINES_TO_ACCESS_TO_ENV_INFO_2.pdf
- World Resources Institute: Administrative Procedure Principles <http://www.wri.org/events/administrative-fairness-environmental-decision-making-stakeholder-workshop>

Country Examples

Canada's environment impact assessment legislation establishes opportunities for participation

In Canada, members of the public can participate at various stages of the environmental assessment process.

To start with, when the Environment Agency receives a complete project description, it must consider whether or not an environmental assessment is required. During this time the public can comment on the proposed project and its potential for causing adverse environmental effects. When it has been decided that an environmental assessment is required, the public is given an opportunity to comment on which aspects of the environment may be affected by the project and what should be examined during the environmental assessment.

Once the proponent has submitted its environmental impact statement, the public is again invited to comment on the identified potential environmental effects and the measures to prevent or mitigate those effects. Finally, the public is provided an opportunity to comment on the draft environmental assessment report. This document includes the Agency's conclusions regarding the potential environmental effects of the project, the mitigation measures that were considered and the significance of the remaining adverse environmental effects.

At the end of the environmental assessment, a decision statement is issued that states whether the proposed project is likely to cause significant adverse environmental effects. It includes conditions, consisting of mitigation measures and a follow-up program that the proponent must fulfil to proceed with the project. If a proposed project is likely to cause significant adverse environmental effects, it is referred to the Governor in Council (Cabinet) to determine whether the environmental effects are justified in the circumstances. The conclusions of the Governor in Council would be included in the decision statement.

- <http://www.ceaa-acee.gc.ca/default.asp?lang=En&n=B053F859-1>

The Netherlands publishes citizen input in strategic environmental assessment as part of the public record

In the Netherlands, the process of conducting Strategic Environmental Assessments, for which the Ministry of Infrastructure and the Environment are responsible, builds on both transparency and participation. When a Strategic Environmental Assessment report gets published, the public is invited to submit their views. The public inputs, in turn, become part of the public record and fed into the work of the Netherlands Commission for Environmental Assessment (NCEA) which reviews all Strategic Environmental Assessment reports and publishes an assessment documenting the response to major concerns.

- <http://www.eia.nl/en/countries/eu/netherlands/sea>

Advanced Step: Develop public disclosure programmes on corporate environmental impacts

Justification

Corporations have a huge impact on the environment both at the local, national, and international level. Information on their policies related to sustainability, pollution, and use of natural resources is necessary to hold these corporations accountable to national and international standards for environmental protection. However, often-times corporate actors are still able to operate under a cloud of secrecy. Countries need to create effective data tools that address environmental concerns and that communicate the risk posed by corporate actions.

Recommendations

Steps that governments can take to improve access to corporate environmental information:

1. Develop public disclosure programmes that release information on the quality of air and water, as well as discharges into the environment, by private corporations and state-owned companies acknowledging that this can assist in promoting pollution prevention, abatement, and good corporate behaviour.
2. Provide environmental information in a usable and understandable format to effectively explain risks to local communities.
3. Emission and discharge data from the corporate sector must be provided to the Government to enable monitoring of the environment. This information should be released in the public interest and not fall within the category of commercially confidential information as it directly relates to the environment and public health.

Standards & Guidance

- IMF Guide on Resource Revenue Transparency <http://www.imf.org/external/np/pp/2007/eng/101907g.pdf>
- Jakarta Declaration for Strengthening the Right to Environmental Information for People and the Environment <http://insights.wri.org/news/2013/05/new-jakarta-declaration-aims-strengthen-rights-environmental-information-asia>
- Open Data Index <http://https://index.okfn.org/>
- UN/ECE: Aarhus Convention <http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>
- UNITR: PRTR: Learn <http://prtr.unitar.org/en>

Advanced Step: Reduce the costs to initiate and carry out environmental litigation

Justification

Judicial and administrative forums can be costly and slow. The poor face particular challenges in using justice mechanisms due to issues around their cost, technical issues, and legal restrictions.

Recommendations

Steps that governments can take to reduce costs of environmental litigation for individuals include:

1. Encourage pro bono legal services for environmental matters, for example by providing tax codes that allow attorneys to write off donated hours;
2. Award or waiving litigation costs in “public interest” cases;
3. Provide subsidized legal services either directly through ombudsmen/local defenders or through incentives to intermediary organisations; and
4. Establish alternative dispute resolution (ADR) mechanisms, such as conciliation, mediation or arbitration.

Standards & Guidance

- UN Environment Programme: Johannesburg Principles on the Role of Law and Sustainable Development <http://www.unep.org/Documents.Multilingual/Default.asp?ArticleID=3115&DocumentID=259>
- UN/ECE: Aarhus Convention <http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>

Country Examples

 The Philippines has established special courts for environmental cases

In January 2008, the Philippines issued an Administrative Order Re: Designation of Special Courts to Hear, Try and Decide Environmental Cases. As a result, 117 environmental courts were created to hear a wide range of cases that addressed the protection of the environment and natural resources, including air, marine pollution forest and fisheries cases. Rules of procedure for environmental cases were especially designed to provide a simplified, speedy and inexpensive process for enforcing environmental rights and duties in line with the Constitution, existing laws, rules and regulations, and international agreements.

- <http://www.wri.org/our-work/top-outcome/india-and-philippines-improve-access-environmental-justice>

 The US Toxics Release Inventory programme provides information on toxic discharges by corporations

Following the Bhopal tragedy in India and a serious chemical release in West Virginia in 1985, the US Toxic Release Inventory (TRI) Programme was created in 1986 as part of the Emergency Planning and Community Right-to-Know Act (EPCRA).

The TRI was part of a new approach to environmental protection. By making information about industrial management of toxic chemicals available to the public it aims to create incentive for companies to improve environmental performance. There are currently over 650 chemicals covered by the TRI Program. Facilities that manufacture, process or otherwise use these chemicals in amounts above established levels must submit annual TRI reports on each chemical.

Since the TRI was launched, environmental agencies across the world have increasingly implemented their own programmes using TRI as a model. Currently, at least 50 countries have fully established Pollutant Release and Transfer Registers or have implemented pilot programmes.

- <http://www2.epa.gov/toxics-release-inventory-tri-program>
- <http://prtr.unitar.org/en/prtr-initiatives-map>

Advanced Step: Support citizens and their organisations to access and use environmental information

Justification

Environmental decision making often involves complex data, technical concepts and differences in options. Many governments have therefore recognised the need to build capacity by providing guidance and education to citizens. CSOs play a key role in organising demand for access to environmental information and can provide education to the public on issues and concepts, and to officials on access and participation.

Recommendations

1. Require authorities to maintain and publish a list of organizations and media outlets to be contacted with environmental information and opportunities for participation so that all environmental information for a relevant area is delivered to local elected officials, non-governmental organizations, and media.
2. Provide guidelines and easily understood manuals on how and where to access environmental information to help improve the ability of citizens to access information. In many countries, governments have developed guidelines and manuals in close collaboration with CSOs.
3. Consider providing grants for community assistance, the establishment of training institutes for communities, and training of CSOs at the community level.

Standards & Guidance

- Jakarta Declaration for Strengthening the Right to Environmental Information for People and the Environment <http://insights.wri.org/news/2013/05/new-jakarta-declaration-aims-strengthen-rights-environmental-information-asia>
- WRI: A Seat at the Table http://pdf.wri.org/a_seat_at_the_table.pdf

Country Examples


 The Mexican government has established an outreach partnership with local NGOs

Several Mexican Non-governmental organisations have entered into a strategic partnership with the Mexican government through the Secretary of Environment and Natural Resources (Secretaría de Medio Ambiente y Recursos Naturales -SEMARNAT). The partnership has resulted in an agreement to implement outreach actions on access to environmental information and participation and justice, including workshops and guidelines.

- <http://www.accessinitiative.org/country/mexico>

No commitments for this level

Extractive industry

 **Lead author:** [Revenue Watch Institute](#)

Introduction

Many resource-rich developing countries fail to realise the full development potential of their natural resources. This is especially acute in the case of oil, gas, and mineral resources. Evidence from many resource-rich countries shows their performance on human development indicators compares unfavourably to less-endowed countries. At the root of this underperformance—often referred to as the “resource curse”—is the failure by governments to properly address the institutional and policy challenges that come with natural resources. (IMF, 2010)

More than 50 countries depend on oil, gas and minerals as their most important sources of government and export revenues. Large-scale fisheries, forestry and leasing of agricultural lands are also becoming important sources of revenue. As the government is managing such resources in trust for the people, the people have a right to know what is being done with their natural wealth.

Mismanagement and corruption have many manifestations and can have dire consequences. Some countries negotiate poor terms with extractive companies, forsaking potential long-term benefits. Many countries do not collect resource revenues effectively. And even when resource revenues do end up in government coffers, they aren't always spent in ways that benefit the public. (Revenue Watch, 2013).

Transparency and accountability are crucial in the governance of natural resources, from the decision to extract to the granting of concessions, the collection of revenues and the management of resource revenues. This can increase the efficiency of government policies, reduce opportunities for self-dealing and diversion of revenues for personal gain, raise the level of public trust and reduces the risk of social conflict. An informed and engaged public can hold the government to account, but will also help ensure that complex, large-scale projects meet government standards for environmental and social protection as well as revenue generation.

Public disclosure requirements can improve the quality of data the government gathers and maintains. This makes it easier for relevant bodies such as financial, energy and mining ministries, as well as environmental and regulatory agencies, to do their jobs. Reliable and frequent data can make it easier for governments to plan and manage their budgets and long-term development plans. Transparency also reduces the cost of capital.(Hameed, 2005)

NB: This topic relates to oil, gas, mining, forestry and fisheries as well as to the leasing of agricultural lands. However there are also separate sections dealing with specific issues in the forestry, fisheries (forthcoming) and land sectors. This topic relates to oil, gas, mining, forestry and fisheries as well as to the leasing of agricultural lands. However there are also separate sections dealing with specific issues in the forestry, fisheries and [land](#) sectors. Other critical steps in support of extractive industry transparency and integrity are the enactment and implementation of [Right to Information](#) laws and the requirement that officials with a role in the oversight of the extractive sector disclose any [conflicts of interest](#).

References

IMF, 2010, 'Managing Natural Resource Wealth', Program Document.

Revenue Watch, 2013 'Resource Governance Index'

Hameed, Farhan, 2005, Transparency and Economic Outcomes, IMF Working Paper

Expert Organisations

Revenue Watch Institute <http://www.revenuewatch.org/>

Extractive Industry Transparency Initiative <http://eiti.org/>

Natural Resources Charter <http://naturalresourcecharter.org/>

OGP Working Group: Extractives <http://www.opengovpartnership.org/get-involved/join-working-group>

Summary of illustrative commitments

Initial

- Disclose contracts signed with extractive companies
- Make all rules and regulations for natural resource licenses and concessions available in a public database
- Publish timely, comprehensive reports on oil, gas and mining operations, including detailed revenue and project information

Intermediate

- Create a national strategy for the extractive sector, through an open and participative process
- Create mechanisms for the public and legislators to engage in extractive concessioning
- Publish comprehensive financial reports on natural resource funds
- Publish environmental and economic impact studies for all natural resource projects
- Publish resource-related revenue transfers to sub-national governments
- Require state owned enterprises to publish comprehensive reports

Advanced

- Create a public web registry of all natural resource concessions
- Require all listed companies to disclose resource related payments on a project by project basis

Detailed Recommendations

Initial Step: Disclose contracts signed with extractive companies

Justification

Laws and contracts establish the terms of what a country might gain from extraction, which can affect a nation's ability to derive full benefits from its resources. While parliaments are constitutionally mandated to ratify laws, they generally do not have a role in reviewing contracts. Contracts, even when signed, are rarely disclosed to parliament or the public.

This secrecy is a problem because contracts contain important terms and conditions. In several countries, contracts may contravene national legislation or contain stabilisation clauses, allowing companies to ignore changes in national law. If contracts are not disclosed, parliaments cannot adequately monitor the sector and secure a fair share of the profits for citizens. Contract transparency is crucial to ensuring that laws are followed and gains are maximised (Pelligrini, 2011).

Disclosure also provides an incentive to improve contract quality. If contracts are subject to public scrutiny, government officials will be deterred from seeking their own interests. With access to international contracts, government officials can engage in negotiations that will not only increase their bargaining power but also lead toward good global practices. Contract transparency also increases investment stability for extractive companies by securing balanced deals from the outset. Countries that publish contracts, like Liberia, Timor-Leste and the United States, have attracted substantial investments from major companies.

The IMF 'Guide on Resource Revenue Transparency' and the Natural Resource Charter consider publication of contracts to be best practice.

Recommendations

1. Publish existing contracts
2. Adopt clear rules for the publication of all licenses and contracts. The fullest possible information should be disclosed, including public offering documents, lists of pre-qualified companies, successful and unsuccessful bids, contracts and other agreements signed with extractive companies, including the identity of the beneficial owners.
3. Assign responsibility for maintaining the data repository to specific government agencies. This agency should make regular and timely public reports on any anticipated and concluded allocation of natural resources licences.

Standards & Guidance

- IMF Guide on Resource Revenue Transparency <http://www.imf.org/external/np/pp/2007/eng/101907g.pdf>
- Natural Resource Charter http://naturalresourcecharter.org/sites/default/files/NRC_Eng_2011.pdf
- Open Contracting: A New Frontier for Transparency and Accountability <http://pro-act.org/profiles/blogs/research-highlights-open-contracting-practices-from-around-the-wo>
- RWI: Contract Confidential Report <http://www.revenuewatch.org/sites/default/files/RWI-Contracts-Confidential.pdf>

Country Examples

Congo (DRC) publishes all mining, oil and forestry contracts

In May 2011, the Congolese government passed a decree that all contracts relating to natural resources (oil, mining, forestry) should be made public within 60 days.

The government began systematically disclosing agreements in June 2012, however a few controversial contracts remain secret.

- <http://www.revenuewatch.org/countries/africa/democratic-republic-congo/transparency-snapshot>

Guinea discloses dozens of mining contracts on centralised government websites

The Government of the Republic of Guinea adopted a new mining code in 2011 decided to establish a clear and systematic approach to the review and, where appropriate, the renegotiation of mining titles and mining agreements in conditions that respect the normal rules of business.

IN 2013 the Guinean government launched a new online database containing all its existing mining contracts – 60 contract documents covering 18 mining projects.

The website was developed with the assistance of experts from Revenue Watch Institute, the World Bank Institute and Columbia University, who have been supporting the Guinean government in its contract review. The online materials include a searchable summary of contract terms, allowing non-expert readers to find key sections and to understand the obligations for companies and the government.

Guinea's Technical Contract Review Committee published on its website more than 60 contract documents covering 18 mining projects. The government thus fulfilled a commitment of the mining code adopted in 2011. The online materials include a searchable summary of contract terms, allowing non-expert readers to find key sections and understand the obligations for companies and the government.

The government has said it will add online any amended contracts and all future contracts.

- <http://www.contratsminiersguinee.org/>
- http://www.revenuewatch.org/news/press_releases/guinea-making-contracts-public-greater-transparency-accountability

In Sierra Leone the law requires that oil contracts must be awarded through competitive auctions

Sierra Leone has a long history of mining as its major economic activity. The mining sector provides employment and livelihood to over 135,000 workers, the overwhelming majority of whom are engaged in artisanal, small-scale mining operations. Artisanal mining constitutes an estimated 84 percent of total diamond exports from Sierra Leone. Sierra Leone does not currently produce any petroleum, but there are offshore prospects.

The petroleum sector is regulated by the Petroleum Exploration and Production Act of 2001. Under this Act, Sierra Leone developed a model petroleum agreement which provides a 10 percent royalty, a 37.5 percent income tax rate and annual rental between \$30 and \$100 per sq. km. A revised Petroleum Exploration and Production Bill was submitted to parliament in July 2011 that included several clauses seeking to improve transparency, including a requirement that oil contracts be awarded only through competitive auctions, that contracts be published and that payments be disclosed in accordance with the terms and procedures of EITI.

Paragraph 39 of the Petroleum (Exploration and Production) Act form 2011 states that "A Minister may, following a transparent, fair and competitive process and on the advice of the Directorate, grant a petroleum licence to two or more applicants who offered the most favourable terms and conditions to the State."

- <http://www.revenuewatch.org/countries/africa/sierra-leone/extractive-industries>
- <http://www.revenuewatch.org/sites/default/files/Sierra Leone Petroleum Act 2011b.pdf>

Liberia publishes information on bids and contracts

In Liberia the Land, Mines and Energy Ministry publishes information on the number of bids received, bidding requirements, and winning bids. Most mineral development agreements are published, and the Ministry is launching a Mineral Cadaster Information Management System.

- <http://www.revenuewatch.org/countries/africa/liberia/overview>

Timor Leste publishes some minerals contracts

In Timor Leste, the government introduced a requirement in the Petroleum Act (2005) which requires all oil and gas contracts signed after the effective date to be publicly disclosed. As a result, the vast majority of Timor-Leste's Production Sharing Contracts (PSCs) been published.

However, there is no formal mechanism to request these contracts from the government and as of January 2011, they could not be found on any government websites. The contracts can currently be found on the website of the La'o Hamutuk NGO.

Some contracts signed before 2006 have also been released by the operating partners, although several paragraphs have been censored. Where partners have refused to publicly release these earlier contracts the government has not requested public disclosure.

- <http://www.revenuewatch.org/countries/asia-pacific/timor-leste/transparency-snapshot>
- <http://www.laohamutuk.org/>

Initial Step: Make all rules and regulations for natural resource licenses and concessions available in a public database

Justification

Transparency and uniform rules level the field for investors and promotes competition. Both governments and investors are generally better served if there are clear rules applicable to all investors. This ensures that operators know that

treatment is non-discriminatory, reduce opportunities for corruption and may reduce demands from individual investors for special treatment.

It also supports citizens in holding government to account, by providing a clear baseline against which to monitor and measure government actions and performance.

While all laws and regulations should be published, the format in which they are published also matters. Formats such as pdfs (or pdfs of scanned documents) may allow citizens to view information, but restrict their ability to analyse or find it. Information provided in open data formats, such as structured XML, can be processed and re-purposed by citizens and parliaments for use in a variety of ways and using a variety of technologies while retaining the integrity of the original information. There is an emerging international consensus that government and parliamentary information should be made available in open and structured formats.

Recommendations

1. Make all rules and regulations for natural resource licences and concessions available and indexed in one place on a public website.
2. Provide clear definitions and explanations on fiscal terms, property rights and social and environmental protections.
3. Ideally rules and regulations on natural resource licenses and concessions should be compiled and released in an open and structured format, such as structured XML, that can be read and processed by computers.

Standards & Guidance

- IMF Guide on Resource Revenue Transparency <http://www.imf.org/external/np/pp/2007/eng/101907g.pdf>
- Natural Resource Charter http://naturalresourcecharter.org/sites/default/files/NRC_Eng_2011.pdf
- Revenue Watch: Resource Governance Index http://www.revenuwatch.org/sites/default/files/rgi_2013_Eng.pdf

Country Examples

Colombia has a comprehensive legal framework for the extractive sector

Colombia has comprehensive legal framework and independent licensing process, earning it a satisfactory score of 75 on the Institutional & Legal Setting section of the Revenue Watch Index.

The National Hydrocarbons Agency (ANH) grants extractive rights following direct negotiations or open bidding. A 2003 hydrocarbons law replaced production-sharing agreements with a concession system in which companies pay the government taxes and royalties in exchange for extractive rights. The Customs and Tax Authority collects taxes while the ANH collects non-tax revenues and regulates the oil sector. Royalties go into a special account at the Finance Ministry and do not enter the national treasury.

Environmental and, in some cases, social impact assessments are required before projects begin. The results are published, but the consultation process does not always address the concerns of affected communities. Colombian law includes several provisions designed to improve public access to information, some of them specific to the extractive sector, but there is no equivalent of a Freedom of Information Act.

- <http://www.revenuwatch.org/countries/latin-america/colombia/overview>

Initial Step: Publish timely, comprehensive reports on oil, gas and mining operations, including detailed revenue and project information

Justification

Revenue transparency is essential to ensure public accountability for both income and spending. Resource-related payments are often generated outside normal budgetary processes, so a dedicated disclosure procedure may be needed to capture these flows in public data.

As part of their core functions and to encourage an open, stable investment environment, industry regulators should take responsibility for publishing such information as the process for allocating licenses, revenues received from each project, and environmental and social impact assessments.

Recommendations


1. Ensure that regulatory agencies publish timely, comprehensive reports on all oil, gas and mining operations, including detailed revenue and project information. This should include signature bonuses, royalties, taxes, payments in kind and transit revenues
2. Regular and detailed reports should be available in a central location for public consumption.
3. All operating resource companies should be required to disclose project-by-project location, production volumes, costs, revenues and payments to the state.

NB: Countries may do this by joining and implementing the Extractive Industries Transparency Initiative (EITI).

Standards & Guidance

- Extractive Industries Transparency Initiative Standard http://eiti.org/files/EITI_STANDARD-screen-version.pdf
- IMF Guide on Resource Revenue Transparency <http://www.imf.org/external/np/pp/2007/eng/101907g.pdf>
- Natural Resource Charter http://naturalresourcecharter.org/sites/default/files/NRC_Eng_2011.pdf

Country Examples

 39 countries are implementing EITI

The Extractive Industries Transparency Initiative (EITI) is an international multi-stakeholder coalition of governments, companies, investors, civil society organisations, and partner organisations. Implementing countries publish EITI Reports that disclose the revenues from extraction of the country's natural resources. Companies report payments to government (taxes, royalties, etc) and the government reports what it has received. These two sets of figures are compiled and reconciled by an independent reconciler, chosen by the country, and published in the EITI Report.

- <http://eiti.org/>

 Brazil publishes detailed information on resource revenues

Overall, Brazil has good levels of revenue and expenditure transparency, driven by two main factors: its legislation for

disclosure of public data on government web pages, and the National Oil Company's participation in the stock exchange. The National Petroleum Agency (ANP) provides sregularly publishes information on reserves, production volumes, prices, exports, investment, the names of companies operating in the country, production data by company, and disaggregated revenue streams such as production values, royalties, special taxes, bonuses, and acreage fees.


 Colombia announced that it would implement the EITI

The Government of Colombia announced at the 2012 Open Government Partnership (OGP) summit that it would implement the Extractive Industry Transparency Initiative Standard.

- <http://eiti.org/news-events/colombia-and-ukraine-commit-implement-eiti>

 Ghana publishes information on receipts from petroleum companies on a quarterly basis

In 2011, Ghana passed the Petroleum Revenue Management Act, which requires the government to publish quarterly information on receipts from petroleum companies

 Ukraine announced that it would implement the EITI

Ukraine announced in April 2012 that it would implement the EITI.

- <http://eiti.org/news-events/colombia-and-ukraine-commit-implement-eiti#>

Intermediate Step: Create a national strategy for the extractive sector, through an open and participative process

Justification

Governments owning natural resources have the responsibility to manage those resources for the benefit of current and future citizens. Where the revenues from resource extraction are properly managed they can help to alleviate poverty, generate economic growth and develop the economy, thus sustaining a more prosperous future. Exploitation of natural resources should be pursued in order to help a country meet its broader social and economic goals, not as an end in itself. This means having a vision of how the resource sector fits in a country's economic future.

A national strategy for the extractive sectors can provide direction and clarity on key issues, enabling integrated development of policies and institutions in multiple areas, including leasing and fiscal regimes, social and environmental regulation, and national development plans.

The strategy needs to address how the capabilities and capital required for efficient development of the resource will be obtained, how near-term benefits, and long-term interests will be balanced, and how the risks, costs and benefits of

extraction will be shared between public and private sectors and across regions and stakeholders. Other key areas addressed in national strategy include local content, fiscal objectives, revenue and expenditure management and social and environmental concerns, including the role of artisanal mining. The roles of the sector ministry, its agencies, and the national resource company (NRC), if there is one, are of the greatest importance. These institutions are typically mandated to implement and oversee sector strategy.

These long-term decisions will be more robust, credible and less subject to abuse if they are developed with the participation and knowledge of citizens and investors.

Recommendations

Develop a national strategy for the extractive sector that

1. Identifies how the sector fits into national development;
2. Sets clear economic, social and environmental performance benchmarks for the sector (Can use the Natural Resource Charter as a tool to do this such as in Nigeria, Sierra Leone and Tanzania)
3. Identifies a scheme for monitoring the country's progress.

Standards & Guidance

- Guidelines for Good Governance in Emerging Oil and Gas Producers <http://www.chathamhouse.org/publications/papers/view/194059>
- Natural Resource Charter http://naturalresourcecharter.org/sites/default/files/NRC_Eng_2011.pdf

Country Examples

Bulgaria is developing a strategy for more effective management of natural resources

As part of its OGP Action Plan published in April 2012, Bulgaria committed to implementing new good practices in managing natural resources. Its planned activities were to:

- Develop a New National Strategy for the Mining Industry
- Develop a new Law on the Underground Resources incorporating the European and global practices of effective management of the underground resources.
- Develop a public information system with data about the location, group of mineral resources and their status and/or found deposits of underground resources, specialised maps and registries of exploration permits and concessions.

In order to enhance the transparency of managing mineral resources they aim to involve experts from the academic circles and NGOs in carrying out tender and competitive procedures for obtaining rights on the underground resources.

- <http://www.opengovpartnership.org/country/bulgaria/action-plan>

Ghana's Petroleum Revenue Management Act was developed with public consultation

Immediately following announcement of oil discoveries in 2007 the government of Ghana started to take steps to avoid

the pitfalls of other petroleum-rich countries.


Public consultations took the form of regional 'town hall' meetings and a public survey. The timetable of the meetings was publicised in the newspapers and on the radio. Between 300-500 people attended each of the meetings and a number of written submissions were also received. Additional dialogues were organised by the World Bank, civil society platform, Council of Churches and UNIDO – including a consultation with children.

Key questions were who should collect and account for the revenues, how much should be spent in current budgets and how much saved for future generations, how should the natural resource fund be managed and how should it be safeguarded?

The law that was developed reflected public preferences, and required the publication of revenues and payments, mandating public access to information.

[Source: Natural Resource Charter]

- [http://naturalresourcecharter.org/sites/default/files/Ghana Public Participation.pdf](http://naturalresourcecharter.org/sites/default/files/Ghana%20Public%20Participation.pdf)

 The government of Peru has committed to strengthen extractive industry transparency

As part of its OGP Action Plan published in April 2012 Peru has committed to strengthen transparency and access to public information.

This includes an explicit commitment to improve mechanisms for access to information and transparency in environmental matters and in relation to extractive industries. The government committed to discuss an extractive industries transparency law and to consider expanding the scope of its EITI reconciliation reports to build an environment of trust among oil, gas and mining industry stakeholders.

- <http://www.opengovpartnership.org/country/peru/action-plan>

Intermediate Step: Create mechanisms for the public and legislators to engage in extractive concessioning

Justification

Legislative and public hearings around licensing rounds ensure that major concessions align with the development aspirations of the country and help to minimise risks of corruption.

Countries could create platforms for engaging civil society in the monitoring of contracts (particularly environmental and social aspects) and the oversight of revenues from the natural resource sector, including through initiatives such as the EITI.

Recommendations

1. Establish legislation or policies calling for public consultation, civil society observers of public contracting in the

extractive sector, and civil society monitoring of contract performance, and requiring that public bodies are receptive to these inputs and take corrective action as a result of citizen feedback.

2. Enter into cooperation agreements with civil society organizations to monitor their public contracting in the extractive sector. This could involve creating multi-sector monitoring platforms for the oversight of revenues and social and environmental aspects through initiatives such as the EITI.

Standards & Guidance


- Mining Contracts – how to read and understand them <http://www.resourcecontracts.org/blog/guides-to-contract-terminology.html>
- Natural Resource Charter http://naturalresourcecharter.org/sites/default/files/NRC_Eng_2011.pdf
- Open Contracting Principles http://www.open-contracting.org/global_principles

Country Examples

 Ghana is establishing Committee with civil society participation to oversee the petroleum sector

The Public Interest and Accountability Committee is established by law to monitor and evaluate compliance by the government in the use of petroleum revenues, to provide a platform for public debate on spending priorities and an independent assessment on the management and use of revenues. The Committee is mandated to publish reports each year.

- <http://piacghana.org/>

 The Northwestern Power Council in the USA developed a vision for power development, through widespread public consultation

The Northwest Power Planning Council in the USA began its most recent power plan review by asking for a public response to its characterisation of the major issues of concern to the region and also asking for suggestions of other topics. The council established a number of advisory committees, including committees on conservation resources, demand forecasting, generating resources and natural gas. Through public meetings with the advisory committees, the Council obtained the views of the Bonneville Power Administration, its customers, relevant public interest groups, the region's ratepayers and other important participants in regional power policies. These included broad issues, such as the effects of climate change, capacity to meet loads, integrating renewable resources, power system interactions with the fish and wildlife programme etc.

The Council continued to release papers and draft forecasts for further public comment over the following two years that it engaged in the power planning process. These were more technical papers, including draft fuel price forecasts and draft demand and economic forecasts. Views from the public and advisory committees continued to be solicited through public meetings.

The Council then released a draft power plan for public review. It received 750 written comments over a 60-day period, and held public hearings in nine cities across the region, receiving the testimony of hundreds of interested individuals and representatives of organisations, utilities, businesses, public interest groups and government agencies. Transcripts of the public hearings and written comments received were published on the Council's website. The final power plan included responses to comments received.

The Council followed the requirement of the Northwest Power Act to facilitate widespread public involvement in the

preparation, adoption and implementation of the plan, and the Notice and Comment procedures in the Federal Administrative Procedures Act that require at least 30 days' notice.

- <http://>

Intermediate Step: Publish comprehensive financial reports on natural resource funds

Justification

Natural resource funds (NRFs) can serve as important tools to manage revenue volatility, balance near-term expenditures with long-term savings, and utilize resource revenues to generate sustainable economic development. However, governance risks are high since NRF financial flows can bypass the regular budget process or become vehicles for patronage and discretionary allocations.

Annual reports from natural resource funds allow stakeholders within government and outside to understand how national financial resources are being stewarded. This information should include full reporting on assets, transactions and investments.

Recommendations

1. **Provide comprehensive and timely reports** on NRFs transactions and assets;
2. **Establish legally mandated** deposit and expenditure rules for NRFs;
3. **Subject NRFs** to financial audit
4. **Ensure that NRFs are subject to** legislative oversight.

Standards & Guidance

- Extractive Industries Transparency Initiative Standard http://eiti.org/files/EITI_STANDARD-screen-version.pdf
- IMF Guide on Resource Revenue Transparency <http://www.imf.org/external/np/pp/2007/eng/101907g.pdf>
- Revenue Watch: Resource Governance Index http://www.revenuewatch.org/sites/default/files/rgi_2013_Eng.pdf
- Santiago principles <http://www.iwg-swf.org/pubs/eng/santiagoprinciples.pdf>

Country Examples

 Trinidad and Tobago's Heritage and Stabilisation Fund publishes quarterly reports

Trinidad and Tobago created the Heritage and Stabilization Fund in 2007 to help insulate the economy from oil and gas price fluctuations. Law requires deposits be made to the fund when oil and gas revenues exceed expectations and allows for withdrawals when revenues fall short. The Finance Ministry presents audited quarterly reports to Parliament and publishes them. Officials involved in the fund's management are required to disclose any financial interest in the

sector.

Intermediate Step: Publish environmental and economic impact studies for all natural resource projects

Justification

Successful natural resource management requires government accountability to an informed public. Resource projects can have significant positive or negative local economic, environmental and social effects, which should be identified, explored, accounted for, mitigated or compensated for at all stages of the project cycle.

Recommendations

1. Publish environmental, social and economic impact assessments for all natural resource projects. Such reports will help the public assess the costs and benefits of resource development.

Standards & Guidance

- IMF Guide on Resource Revenue Transparency <http://www.imf.org/external/np/pp/2007/eng/101907g.pdf>
- Revenue Watch: Resource Governance Index http://www.revenuewatch.org/sites/default/files/rgi_2013_Eng.pdf

Country Examples

 Environmental and social impact assessments are mandatory for extractive concessions in Australia

Australia's Freedom of Information Act requires disclosure of information on the mineral sector, and environmental and social impact assessments are mandatory before mineral rights can be awarded.

 Environmental impact assessments are required for the extractive industry in Colombia

Environmental and, in some cases, social impact assessments are required before projects begin. The results are published, but the consultation process does not always address the concerns of affected communities.

Intermediate Step: Publish resource-related revenue transfers to sub-national governments

Justification

In a number of countries, sub-national units get a defined share of resource revenues, which is not part of the national budget. In some cases these amounts are discretionary.

These transfers are often large, subject to competing claims and managed by subnational governments that may lack accountability and the capacity for good governance.

Recommendations

1. Establish and publish clear rules in legislation to govern transfers of natural resource revenues to local government.
2. These rules should require publication of a detailed breakdown of transfers to local government
3. Direct distributions to citizens should also be disclosed.

Standards & Guidance

- Extractive Industries Transparency Initiative Standard http://eiti.org/files/EITI_STANDARD-screen-version.pdf
- IMF Guide on Resource Revenue Transparency <http://www.imf.org/external/np/pp/2007/eng/101907g.pdf>
- Revenue Watch: Resource Governance Index http://www.revenuewatch.org/sites/default/files/rgi_2013_Eng.pdf

Country Examples

Peru reports natural resource transfers to local government online

The Economic Transparency Portal is an open-access information platform which allows any user to have, in real time, comprehensive economic information from the Ministry of Economy and Finance (MEF). It includes regularly updated online reporting system of transfers to local governments.

Intermediate Step: Require state owned enterprises to publish comprehensive reports

Justification

State-owned enterprises (SOEs) bring in more than two thirds of total government revenue in countries including Azerbaijan, Iraq and Yemen. In the mining sector, Chile's Codelco is the largest producer of copper in the world, Botswana's partially state-owned Debswana is the leading producer of diamonds and Morocco's OCP is the largest company in the country and the main producer of phosphates in the world. In countries like Angola and Nigeria, SOE functions and influence stretch across the sector—from licensing and production, to revenue collection and even direct expenditures. Given their unique institutional status and frequently high levels of authority, SOEs often operate with limited oversight and accountability.

Requiring state owned enterprises to publish annual reports including cash flows, details of joint ventures and quasi-fiscal

activities, production, revenues, costs payments to the state, on a project by project basis, and the Board of Directors' decision making process would open state-owned enterprises up to greater scrutiny and accountability for performance. Moving towards international disclosure practices and standards will also be crucial for any future listing.

Recommendations

1. **Establish legal requirements for SOEs to publish comprehensive reports** in compliance with international accounting standards.
2. **Disclose audits and data** on production and revenues.
3. **Include SOE financial information** in the national budget.

Standards & Guidance

- Extractive Industries Transparency Initiative Standard http://eiti.org/files/EITI_STANDARD-screen-version.pdf
- IMF Guide on Resource Revenue Transparency <http://www.imf.org/external/np/pp/2007/eng/101907g.pdf>
- Revenue Watch: Resource Governance Index http://www.revenuwatch.org/sites/default/files/rgi_2013_Eng.pdf
- Santiago principles <http://www.iwg-swf.org/pubs/eng/santiagoprinciples.pdf>

Country Examples

Norway's Statoil publishes all its revenues and payments by country

Norway's Statoil is a partially state-owned company. It was one of the first major oil companies to start disclosing all revenues and payments in the countries in which it operates. It has supported the Extractive Industries Transparency Initiative (EITI) since its inception in 2002/2003, and became a board member of the EITI in 2009.

- <http://www.statoil.com/annualreport2010/en/sustainability/society/ethicsandtransparency/pages/transparency.aspx>

Advanced Step: Create a public web registry of all natural resource concessions

Justification

Effective and transparent management of licenses with clearly defined responsibilities and processes create a more attractive investment environment. Transparency is crucial all along the natural resource chain from the decision to extract to final mine closure, otherwise corruption and misallocation are likely to be transferred from more transparent parts of the process to those that are more opaque. .

Information systems such as the mining repository and mining cadastre are vital first steps towards a holistically transparent mining sector. Putting information about natural resource concessions into a central registry makes the information available in a systemised and organised manner so that it can be read and processed by computers and can be easily reused and analysed by citizens, civil society, the private sector and government to check for discrepancies and to enable democratic debate on whether the government it is using the country's natural resources to the benefit of the people.

Recommendations

1. Create a national public web registry of all natural resource concessions that includes physical demarcation, identity of leaseholders, production volumes, costs and revenues for each lease.
2. Develop systems to collect and publish this data in a structured manner on a timely, current, and routine basis and in a form that enables easy use, participation, and analysis.
3. Where feasible, concession information should be digitized and made available to the public on an online portal.
4. Structured formats such as structured XML and inclusion of all relevant meta-data allows for user-friendly searching and access.
5. Digital information should be retained and made available in perpetuity.
6. Where possible use non-proprietary software applications.

Standards & Guidance

- Revenue Development Foundation tools <http://www.revenuedevelopment.org>
- Spatial Dimension: Flexicadastre <http://www.spatialdimension.com/Solutions/EITI-Compliance>

Country Examples

Several countries use the 'Flexicadastre' system to create public mining portals

The Flexicadastre system designed by Spatial Dimension is one solution used to implement Mining Cadastre Systems to facilitate all aspects of the application, evaluation, granting and compliance monitoring of mineral rights and related permits.

As well as using the system to facilitate application and concession management a number of countries have also used the system to develop Public Mining Cadastre Portals which provide a spatial view into the mining cadastre data and are intended to improve stakeholder communications, reduce corruption and improve transparency.

Sierra Leone set up an online mineral concession registry

The Minerals Cadastre Administration System (MCAS), was set up in Sierra Leone in 2009. An MCAS is a means for government to collect, organize, maintain and deliver data on mineral resources in an integrated and effective way. It is a tool responsible for the administration of resource rights.

There are two parts to the system:

- The database. A database of key information on mining licenses, including their status, location, fees paid/outstanding and ownership of exploration and extraction rights. Data is collected from across government entities, as well as a number of newly established rurally based offices. The licenses are mapped using Geographic Information Systems (GIS) technology, which allows users to view coordinates of concessions on a detailed map of Sierra Leone. The IT system organises and maintains the data by providing a real time check throughout the lifecycle of the licenses and automatically notifies users of outstanding payments, correspondence or status of license.

- The online public portal. As part of the MCAS, a Mining Repository was established in 2012 which publishes all the data on mining licenses on a web interface. This interface is easily accessible online and delivers the information directly to users.

These information systems were accompanied by a number of additional measures:

- A Mining Cadastre Office was established, acting as the focal point for all applications and license holders.
- A Data Sharing Agreement was signed in order to establish a clear mandate within government ministries and agencies to share information relevant to the MCAS.
- An inter-ministerial task force was created and has set up joint inspection teams in order to use the reconciled data to collect outstanding revenue.

The Natural Resources Charter identifies three key success factors:

- Political support. The mandate for establishing a MCAS in the new Mining Act of 2009 as well as strong political backing was a vital condition for overcoming opposition to improved transparency from entrenched interests.
- Government cooperation. First, an official Data Sharing Agreement was signed by ministers, providing an official mandate for sharing financial and MCAS information. Second, an inter-ministerial Task Force of all reporting agencies of the MCAS was established and meets on a weekly basis.
- Donor/contractor support to train government staff. The continued backing of the donors has also been crucial due to a lack of institutional capacity. To this end the contractors which established the online system also had staff based within the Mining Cadastre Office to support change in administrative processes. Training has also been provided to government staff on how to use the IT based systems.

[Source: Natural Resource Charter]

- <http://sierraleone.revenuesystems.org/login/auth>
- <http://naturalresourcecharter.org/sites/default/files/Sierra%20Leone%20Mining%20Repository%20Case%20Study.pdf>

South Africa set up an online portal for mining applications and information

The Department of Mineral Resources (DMR) launched the South African mineral resources administration (Samrad) online application system in order to streamline the application process and to make it transparent. Since 2011 all applications for prospecting rights, mining permits and mining rights have had to be submitted in electronic format on the department's website. The site includes a list of all applications for rights in terms of the Mineral and Petroleum Resources Development Act (MPRDA). Users can browse the locality of the rights applied for, rights granted and available land for any mineral or minerals anywhere in South Africa, and make applications.

However there have been technical problems and weaknesses with some users having difficulties in gaining access and problems of double-granting of rights and lengthy processing times. The system does not provide details of when an applicant has been issued with an instruction to proceed with a public participation process, making its use to the public limited.

- <http://portal.samradonline.co.za/>

Advanced Step: Require all listed companies to disclose resource related payments on a project by project basis

Justification

Companies that extract natural resources and the countries where these companies are based share the responsibility to advance transparency. Some resource-rich countries are concerned that applying strict standards of openness will reduce their ability to attract necessary investment to the sector. If home governments can mandate project-by-project payment disclosure this will ensure that revenue payments are disclosed even in countries whose governments do not require it, and it will provide a flow of reliable, timely and detailed information to support better reporting in those that do.

Transparency also reduces financial risk for investors and enhances security of supply for consumers. Major investors support country-by-country reporting, and some support project-level disclosure. The World Bank's IFC requires project reporting and the publication of related contracts as a lending condition.

The utility of aggregate payment information provided only at country level is limited. Royalties and other payments vary enormously within jurisdictions and are typically negotiated in developing countries on a project-by-project basis. Project-level data allows investors to properly assess risk, governments to better track company compliance, citizens to track who is gaining from particular resources, and local communities to track their entitlements, essential to reducing conflict and interruptions to production.

Recommendations


Home countries should pass legislation requiring their companies to report payments to governments on a project-by-project basis:

1. "Project" should be defined at the level of the licence, production-sharing agreement, lease or other such agreement. The materiality threshold should be set in relation to payment levels that are important to national and local governments in developing countries. For local governments receiving payments, this means the threshold should take account of the relatively small sums that are often meaningful to local budgets. A sensible threshold might be for any payment, or set of payments, amounting to more than €15,000.
2. Disclosure of information should include not only payments relating to exploration, discovery, development and extraction but also those relating to transport and security.
3. To provide a full picture, disclosure of payments should apply to each country where a company has operations of any kind, including countries of registration and where companies have a financial trading presence.
4. Country-by-country and project-by-project payments data should therefore be fully audited and included in companies' annual financial statements.
5. The report should be published as a summary in print with detailed online data available to download in a structured format.

Standards & Guidance

- Resource Revenue Transparency Working Group: Recommendations on Mandatory Disclosure of Payments from Canadian Mining Companies to Governments
http://www.pwyp.ca/images/M_images/Working_Group_Transparency_Recommendations_Eng.pdf

Country Examples

 The Dodd-Frank Act in the US requires companies to report on how much they pay governments for access to oil, gas and minerals

In July 2010, the U.S. Congress passed Section 1504 of the Dodd-Frank Act, a measure requiring companies registered with the Securities and Exchange Commission (SEC) to publicly report how much they pay governments for access to oil, gas and minerals.


Dodd-Frank 1504 adds to existing stock listing requirements in the US by obliging all extractive companies to publish the payments they make to the US and foreign governments in the countries where they operate. This information is to be disclosed in an annual document to the US Securities and Exchange Commission.

All companies that are listed in the US and engage in the commercial development of oil, gas and other minerals (defined in Dodd-Frank 1504 as exploration, extraction, processing, export and other significant actions) will be covered. This includes eight of the ten largest mining companies and 29 of the 32 largest internationally active oil companies.

Companies that engage in the commercial development of oil, natural gas or minerals will have to report – The type and total amount of payments made for each project, and, – The type and total amounts of payments made to each government.

These payments cover report taxes, royalties, fees (including license fees), production entitlements and bonuses.

- <http://www.revenuewatch.org/issues/dodd-frank>
- <http://publishwhatyoupay.org/about/stock-listings/cardin-lugar-amendment-dodd-frank-1504>

 The EU requires extractive companies to publish their payments on a country-by-country and project-by-project basis

In July 2013 European Parliament approved the EU Transparency and Accounting Directives, which will oblige all extractive listed companies (and large non-listed) to publish their payments on a country-by-country and project-by-project basis. The European Commission Accounting Directive, introduces a new obligation for large extractive and logging companies to report the payments they make to governments. Reporting would also be carried out on a project basis, where payments have been attributed to specific projects.

The Directive introduces a new obligation for listed and large non-listed extractive and logging companies to report all material payments to governments broken down by country and by project, when these payments have been attributed to a specific project. Production entitlements, taxes, royalties, dividends, bonuses, licence fees and payments for infrastructure improvements must be reported.

- http://europa.eu/rapid/press-release_MEMO-13-541_en.htm
- <http://publishwhatyoupay.org/about/advocacy/eu-country-country-and-project-reporting-proposals-qa>

Fisheries

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Introduction

Global problems facing the marine fisheries sector, including overfishing and the marginalization of the small-scale sector, are leading to increased international awareness of the need to improve transparency in fisheries governance.

Data collated by the United Nations Food and Agriculture Organization (FAO) shows that since the early 1980s total landings of fish from the sea have decreased steadily and the majority of commercially targeted fish stocks are fully exploited or overexploited. The global commercial fishing fleet is now estimated to be at least twice the size needed to catch marine fish sustainably, and many forms of industrial fishing cause high levels of by-catch and discards. The World Bank has estimated that, due to subsidies, waste and unsustainable management, losses from marine fisheries exceed \$50 billion per year (World Bank, 2009).

The inability to stem overfishing represents a profound failure of governance on national and international levels. Lack of transparency and government openness is increasingly recognised as part of the problem. In many coastal and island states, basic information on which companies are allowed to fish, how much these companies can catch, how much revenue is being generated from fisheries and how this is being spent is obscured from the public. Commercial fisheries tend to be secretive, aided by the fact that they operate 'off-shore' and out of sight. Studies on illegal fishing in Africa, which has been conservatively estimated to be worth \$1 billion each year, claim that levels of illegal fishing are closely related to proxies of good governance, including transparency, media freedom and the rule of law (MRAG, 2005).

Citizens living in Africa, Asia-Pacific and Latin America disproportionately feel the negative impacts of governance failure, corruption and overfishing. This is partly due to the importance of marine fisheries to national incomes, diets and livelihoods in many poorer coastal and island states. Lack of transparency is not only undermining the effectiveness of fisheries management and denying national revenues; it is also obscuring the true value of marine resources, as well as the social and economic cost of losing them. Less than half of African countries publish data on fish catches and exports, and illegally caught fish may account for up to 30% of fish trade worldwide (FAO, 2010). A commitment by governments, in all regions, to be more open about the management of fisheries would lead to improved knowledge about the actual and potential contribution of fisheries, which in turn may stimulate political will to better address the threats caused by overfishing and the further degradation of marine ecosystems (Standing, 2011).

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United Nations Food and Agriculture Organization (FAO) <http://www.fao.org/fishery/en>

fishsubsidy.org <http://www.fishsubsidy.org/>

Environmental Justice Foundation <http://ejfoundation.org/oceans/fisheries-transparency>

Coalition for Fair Fisheries Arrangements <http://www.cape-cffa.org/>

Stop Illegal Fishing <http://www.stopillegalfishing.com/>

Summary of illustrative commitments

Initial

- Publish detailed and up-to-date information on the proposed contents of bilateral fisheries access agreements
- Require national fishing authorities to publish detailed and timely information on commercial fishing licences and catch quotas

Intermediate

- Publish complete and up-to-date information on penalties and fines imposed on individuals and companies for illegal fishing activities
- Publish comprehensive information on subsidies paid to the fisheries sector

Advanced

- Produce a comprehensive annual report on marine fisheries

Detailed Recommendations

Initial Step: Publish detailed and up-to-date information on the proposed contents of bilateral fisheries access agreements

Justification

Access to national waters for foreign commercial fishing boats is often governed by bilateral fisheries access agreements. These are contracts negotiated by governments or fishing associations that pay for a certain number of fishing boats to operate in a given area. It has been estimated that there are at least 100 fisheries access agreements in operation worldwide, and the amount spent on access agreements is approximately \$1 billion (Sumaila *et al*, 2010).


Fees paid to host countries are often considered 'off-budget' payments, and are therefore not reflected in annual government accounts. Although most access agreements are calculated on a percentage of the value of expected fish landings, access agreements can also contain extra funds for development projects, or they can form part of broader government-to-government aid. The terms of these agreements should – but often do not – place restrictions on fishing intensity and by-catch, as well as restrictions on the type of fishing gear, the sea areas or seasons in which boats can operate. At a minimum, they should be in conformity with prevailing national regulations.

Public knowledge of the contents and implementation of access agreements is limited. Most access agreements are negotiated confidentially and few of them are published. This lack of transparency creates opportunities for corruption, and citizens are denied important economic and environmental information on how their marine resources are being exploited. Maintaining the confidentiality of access agreements, which is a condition typically imposed by those paying for access, also places host countries at a disadvantage in negotiating better terms. This is because they have little information about what other countries are receiving.

Recommendations

1. **Commit to publishing all existing and future contracts of fisheries access agreements**, before parties sign these agreements, thereby allowing for public debate and input. Such documents should be translated into local languages where necessary.
2. **Publish actual financial sums paid/received through these contracts**, and any further documentation relating to scientific and economic audits or evaluations of these agreements through the website of the ministry or department responsible for marine fisheries, ideally in the host country as well as in the national press.

Country Examples

 The EU started publishing details of fisheries access agreements with developing countries in the early 1990s

All contracts signed between the EU and third countries are available on the EU's website, as well as some meeting notes from the joint committees that oversee the implementation of these agreements. Certain other documents, such as *ex ante* and *post ante* evaluations of these agreements commissioned by the European Commission (EC) were considered confidential until 2012, but through advocacy campaigns and formal requests for information sent to the EC, these are now being published by the EC and NGOs.

- http://ec.europa.eu/fisheries/cfp/international/agreements/index_en.htm
- http://transparentsea.co/index.php?title=EU_Fisheries_Agreements

Initial Step: Require national fishing authorities to publish detailed and timely information on commercial fishing licences and catch quotas

Justification

Many countries do not publish any information on the details of private fishing licences, including which company has bought the licence, the type of fishing allowed and any restrictions on fishing activity, the price paid for the licence, the flag state of the vessel or the quantity of fish that the licence holder is allowed to catch. This means that citizens are denied basic information on the management of their marine resources, which undermines research, public debate and the quality of decision-making. It also creates opportunities for embezzlement and fraud. In the Solomon Islands, an investigation by the Auditor General in 2002 revealed that the country had lost \$4 million through the theft of licence fees by the Ministry of Fisheries. Similar cases have been documented in Fiji and Guinea-Bissau (Standing, 2008).

Lack of transparency in fishing licences also undermines international and national efforts in combating illegal fishing: with greater knowledge on the legal status of fishing boats, the public and the fishing sector will be able to identify instances of illegal fishing and fishing by unlicensed boats.

Timely publishing of information is crucial as late publishing of information on licences undermines the ability of the public and other fishing vessels to use such information to monitor illegalities and fraud.

Recommendations

1. **Require all fishing licences and permits authorised by governments for boats of over 10 metres in length or 10 gross tons to be made public** and available on the websites of the authority issuing the licence, within seven days of it being granted.
2. **Commit to providing detailed information on licences on an annual basis in the national press and to the public on request at any time**, especially in countries where the relevant fishing authority does not have a working website.

Standards & Guidance

- FAO: Global Record for fishing vessels <http://www.fao.org/fishery/global-record/en>

Country Examples

 Gabon publishes its registry of fishing licences on the internet

Gabon published a [full list](#) of fishing licences online for the first time in 2010.

- http://www.stopillegalfishing.com/portuguese/news_article.php?ID=401

 The fisheries authorities of Madagascar publish complete details of fishing licences in local newspapers

In Madagascar, all details of fishing licences started to be published in local newspapers during the late 1990s, and information on the contribution of fishing companies to the economy was made public. This enhanced transparency resulted in central government receiving more fees from fishing licences, and fishing companies that were performing poorly were exposed. By 2003, the value added by the commercial fishing sector had increased by 4.5 million Euros.

- http://eawildlife.org/swaraonline/swaras/Vol_34_3_29_2011_Standing.pdf

Intermediate Step: Publish complete and up-to-date information on penalties and fines imposed on individuals and companies for illegal fishing activities

Justification

Illegal fishing poses one of the key threats to the sustainable use of marine resources. It is a problem in all waters, but may be particularly prevalent in developing countries due to lower capacity in monitoring, control and surveillance, as well as weak governance. Public information on arrests or prosecutions stemming from illegal fishing is important, not only to act as a deterrent, but also to allow citizens insight into the effectiveness of government agencies in combating illegal fishing and the appropriateness of resulting punishments and penalties. Increased public information on successful cases of prosecuting illegal fishing boats may also stimulate greater reporting of illegalities by citizens and responsible boat owners. Few countries make such information available, and when boats are caught fishing illegally, details on penalties or fines can be kept secret. This may create an environment where forms of corruption and payment of bribes can undermine the rule of law. Moreover, there is considerable concern in many developing countries that operators of foreign boats caught for illegal fishing locally are pardoned due to diplomatic pressure from the home governments of boat owners.

Recommendations

1. **Commit to making timely information publicly available on all surveillance activities, infractions observed/recorded and fines or punishments related to illegal fishing.** This information should be made publicly available through annual reports or documents on government websites.
2. **Fishing authorities should provide information by on penalties and fines imposed on companies or individuals committed for illegal fishing to members of the public on request** where governments lack the capacity to publish annual reports, or they do not have existing websites on marine fisheries.

Country Examples

 The government of New Zealand publishes regular updates on cases of illegal fishing

The website of the Ministry of Fisheries, www.fish.govt.nz, provides regular updates on cases of illegal fishing. The Ministry also publishes statistics on penalties and fines in its annual reports.

- <http://www.fish.govt.nz/en-nz/default.htm>

Intermediate Step: Publish comprehensive information on subsidies paid to the fisheries sector

Justification


Government subsidies paid to the fisheries sector worldwide are considered a major cause of overcapacity in the global fishing fleet, which directly contributes to overfishing and the intensification of competition between fishing boats. The most recent and thorough estimate of subsidies paid to the fishing sector globally is approximately \$27 billion (Sumaila *et al.*, 2010). Of this amount, \$16 billion can be classified as 'capacity-enhancing subsidies'. Since 2001, deliberations at the World Trade Organization (WTO) have attempted to place disciplines on the use of fisheries subsidies that contribute to overcapacity, such as subsidies on fuel and boat-building. In 2005 the WTO Ministerial meeting in Hong Kong led to a strong commitment by governments to strengthen fish subsidy disciplines, including a specific call for WTO rules to address issues of transparency and enforcement (the 'Hong Kong Mandate'). Discussions are ongoing and a final outcome has yet to be reached. However, for the time being, governments provide inconsistent and limited data on fisheries subsidies. This inhibits public debate and undermines the potential role that civil society can play in monitoring subsidy payments and impacts.

Currently some governments publish no data at all, others publish incomplete data in inaccessible formats like PDF files.

Recommendations

1. **Commit to publishing comprehensive data on subsidies paid to the fisheries sector.** The public should be notified of subsidy payments to the fisheries sector in advance of these payments being made, thereby increasing the scope for public debate and possible objections to be made;
2. **In disclosing information on subsidies, provide comprehensive information** on the amount transferred, the purpose of the subsidy and details of the recipient company or organisation and owner;
3. **Include in the data on subsidies the amount paid** as well as a description of why and when the subsidy was paid and the name and location of the beneficiary;
4. **Include in the data on vessel-related subsidies CFR identification number for the vessel.**
5. **Publish the data online and update every three months**, in a single consistent, database-compatible format (CSV or XML);
6. **Extend the principal of transparency to all beneficiaries of EMFF** and not beneficiaries that are legal entities; and
7. **Ensure that all payments are identified alongside a consistent system** of unique project identification numbers.

Country Examples

 The EU has released data on fishing subsidies amounting to 1 billion Euros

Having responded positively to a request for information, the EU released comprehensive data on fisheries subsidies in 2008, amounting to approximately 1 billion Euros. An NGO initiative <http://fishsubsidy.org> has made this information publicly available through a searchable website. Subsequent analysis of the data by fishsubsidy.org and other organisations, including Greenpeace and UN Environment Programme, has greatly enhanced debates on EU subsidy reforms, including raising awareness of where capacity-enhancing subsidies have been given to boats targeting overfished stocks, and where subsidies have been given to boats known to be engaged in illegal fishing.

- http://www.cape-cffa.org/IMG/pdf/Final_Article-Standing_EU_Transparency_2_.pdf

Advanced Step: Produce a comprehensive annual report on marine fisheries

Justification

Comprehensive annual reports on marine fisheries provide citizens with an understanding of how their marine resources are being managed, the objective and priorities of the state's approach to managing these resources and what achievements have been made in meeting policy objectives. Lack of information sharing by governments creates distrust and frustration among stakeholders, which can undermine responsible fisheries governance. It also allows governments to pursue fisheries policies that may not be in the interest of the majority of citizens. Not all countries produce such reports but, in producing them, governments can consult technical guidelines produced by FAO on best practice in information sharing. However, because best practice in producing annual reports is currently lacking, further work needs to be undertaken by international organisations and experts to develop guidelines, including what information should be considered essential. A commitment by governments to produce annual reports for marine fisheries would certainly ensure that such guidelines are produced and that technical assistance is made available.

Recommendations


1. **Commit to producing comprehensive annual reports on fisheries;**
2. **Include in the reports clear information** on fisheries policy, data on production and trade, revenues received from commercial fisheries and a summary budget and financial statement of the department responsible for managing fisheries, as well as information on the revenues generated from selling fishing licences and access agreements;
3. **Make the report available online and in hard copies;**
4. **Distributed copies widely** through local community based and non-governmental organisations;
5. **Set aside financial resources for this activity**, and governments should highlight annual reports as an important tool in the management of marine resources; and
6. **Translate these reports** in in multilingual countries.

Standards & Guidance

- FAO Technical: Guidelines for Responsible Fisheries <http://ftp://ftp.fao.org/docrep/fao/011/i0587e/i0587e00.pdf>

No commitments for this level

Land

 Lead author: [Global Witness](#)

Introduction

A well-functioning land sector can boost a country's sustainable economic growth, foster social development, protect the rights of vulnerable groups and support environmental protection. However, weak governance of land and land rights has in many countries hindered the achievement of these developmental objectives.

Land governance concerns the recognition, registration and enforcement of land tenure rights, land use administration, management planning and taxation, the provision of information on land holdings and mechanisms for the resolution of land disputes. Governments play a crucial role in ensuring these processes are carried out through clear, transparent and fair processes, and that the human rights of citizens are protected. Accountable decision-making about how best to use land is crucial for States and citizens to be able to maximize the developmental potential from their land and natural resources. Improving the openness enables government agencies to better understand the potential costs and benefits of resource use options, to secure land rights and tenure, and to enable distribution of financial benefits from resource extraction are in accordance with law. Consultation with those potentially affected by changes in land legislation, policies or tenure can help communities and households protect their rights.

A key factor putting pressure on land governance systems is the increase in commercial demand for land. The term “large-scale land investments” is used in this topic to cover all forms of public and private, domestic and international, investments which involve the acquisition, lease or transfer of large areas of land for commercial investment purposes, including agribusiness investments mineral concessions and economic development zones. While accurate data is difficult to obtain, The Land Matrix Global Observatory has collected details of large-scale land investments in low and middle income countries since 2000. The total land area estimated to be currently under contract is 32.6 million hectares (ha) with a further 32 million ha under negotiation, totalling 65 million ha; equivalent to twice the size of India (The Land Matrix Global Observatory).

Investment in land has the potential to improve livelihoods and food security, increase agricultural productivity, and support broader economic growth (Deininger et al, 2011). However all too often, the acquisition of large areas of land for commercial investment has had devastating socio-economic, environmental, and governance impacts (High Level Panel of Experts, 2011). Such problems are particularly accentuated in countries where customary and collective tenure rights are not recognised in law, or in practice, and where governance is weak. Common principles to address these challenges through recognising and securing land tenure rights are emerging. In 2012 [The Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security](#) (VGGT) were agreed. Developing one critical pillar of the VGGTs further, the Principles for Responsible Agricultural Investment are currently under development, through a global consultation process, facilitated by the CFS.

Because of the negative impacts associated with “land grabbing” (defined as land acquisition in violation of human rights and environmental or social safeguards. International Land Coalition, 2011) this topic focuses on large-scale land investments as a particular concern. However strengthening land rights and tenure security also depends on broader reforms and improvements in governance. The basic underlying principles of the VGGTs and the opportunities for commitments and action provided by the Open Government Partnership, therefore are relevant to all countries.

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High Level Panel of Experts (2011) Land tenure and international investments in agriculture, A report by the High Level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security; Rome.

http://www.fao.org/fileadmin/user_upload/hlpe/hlpe_documents/HLPE-Land-tenure-and-international-investments-in-agriculture-2011.pdf

International Land Coalition (2011) Tirana Declaration. <http://www.landcoalition.org/about-us/aom2011/tirana-declaration>

Expert Organisations

Global Witness <http://www.globalwitness.org/>

Food and Agriculture Organisation (FAO) <http://www.fao.org/nr/tenure/lt-home/en/>

Global Land Tool Network <http://www.gltm.net/>

LANDac, Academy on Land Governance for Equitable and Sustainable Development <http://www.landgovernance.org/>

Landportal.info <http://landportal.info/>

International Land Coalition <http://www.landcoalition.org/>

Land Matrix Global Observatory <http://www.landmatrix.org/>

Summary of illustrative commitments

Initial

- Carry out a baseline assessment of the openness of current land governance structures
- Develop an open process for identifying and providing formal protection for land rights
- Implement the Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security
- Make existing land tenure and land holding registries public

Intermediate

- Codify and implement protocols for meaningful consultation with those potentially affected by large-scale land investments
- Develop a process for open contracting of large-scale land investments
- Require public disclosure of information about land holdings and transfers

Advanced

- Nominate independent grievance mechanisms for those affected by large scale land investments
- Undertake participatory land and resource use planning

Detailed Recommendations

Initial Step: Carry out a baseline assessment of the openness of current land governance structures

Justification

Taking stock of the level of openness of current policies and institutions responsible for land governance enables all stakeholders to assess effectiveness and identify gaps where improvements can be made. Joint assessments by government agencies and civil society partners, with the participation of other key stakeholders, enables the establishment of a baseline from which progress towards specific ambitions can be measured. It also helps States gain support for such goals from non-state actors.

Recommendations

1. **Carry out a baseline assessment.** A useful diagnostic tool is the [Land Governance Assessment Framework \(LGAF\)](#) which was developed through a partnership involving IFPRI, UN-Habitat, FAO, IFAD, and the World Bank. LGAF provides a holistic review designed for application at the country level, to inform policy dialogue in a clear and targeted manner, built around five key areas of intervention:
 - Land and Institutional Framework
 - Land Use Planning, Management and Taxation
 - Management of Public Land
 - Public Provision of Land Information
 - Dispute Resolution and Conflict Management
 - Forestry, Large Scale Land Acquisition, and Tenure Regularization

Standards & Guidance

- World Bank: Land Governance Assessment Framework (2012) <http://go.worldbank.org/XW0YK1HU60>

Initial Step: Develop an open process for identifying and providing formal protection for land rights

Justification

Having formal recognition of tenure rights to land and associated natural resources and giving tenure holders the power to negotiate, is essential for good governance of land and the broad developmental objectives. Opening and improving the transparency and disclosure of such processes has significant benefits for all stakeholders.

In their guiding principles for responsible tenure governance, the VGGTs call on States to “recognise and respect all legitimate tenure rights holders and their rights”, whether formally recorded or not (FAO, 2012). Many countries have adopted legislation which recognises the continuum of land rights (including customary, traditional and collective tenure

regimes, as well as those not yet formally recognised), makes oral evidence of land tenure admissible and strengthens women's land rights, for example. However implementation rates are often low. Accelerated land titling campaigns have in some cases strengthened tenure security. But unless these programs are designed to include tenure rights to customary and collective resources and are carried out transparently and openly, taking into consideration existing power imbalances and ensuring active, free, effective, meaningful and informed participation, they can undermine rights and increase the risk of 'land grabbing'.

The VGGTs stress that identifying and protecting legitimate land rights is critical to open, transparent and accountable governance of land tenure (FAO, 2012). The steps required to achieve this are core functions and responsibilities of the State, but are highly complex, need to be appropriately sequenced and require long-term commitment. Non-state actors also have important roles and responsibilities. The following recommendations are ways in which processes undertaken to identify and secure land rights and rights holders can be made more open and transparent:

Recommendations

1. **Identify categories of legitimate tenure rights in consultation with such rights holders and civil society.** Clearly define such categories in legal and policy frameworks, and publicise them.
2. **Ensure the rights and subsequent duties accompanying the registration of land tenure are clearly identified and publicised,** and that vulnerable individuals and communities are given support to understand and uphold such rights.
3. **Ensure that all processes for identifying, mapping and registering land rights are open and transparent.** This can be achieved through the following steps, inter alia:
 - Identifying all existing, legitimate, right holders (including indigenous peoples, herders, women and communities with customary tenure systems), where possible through a systematic area-by-area process;
 - Publicising the steps for undertaking these land rights registration processes, including clear outlining of the roles and responsibilities of State and non-state actors;
 - Publicising the time frame and costs;
 - Clearly defining and publicising the process for resolving disputes, and disclosing the results;
 - Publicly displaying the results of the mapping process and clearly outlining the appeal and final adjudication process;
 - Ensuring that the final identified land rights (private and collective) are included in the land registry, are publicly available and kept up to date;
 - Ensuring accessibility to the publicly disclosed land registry (including those in rural areas, with low levels of literacy and without access to computers or the internet).
4. **Enable independent monitoring of the process** in order to secure on-going improvements in land tenure programs and prevent corruption, through for example multi-stakeholder..

It is recognised that in practice there may be significant overlap between these and other illustrative commitments. Specifically, the formalization of rights should be done as part of participatory land and resource use planning.

Standards & Guidance

- Global Land Tool Network (GLTN): Global Land Tools Guidance <http://www.gltn.net/index.php/land-tools/access-to-land-and-tenure-security>
- Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (2012) <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>

Country Examples

 The Government of Tanzania cites its village land allocation system as a step towards opening government

On the [Tanzanian Open Government Partnership website](#), the Government gives a number of examples where it has instituted measures to enhance citizen participation in day to day operations. One of these measures is the open and transparent system of village land allocation. This system requires the Village Assembly (which constitutes of all villagers above 18 years) to pass a resolution to allocate Village Land to an individual or a firm that has submitted land request to the Village Government. According to the [Village Land Act](#) from 1999, Village Leaders have no mandate whatsoever to allocate land. Gender sensitive village and ward tribunals have been established to handle land disputes.

- http://www.ega.go.tz/ogp/index.php/togp/commitment_details/2
- <http://polis.parliament.go.tz/PAMS/docs/5-1999.pdf>

Initial Step: Implement the Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security

Justification

The Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security (VGGT) were drafted through a process of multi-stakeholder consultations and endorsed by the inter-governmental UN Committee on World Food Security (CFS) in 2012. The VGGTs focus on States as the primary agents for their implementation. Nevertheless, they recall that reforming land rights, securing tenure and resolving land disputes involves many stakeholders, from government agencies, to investors of different kinds, to local community members and civil society organisations.

The VGGTs also recognise the increasing involvement of international actors in land-related activities (including large scale land investments) and provide guidance for such actors with regard to protecting human rights and supporting land governance. Such guidance builds upon existing international standards. The [UN Guiding Principles for Business and Human Rights](#) state that business enterprises have a responsibility to comply with all applicable laws and respect human rights wherever they operate, and that these enterprises' home States should set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations. Article 3.2 of the VGGTs builds on these guiding principles by providing that where transnational corporations are involved, their home States have roles to play in assisting both those corporations and host States to ensure that businesses are not involved in abuse of human rights and legitimate tenure rights.

Additionally, the VGGTs place a strong emphasis on policy coherence, stating that their implementation will be most effective if it is simultaneously mainstreamed through overseas development assistance, trade and foreign policies. Consequently, a State's firm commitment to implement the VGGTs therefore not only applies to its national context, but is also intended to influence the way in which companies registered in that country invest in land overseas, as well as how overseas development aid is given to support land sector activities.

Recommendations

1. **An initial step which can be taken to implement the VGGTs is to set up multi-stakeholder platforms**, or use such existing mechanisms, as a means to collaborate on the implementation and monitoring of the guideline. Multi-stakeholder platforms can support the execution of policies and specific projects, monitor compliance and provide a

means for grievance processes and mediation. Multi-stakeholder processes should be inclusive, participatory, gender sensitive, implementable, cost effective and sustainable. There is experience from previous multi-stakeholder collaborations which can be drawn on, for example Global Witness et al, 2012 and van Huijstee, 2012.

2. **Put in place frameworks to regulate protection against human and legitimate tenure rights abuses in relation to :**
 - Business enterprises that are owned or controlled by the State, or that receive substantial support and service from State agencies.
 - Enterprises raising investment on capital markets within the jurisdiction of the State.
 - Development assistance
3. **Expand company listing reporting requirements to include details of the environmental and social impact assessments** undertaken by business enterprises for potential land-related investments, including evidence through which free, prior and informed consent for the project was granted by affected communities, as well as progress towards implementing mitigation management plans for any identified social or environmental risks.
4. **Allocate additional financial assistance towards building the capacity of governments and other stakeholders to support the implementation of the VGGTs.**

Standards & Guidance

- UN Guiding Principles for Business and Human Rights (2011)
http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf
- Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (2012)
<http://www.fao.org/nr/tenure/voluntary-guidelines/en/>

Initial Step: Make existing land tenure and land holding registries public

Justification

Lack of available public data about existing land tenure and holdings is a significant barrier to the basic functions of the State, effective land administration and achievement of developmental objectives. Furthermore, it inhibits private individuals and communities from understanding and protecting their own tenure security, and provides a significant disincentive for potential investors in the land, agriculture and natural resource sectors.

Recommendations

1. **Publicly disclose inventories of land, fisheries and forest resources owned by the State, communities, individuals and the private sector.** Such inventories should include customary and collective tenure rights as well as naming the agencies responsible for the administration of state assets.
2. **Where possible establish a single recording system or linked common framework** to enable publicly-held tenure rights to be recorded alongside tenure rights of indigenous peoples, other communities with customary tenure systems and the private sector.
3. **Ensure that such information can be accessed and used by communities** including those in rural areas, with local levels of literacy and who do not have access to computers or the internet.


Standards & Guidance

- Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (2012)

<http://www.fao.org/nr/tenure/voluntary-guidelines/en/>

- World Bank: Land Governance Assessment Framework (2012) <http://go.worldbank.org/XW0YK1HU60>

Country Examples

 The Land Registry for England and Wales has opened up its public data for free use and re-use

As part of the UK Government's commitment to data transparency, the Land Registry for England and Wales has made the 'price paid' and 'transactions' datasets available for use and re-use under the [Open Government Licence](#). Price Transaction data is available from December 2011 in csv and linked data. Monthly price paid data is available from 2012 in txt, csv and linked data, and historic price paid data is available from January 2009 in csv and linked data.

- <http://www.landregistry.gov.uk/market-trend-data/public-data>

Intermediate Step: Codify and implement protocols for meaningful consultation with those potentially affected by large-scale land investments

Justification

The Convention on Economic and Social Rights ([General comments 4 and 7](#), the right to adequate housing (Art.11 (1)) state that all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threat. Forced evictions are incompatible with the requirements of the Covenant. It requires States to explore all alternatives to eviction in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force, provide legal remedies and see to it that all the individuals concerned have a right to adequate compensation.

The right of indigenous peoples to give or withhold their "free, prior, and informed consent" (FPIC) in relation to actions that affect their lands, territories, and natural resources is a recognized component of international conventions and standards including the United Nations Declaration on the Rights of Indigenous Peoples (UN-DRIP), Convention on the Elimination of Racial Discrimination, International Covenant on Civil and Political Rights, Convention on Biological Diversity, UN Sub-Commission on the Promotion and Protection of Human Rights' Norms on Transnational Corporations, The Inter-American Commission on Human Rights, Forest Stewardship Council, and the World Bank's Extractive Industries Review. Some countries including the Philippines, Malaysia, Australia, Venezuela, and Peru have included community consent provisions in domestic laws (UN, 2005).

The VGGTs build upon rights for indigenous peoples and have meanwhile strengthened the definition and process of "meaningful consultation" for all communities whose livelihoods will be potentially affected by proposed large-scale land investments. However, there is increasing pressure for the right of "consent" for indigenous peoples to be extended as an equivalent principle for consultation with all communities, as described by two recent UN expert reports (De Schutter, 2009) and (HLPE, 2011).

In many countries, undertaking community consultations is already required by law as part of the land transfer process. However, even where policy frameworks are well developed, practice is often unsatisfactory. Consultation may be confined to village elders, officials or elites and tends to be a one-off event rather than ongoing through the project cycle. Consultation meetings can be rendered meaningless if not enough information is made available in advance to those potentially affected. Additionally, records of consultation processes are often incomplete and vague about meeting minutes, timeframes, targets and responsibilities. For example, agreements on social investment, benefit-sharing,

guaranteed resource access or other arrangements between the community and the investor are generally not documented in formal documents or legally binding contracts.

From the perspective of the State and private sector parties, consultation processes, including FPIC, that do not resolve a community's reasons for opposition or achieve consent provide little assurance against potentially costly and disruptive conflict. For the private sector operating transparently and undertaking early consultation enables comprehensive evaluation of the benefits and costs of investment projects, which can identify potential risks and local concerns (De Mann, 2013). It increases the legitimacy of investments, fosters project continuity during changes of government, contributes to supply chain security and mitigates against local opposition. For example, 31% of all commercial concessions (by area) in selected emerging market economies were found to overlap in some way with community lands, putting at risk some \$5 billion of implied agriculture production value (RRI and The Munden Project, 2012). Meanwhile land disputes are estimated to result in an increase in investor operating costs of up to 29 times a baseline scenario (The Munden Project, 2013). Meaningful consultations which genuinely seek consent can therefore benefit the community, the government and the company by addressing concerns more successfully and cost-effectively than responding to community opposition later on (Sohn, 2007).

Recommendations

Codify a consultation protocol at the national level which ensures full respect for the rights to free, prior and informed consent for indigenous people, which enables meaningful consultation for other potentially affected people, and ensures the adequate public participation of local communities concerned by land leases or purchases. It should:

1. **Ensure that decision-making processes are fully transparent** and that procedures for transferring such rights are clearly defined and applied in a transparent way.
2. **Recognize all legitimate tenure rights of potentially affected communities** (formal and non-formal, documented and not).
3. **Enable affected people to conduct prior independent assessments** on the potential positive and negative impacts that those investments could have on tenure rights, food security and the progressive realization of the right to adequate food, livelihoods and the environment.
4. **Allow for FPIC** in accordance with the UN-DRIP and its associated documentation.
5. **Take account of traditional customs and decision-making processes**, as well as heterogeneity within communities, containing within them inequalities and households who have been marginalised historically.
6. **Require that the individuals concerned have a right to adequate and appropriate compensation.** Expropriation, must be strictly limited to situations that affect the public interest rather than routinely applied as a means to transfer land to private investors.
7. **Ensure that technical and legal assistance is made available to communities** if needed, from the State, civil society groups and / or farmers' associations.
8. **Involve independent oversight, through multi-stakeholder platforms.**

A more robust commitment to strengthening consultation protocols would be provide legislative requirements for free, prior and informed consent for all individuals and communities potentially affected by proposed large-scale land investments.

Standards & Guidance

- UN Declaration on the Rights of Indigenous People (2007)
http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf
- UN: Basic principles and guidelines on development-based evictions and displacement
http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf

- Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (2012)
<http://www.fao.org/nr/tenure/voluntary-guidelines/en/>

Intermediate Step: Develop a process for open contracting of large-scale land investments

Justification

Improving the disclosure of information about large-scale land acquisitions and investments enables people potentially be affected to understand the impacts it may have on their lives. Disclosure also helps citizens to know what a resource is worth and how much of it they are entitled to, so they can provide input into decision-making about how it should be managed. Transparency enables governments to better understand the trade-offs of land and natural resource use options available to them, to make the best choice in terms of policy and allocation of resources, and to negotiate better deals on behalf of their people and natural wealth.

The contractual documents pertaining to large-scale land investments include all of this basic information. The concept of “open contracting” is gaining traction within international normative frameworks and could have an equally transformative effect on land transfer contracts issued by public authorities. This involves the disclosure of key parts of contracts from the earliest stages of project conception, design, through the negotiation stages and into full project implementation.

The need to maintain confidentiality of genuinely commercially sensitive or proprietary information is recognized. However, the application of broad policies of commercial confidentiality in some cases hinders improvements in transparency. A precautionary principle of “if in doubt, disclose” can help improve disclosure through placing the onus of justification on those who want to retain information, rather than those arguing for its disclosure.

Recommendations

Develop regulatory standards and processes which require government agencies and companies to publicly disclose key information about land contracts in a locally accessible and timely format (Cotula, 2011; Global Witness et al, 2012). Information should include:

1. Parties to the contract:

- Names of the business enterprise, subcontractors, affiliates, and beneficial owners;
- Financial intermediaries and backers, capital investments and deposits, and involvement of international financial institutions;
- Fiscal and economic components;
- Name of the State and Third Parties to the contract, such as affected communities.

2. Rights, responsibilities and obligations:

- Concession area and nature of rights (e.g. provisions for water use rights), business plans and development intentions (including social contracts), terms for local employment, procurement, and how the “economic equilibrium” (costs, risks and benefits) was weighed; value of land, rents, and fees, projected profits and revenues, taxation regimes, and closure plans
- Inter-relationship of national (and if applicable, international) legal jurisdictions and how they apply in the event of dispute;
- Obligations of the business enterprise, including how they will liaise with employees, local communities

(respecting and protecting the rights of local communities and landholders), and maintain the environment; Obligations of the State to monitor the implementation of the contract's terms and conditions, including grievance mechanisms, sanctions, and penalties in the case of noncompliance.


3. Information on assessment and mitigation of potentially negative impacts:

- Publicly agreed and documented evidence of human rights, socio-economic, environmental, due diligence, food security, value and supply chain, and other impact assessments;
- Publicly agreed and disclosed mitigation and management plans;
- Resettlement and compensation plans.

Standards & Guidance

- Open Contracting Principles http://www.open-contracting.org/global_principles
- Open Contracting: A New Frontier for Transparency and Accountability <http://pro-act.org/profiles/blogs/research-highlights-open-contracting-practices-from-around-the-wo>

Country Examples

 In Peru public land for sale must be advertised for a minimum of 90 days

In Peru, a land auctioning process has been in place since the 1990s and since then 235,500 ha of public land has been auctioned for nearly US\$50 million. About 20 of the country's 50 main agro-export companies have received land through these auctions.

Where a government agency, ministry, regional or local government wishes to divest public land, the intention to divest the land is published, along with the minimum investment required and the minimum bid price for the land, in the official gazette, local and international newspapers, and a government Web site for a minimum of 90 days. Likewise, if an investor approaches the government, the evaluated proposal is published for a minimum of 90 days to allow other potential investors to present offers.

Bids are ranked by price offered and the amount of projected investment. Each auction takes 4-5 months and data on the minimum bid value of the land, the investment commitment, and data on land size are publicly available. Business plans are also made public. Redress can be remedied if the property was expropriated. If within one year of the conclusion of the court process the expropriated property is not used for its planned purpose, it automatically reverts to the original owner.

Peru's success in divesting public land through auctions is credited to the transparency of the process as well as to oversight from a high-powered and independent technical committee representing private and the public sectors. Competitive bidding for land provides a mechanism by which the host government achieves better terms and is able to extract some of the surplus created by the project, while eliminating direct negotiations between private buyers and public officials. However, the extent to which business plans incorporate community benefits, or how social and environmental concerns are considered during the awarding of investment projects, remains unclear.

- http://www.globalwitness.org/sites/default/files/library/Dealing_with_disclosure_1.pdf
- http://siteresources.worldbank.org/INTARD/Resources/ESW_Sept7_final_final.pdf

Intermediate Step: Require public disclosure of information about land holdings and transfers

Justification

Transactions for the purchase, lease, or concession of land are frequently negotiated by governments and potential investors behind closed doors. This makes it difficult for potentially affected individuals, the general public and other interested parties to gain access to information about current holdings or proposed transfers, which subsequently acts as a barrier to influencing decision-making or ensuring accountability. Incomplete flows of information also inhibits governments from ensuring they are negotiating the best terms for the management of public assets and can lead to lack of coordination among ministries and agencies.

Instead, secretive decision-making fosters an environment where corruption between political and business elites can prevail, where capture of natural assets becomes the norm, and where investment incentives are stacked against companies willing to push for better standards of ethical or legal behaviour (Global Witness et al, 2012). Improving transparency is a first step to enabling accountable equitable decision-making where people are able to hold governments or business enterprises to account for negative impacts.

Recommendations

1. **Establish rules and systems for proactive disclosure of information about land and land transfers and about opportunities for acquisition of public land.** This may form part of a broader set of policies for [open contracts](#), or the [right to information](#).
2. **Establish requirements to publicly disclose contracts, including licenses, concessions, permits, grants or any other document exchanging public goods, assets, or resources** (including all annexes, schedules and documents incorporated by reference) and any amendments public, as well as any applicable pre-studies, standard bid documents, performance evaluations, guarantees, and auditing reports.
3. **Ensure that relevant information relating to land disputes is disclosed**, including both judicial and non-judicial processes, but with safeguards to ensure due legal process.

Standards & Guidance

- Open Contracting Principles http://www.open-contracting.org/global_principles
- Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (2012) <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>

Advanced Step: Nominate independent grievance mechanisms for those affected by large scale land investments

Justification

Grievance resolution mechanisms provide a means for land tenure holders, business enterprises and other key stakeholders to refer complaints and bring actions concerning breaches of law, contract, explicit or implicit promises, customary practice, or notions of fairness of aggrieved communities. Given than large scale land investments are frequently undertaken in countries where rule of law is weak, access of affected peoples to such mechanisms is of utmost

importance. These mechanisms also provide a means reduce risk for responsible land investors and can enable those involved in corrupt land deals to be investigated and prosecuted.

The UN Guiding Principles on Business and Human Rights recommend that States must take appropriate steps to ensure that when business related human rights abuses occur within their jurisdiction, those affected have access to effective remedy.

Judicial grievance mechanisms need to be accessible and affordable for communities potentially affected by such projects, including the provision of legal aid. They must operate independently, be clearly separated from executive and administrative powers, and include appeal mechanisms. However, complementary independent mechanisms such as human rights commissions, ombudsman and complaints offices, as well as traditional authorities are also recognised as having a critical role. Judicial and non-judicial mechanisms need to be impartial and well resourced, and steps need to be taken to overcome barriers such as the cost of bringing claims, difficulty in securing legal representation, discrimination, threats of violence and lack of access to information and expertise.

Non-state based grievance mechanisms such as those administered by multi-stakeholder groups can also complement State-based grievance mechanisms providing early-stage recourse and a forum to reach mutually agreed solutions through dialogue.

Recommendations

Establish independent grievance mechanisms for land related complaints. These may be mediation-based, adjudicative or follow other culturally-appropriate and rights-compatible processes. The UN Guiding Principles on Business and Human Rights lay out criteria for the effectiveness of non-judicial grievance mechanisms, which should be legitimate, accessible, predictable, equitable, and transparent, in line with international human rights and a source of continuous learning. Key recommendations are to:

1. **Design the mechanism in consultation with stakeholders**, ensuring that the parties to a grievance process cannot interfere with its fair conduct.
2. **Address barriers to access including a lack of awareness of the mechanism**, language, literacy, costs, physical location and fears of reprisal.
3. **Provide public information about the mechanism**, how it can be accessed, and any support for doing so, including providing information about the procedure it offers.
4. **Communicate regularly with parties about the progress of individual grievances**. Timeframes for each stage should be respected wherever possible, while allowing that flexibility may sometimes be needed.
5. **Disclose information about the mechanism's performance to wider stakeholders**, through statistics, case studies or more detailed information, while maintaining confidentiality of the dialogue between parties and of individuals' identities where necessary.
6. **Analyse the frequency, patterns and causes of grievances** to identify policies, procedures or practices that should be altered to prevent future harm.

Standards & Guidance

- UN Guiding Principles for Business and Human Rights (2011)
http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

Advanced Step: Undertake participatory land and resource use planning

Justification

As pressure for commercial investments in land increases, governments need to carefully consider the different options for use. Existing land and natural resource rights and future needs must be formally recognized and protected before alternative or additional uses are considered. The impacts and externalities of all options need to be taken into account.

“Land use planning” is defined as “Systematic and iterative procedures carried out in order to create an enabling environment for sustainable development of land and resources which meets people’s needs and demands” (GIZ, 2011). If undertaken through transparent and participatory methodologies, such processes can reduce the risks of human rights and environmental violations, enable fair allocation of land and natural resource rights, aid better decision-making and empower citizens to hold decision-makers to account.

Although many developing countries have long histories of undertaking participatory land or natural resource use planning, such processes tend to lack the combination of local and national level legitimacy to secure tenure effectively. Long-term land and natural resource use plans need to be developed with full participation and engagement of all relevant stakeholders, be fully transparent and the result enshrined in law. Participatory land and resource use planning should be undertaken in conjunction with the formalisation of the rights of individuals and communities, especially those most vulnerable. As such, it is recommended that this step be considered an extension of opening the process for identifying and providing formal protection for legitimate land rights.

Recommendations

1. **Involve representatives of all land and resource users in dialogues**, and consultation meetings in order to develop robust governance policies.
2. **Ensure that timely, accessible, and accurate information** is disclosed about land and natural resource planning processes, as well as the dissemination of the final outcome.
3. **Authorise local government agencies to be able to take immediate action to map and protect land and resource rights which are under particular threat**, or involved in pre-existing disputes, pending approval of national level policies and processes, . This could include introducing a moratorium on large-scale deals, either overall or in particular hotspots, or the establishment of grievance resolution processes.
4. **Embed participatory land and resource use planning policy in a legal and institutional framework which:**
 - Facilitates the formal recognition of legitimate customary and traditional land and natural resource rights;
 - Ensure transfers are voluntary;
 - Promotes openness and broad access to relevant information;
 - Is technically and economically viable and in line with national development strategies;
 - Complies with minimum standards of environmental and social sustainability;
 - Enables review of existing concession awards that do not comply with the new standards.

Participatory planning can also be done at more localised scales (for example, in areas where tenure disputes are most prevalent), however the aim should be for national and local policies to be harmonized.

Standards & Guidance

- World Bank: Land Governance Assessment Framework (2012) <http://go.worldbank.org/XW0YK1HU60>

Country Examples

 British Columbia carried out participatory land use planning of its forests

In the early 1990s, the province of British Columbia in Canada initiated major land use planning processes and revisions of its forest policies. Following a decade of intense conflict over logging, the government initiated a Strategic Land Use Planning (SLUP) process with the hopes of ending what had come to be known as the 'War in the Woods'.

SLUP built on several key principles, including public participation, consensus-based decision making, consideration of all resource values and resource sustainability, and the involvement of indigenous peoples. A total of 17 plans were developed in the end, covering 85% of British Columbia's land base. While conflict over land is not fully resolved, SLUP participants, by and large, perceived the process as having been successful. One of the lessons that have been learned is that multi-stakeholder, consensus-based decision-making processes, while lengthy in time, can be beneficial as they allow for information sharing and trust building.

- http://www.globalwitness.org/sites/default/files/library/Dealing_with_disclosure_1.pdf

 Mali is reforming its policies for the agriculture sector with participation of farmers' associations

Mali has recently reformed its legislative and regulatory policies for the agriculture sector, resulting in the 2006 Agricultural Policy Act. The reform process relied heavily on the participation of farmers' associations.


The Mali Government gave the National Coordination of Farmer Organisations the responsibility and budget to hold consultations to canvass farmers' and other stakeholders' viewpoints. These suggestions were then used to develop the first draft policies and legislation. Various concerns raised by farmers' organisations, such as public participation in the monitoring of access to water and grievance mechanisms, and a policy favouring family farming and the right to food were included in the legislation.

During this legislative process, discussions on land issues were so numerous that the treatment of this issue had to be postponed. The participatory process which had been used to formulate the agricultural policy has continued to be used also in developing a new agricultural land policy. The Mali Government has adopted a roadmap to implement a participatory process, and has established a steering committee for this process, which includes farmers' organisations and civil society.

- http://www.globalwitness.org/sites/default/files/library/Dealing_with_disclosure_1.pdf

No commitments for this level

Open government data

 **Lead author:** [Sunlight Foundation](#) and [Open Knowledge Foundation](#)

Introduction

Open Data is the idea that data should be freely available for everyone to access, use and republish as they wish, published without restrictions from copyright, patents or other mechanisms of control. Public sector information made available to the public as open data is termed 'Open Government Data'. Governments and their contractors collect a vast quantity of high-quality data as part of their ordinary working activities. Typically this results in the state becoming a powerful data monopoly able to structure and homogenize the interactions between itself and its citizens. These one-sided interactions are expensive and unresponsive to citizens' needs and can unnecessarily restrict government activities, as well.

Opening government data involves both policy and technical considerations. If governments' data is made open, it can have huge potential benefits including:

- **Transparency:** In a well-functioning, democratic society citizens need to know what their government is doing. To do that, they must be able freely to access government data and information and to analyse and share that information with other citizens.
- **Efficiency:** Enabling better coordination and efficiency within government, by making data easier to find, analyse and combine across different departments and agencies.
- **Innovation:** In a digital age, data is a key resource for social and commercial activities. Everything from catching a bus to finding a doctor depends on access to information, much of which is created or held by government. By opening up data, government can help drive the creation of innovative business and services that deliver social and commercial value.

Where many public records laws and policies regulating the [right to information](#) have traditionally relied on *reactive* disclosure, meaning public information has to be requested before it is shared, a government fully engaged in open data is choosing to *proactively* disclose information - meaning public data is released as it is collected and before it is requested. Put another way, the vision of open data is for government information to be 'open by default'. Open data also has a number of technical implications, with special consideration given to the particular formats chosen for data release. Open formats are those that are structured and non-proprietary, allowing the public and the government to extract maximum value from the information now and in the future.

Governments around the world cite many different reasons for starting open data initiatives, including increasing government transparency and accountability, catalysing the creation of new digital services and applications for citizens, unlocking the full economic potential of public information, and evolving current government services for anticipated future needs. Although much of this top-level government interest is new, there are many professions and communities engaged in dialogue, policy, and development around this issue, including from government officials, journalists, developers, transparency reformers, issue advocates, and interested citizens.

Expert Organisations

Global Open Data Initiative <http://globalopendatainitiative.org/>

Sunlight Foundation <http://sunlightfoundation.com/>

Open Knowledge Foundation <http://okfn.org/>

World Bank's Open Government Data Working Group <http://data.worldbank.org/>

Web Foundation <http://www.webfoundation.org/>

Open Institute <http://openinstitute.com/>

OGP Working Group: Open Data <http://www.opengovpartnership.org/get-involved/join-working-group>

Summary of illustrative commitments

Initial

- Establish a strong, public commitment to opening data
- Identify and publish some public information as open data

Intermediate

- Develop a government-wide policy on open data, through an inclusive process
- Mandate the publication of new data sets

Advanced

- Create or appoint an oversight authority
- Create public listings of government data, and audit data availability and management
- Establish new legal rights to empower the public
- Proactively engage with and support data users
- Require that open data commitments apply to all organizations handling public data

Innovative

- Create unique identifiers for organisations, things and places

Detailed Recommendations

Initial Step: Establish a strong, public commitment to opening data

Justification

Governments seeking to reap the benefits of open data often start by publicly committing to the idea of open data and setting ambitious, but achievable goals for data release. Beginning with a strong, public commitment makes open data a cross-government practice and can provide a solid foundation for continued policy and technical development, as well as opportunities for engaging with the public, entrepreneurs and the private sector.

Commitments can and should outline the benefits of publishing data proactively and in open formats. Commitments can also help governments to welcome new stakeholders into the process of data release and deliberation. Including the public early on -- even in the commitment drafting process -- helps to build interest, advocacy prioritization, and technical support for later open data efforts, and empowers advocates to prioritize this issue and continues to monitor progress over time.

A strong, well-crafted commitment can be a useful tool for creating political space for other reform efforts, interim studies, and new policies, even while acknowledging that it is only a first step.

Recommendations


Make a visible, substantive, and ideally high level commitment to open data. For example, key steps that governments have taken are:

1. Public statement by the head of state to all government departments, making the case for open data, establishing key principles open format and license and presumption in favour of transparency and, setting priorities for action.
2. Establishing a coordinating body (e.g. in a Cabinet Office) or working group including members of the government and public for exploration of this issue.
3. Supporting legislative resolutions demonstrating support for transparent operations and the integration of open data into policy considerations.

Standards & Guidance

- Open Knowledge Foundation Open Data Handbook <http://opendatahandbook.org/pdf/OpenDataHandbook.pdf>
- Sunlight Foundation: Open Data Policy Guidelines <http://sunlightfoundation.com/opendataguidelines/>
- World Bank Open Data Toolkit <http://data.worldbank.org/open-government-data-toolkit>

Country Examples

 The City Council of Enschede passed a motion recognizing the importance of reusable open data and encouraging citizen participation

At a meeting in March 2011, the City Council of the Dutch city of Enschede passed the Motion *Innovation and Agility with Open Data* where it requested that data should be made open and freely available. The motion recognised that the value of the data held by the city could be enormously enhanced if it was available as open data, allowing citizens to use this data to contribute to economic and sustainable activities.

- <http://www.slideshare.net/TonZijlstra/enschede-netherlands-open-data-motion/>

The UK Prime Minister set out a broad commitment to open data in a letter to government departments

In May 2010, the UK Prime Minister, David Cameron, sent a [letter to government departments](#) on plans to open up government data. The letter contained the government's initial transparency commitments in relation to central and local government spending transparency, and key government datasets, such as crime data. The Prime Minister sent an additional letter to [Cabinet Ministers](#) on transparency and open data in July 2011 which set out a new set of commitments. These commitments focused on improving data quality and data availability, primarily concerning the National Health Service, education and skills, criminal justice, transport, and government financial information.

- <https://www.gov.uk/government/news/letter-to-government-departments-on-opening-up-data>
- <https://www.gov.uk/government/news/letter-to-cabinet-ministers-on-transparency-and-open-data>

The US government has made a public commitment to open data

The US Government has made strong public commitment to opening data in recent years. For example, on his first day in Office, President Obama signed the [Memorandum on Transparency and Open Government](#), instructing government agencies to take specific actions to implement the principles of transparency, participation, and collaboration. In addition, the Office of Management and Budget published an [Open Government Directive](#) in December 2009 obliging agencies to expand access to information by making it available online in open formats. Finally, the [Memorandum on Open Data Policy](#) from May 2013 established a framework to help institutionalise the principles of effective information management at each stage of the information's life cycle to promote interoperability and openness.

- <http://www.whitehouse.gov/open>

Initial Step: Identify and publish some public information as open data

Justification

An essential first step in any open government data initiative is to actually engage in the process of making information available online in structured, machine-readable formats (such as spreadsheets or CSV files, mapping data or marked up official documents) under an open license that clearly lets third parties use them without restriction. Unstructured data formats, such as scanned pictures of government documents, only allow the data to be seen, rather than extracted. Structure allows for machines to parse the information with more detail and accuracy and allows data to be searched, sorted, and analyzed more easily. Specific open data formats include JSON, CSV, and XML (for databases), and HTML and plain text (which are only semi-structured, but provide flexibility) for documents.

At the national level, there are at least 25 countries that have published open government data (listed at datacatalogs.org). Initial, early publishing of new datasets can help governments move toward proactive government data publishing at scale. Ideally the selection of what data to start with or prioritize should respond to demand from prospective users, whether directly solicited from these users or interpreted from related sources, such as freedom of information

requests.

When considering proactive data publishing at scale, governments should take advantage of the opportunity to publish data in bulk. Bulk access is a simple, but effective means of publishing datasets in full, giving the public the ability to download all of the information stored in a database at once. Whether offered as a feature of a data portal or even as a simple “click to download” button on a government agency, bulk access to information is often one of the simplest and most direct steps a government entity can take to share information with the public.


Recommendations

1. **Identify data valuable to internal and/or public processes for release**, working with government officials and members of key public stakeholder groups. While prioritising data, look for the opportunity to provide information that helps reveal and inform decision-making.
2. **Explore making the data both machine and human readable** by enriching it with semantics, metadata, and identifiers;
3. **Start to release some public information as open datasets** – i.e. in structured, machine-readable, platform-independent formats under an explicit open license.
4. **Explore avenues for government agencies to participate** at identifying data for publishing, both individually and in coordinated efforts.
5. **Identify data liaisons or coordinators** among existing staff who can help facilitate early conversations about data publishing with their department.

Standards & Guidance

- Open Data Definition <http://opendefinition.org/>
- Open Knowledge Foundation Open Data Handbook <http://opendatahandbook.org/pdf/OpenDataHandbook.pdf>
- OpenGovData.io <http://opengovdata.io/>
- Sunlight Foundation: Open Data Policy Guidelines <http://sunlightfoundation.com/opendataguidelines/>
- Ten Principles for Opening Up Government Information <http://sunlightfoundation.com/policy/documents/ten-open-data-principles/>
- The 10 Principles for Open Data <http://sunlightfoundation.com/policy/documents/ten-open-data-principles/>
- World Bank Open Data Toolkit <http://data.worldbank.org/open-government-data-toolkit>
- World Wide Web Consortium: Publishing Open Government Data <http://www.w3.org/TR/gov-data/>

Country Examples

 In Denmark, enabling free access to ‘basic data’ will save the government an estimated USD 45 million per year

As part of Denmark’s eGOVERNMENT strategy 2011-2015, individuals, public authorities and private businesses get free access to retrieve and use what in Denmark is called *basic data*. Basic data is fundamental information that is used by government for day to day administration and includes data about people, companies, addresses, land/properties and administrative geographic data, such as administrative and electoral boundaries.

Once the initiative has been completely phased in, in 2020, there are expected savings for the public sector of about USD 45 million per year as a result of lower administration costs. In particular the cost of buying data from other

government organisations will be reduced.

Saving for the private sector, from no longer having to submit the same information to the public sector several times or spend time on buying public data, is estimated to be about USD 87 million per year. It is expected that real estate, insurance, finance, and telecommunications and geospatial companies in particular will benefit directly from open basic data.

- http://uk.fm.dk/publications/2012/good-basic-data-for-everyone/-/media/Publikationer/Imported/2012/Gode%20grunddata%20til%20alle/BasicData_UK_web_2012.10.08.ashx

In Israel the government worked with Google to make transit data more useful

Data.gov.il is a single window portal that aims to give access to public records data produced from information held by the government. The idea is to encourage creative use of the data by civil society and the larger public by providing tools for information presentation, standardized downloading and standard APIs.

When Google Israel tried to use this data to create a transit app they identified many inaccuracies. Google Israel ran its validation tools over the government database and made recommendations for improvement. “We found the e-Gov team very open to the process of validation and improvement. It took 6-10 months of iteration with the government until we were able to create the transit map for 25,000 bus stations and 53 train stations across the country”

- http://www.opengovpartnership.org/sites/default/files/Israel_0.pdf
- <http://www.Data.gov.il>
- <http://maps.google.co.uk/intl/en/landing/transit/#dmy>

Moldova requires each Ministry to release new datasets

In April 2011, Moldova became one of the first countries in Eastern Europe to launch an Open Data portal. The portal, www.date.gov.md brings together datasets published by various Ministries and central administration offices. The Prime Minister issued a directive which required Ministries to release three new datasets each month.

- http://www.opengovpartnership.org/sites/default/files/Moldova_0.pdf
- <http://http://www.date.gov.md/>

The government of Chile has published 1,003 datasets

These 1,003 datasets, published on the government website datos.gob.cl are ordered by ministry, categories, and popular tags.

- <http://datos.gob.cl/datasets>

Intermediate Step: Develop a government-wide policy on open data, through an inclusive process

Justification

The centrepiece of many governments' open data initiatives is a government-wide policy committing to releasing new government data and to setting standards for how data is released. This policy serves as the primary substantive description of how the government will manage and release information. Open data policies should be practically aspirational, meaning that they should both define a vision for why the policy is being implemented, while also being able to provide actionable steps for government and relevant oversight authorities to follow to see the policy through to implementation. Creating regulations or guidance can ensure a strong, reliable policy, and usually means the difference between a policy passed for show versus policy passed for substance.

Open data access is a broad concept, and a well-designed open data policy should be relevant to many different communities. A strong policy requires consultation and collaboration with stakeholders both inside and outside government, both during the development of the policy and in its implementation.

Open government data policies are often best when developed iteratively, adapting to help strengthen and grow fledgling efforts and to identify where continued revision is needed. By being open (or even requiring) future review and iteration, open data policies will be able to keep current with best practices, technological advances, and feedback from existing policy oversight.

Recommendations

1. Create opportunities and channels to engage with data users – such as consultations, social media accounts, dedicated email addresses and staff who are able to process and respond.
2. Hold broad, inclusive consultations to take advantage of public expertise and build a legitimate process. Assign specific responsibilities for hosting consultations and pay special attention to excluded communities.
3. Proactively solicit for information from prospective data users about what kinds of information they would like – both initially and on an ongoing basis.
4. Review existing policies and barriers to open data access and reuse that may exist in the country.
5. Assign specific responsibility for drafting the policy, while involving government officials from across government. This should include responsibility for incorporating public suggestions into the policies.
6. Create requirements to establish open data as the default, ranging from data standards to new requirements for designing new data systems, to crafting complimentary laws with publication and data standards built in from the start.
7. The policy should include deadlines and actionable goals and benchmarks that can be used as a metric for compliance.
8. Consider establishing a single authority empowered to resolve conflicts, provide consistent oversight, and ensure compliance. This may be a role for an existing [Information Commissioner](#) or a new authority.
9. Ensure sufficient funding is dedicated for implementation.
10. Build new iterations of the policy after its release, to strengthen it.

Standards & Guidance

- Open Knowledge Foundation Open Data Handbook <http://opendatahandbook.org/pdf/OpenDataHandbook.pdf>
- Sunlight Foundation: Open Data Policy Guidelines <http://sunlightfoundation.com/opendataguidelines/>
- World Bank Open Data Toolkit <http://data.worldbank.org/open-government-data-toolkit>

Country Examples

Canada developed an Open Government License

Canada's OGP Action Plan included include a specific commitment to developing a new Open Government Licence. The goal of this commitment was to remove restrictions on the reuse of published Government of Canada information (data, info, websites, and publications), aligning better with international best practices for licensing. Various licences in use to this point were inconsistent, contained restrictive clauses, and were written in language only a lawyer could understand.

- <http://www.opengovpartnership.org/sites/default/files/Inspiring%20Story%20-%20Canada.pdf>

The Australian state of New South Wales opened up its draft open data policy to comments on the web

After consulting with stakeholders, the Australian state of New South Wales released a draft [Open Data Policy](#) in May 2013 for public comment. The public was given about a month to participate in a discussion forum on the website engage.haveyoursay.nsw.gov.au and provide input to the following questions: (1) Which 'open data principles' should be included in the policy?; (2) Which jurisdictions have the best open data policies and why?; and (3) What can governments do to promote open data in the public service?

- <http://engage.haveyoursay.nsw.gov.au/opendata>

The city of Oakland drafted their open data policy using a collaborative method involving open, online comments and public meetings


The 2013 open data policy for the city of Oakland, California, was drafted using a collaborative method in which the public was invited to comment and participate directly in a public hearing.

- https://docs.google.com/document/d/1s7_p8Duj9aH7MmULqBqOU13iKVqeBalD1Gk4Y2v4/edit?pli=1

The Flemish government's open data policy that makes open-by-default the standard

The Flemish government in Belgium approved an open data policy in 2011. The policy contains six main elements:(1) open data is the default option, and public digital availability the norm; (2) re-use of the data is allowed for any purpose; (3) open standards need to be used; (4) data is to be made available at the first source where possible; (5) integral approach to realizing open data, involving all levels of government; and (6) a central data warehouse on Flemish government's own data is foreseen.

- [http:// epsiplatform.eu/content/flemish-government-outline-open-data-policy](http://epsiplatform.eu/content/flemish-government-outline-open-data-policy)

 The US government established a public open source project to facilitate the implementation and evolution of its Open Data Policy

When the US Government established its Open Data Policy it recognised that technology moves much faster than policy ever could. Often when writing policy for technology, agencies are stuck with outdated methods as soon as they publish new policies.

It therefore established Project Open Data on GitHub, a popular code-sharing website used by the 'open source' community. Project Open Data is an online collection of code, tools, and case studies to help U.S. agencies adopt the [Open Data Policy](#). Anyone – government employees, contractors, developers, the general public – can view and contribute by editing the content, adding new pages, or adding tools.

At the onset, the General Services Administration is providing a moderator role – giving oversight and support, but over time, the vision is that contributors both inside and outside of government can be empowered to take on additional leadership roles.

- <http://project-open-data.github.io/>

Intermediate Step: Mandate the publication of new data sets

Justification

Governments produce tremendous amount of information, but often only a small subset is available on the Internet, even as more and more people look online for these records and resources. Open data initiatives provide an opportunity to identify data sets and records that could be, but are not yet, made available publicly – or online. Identifying and publishing this 'new' data is key to fulfilling the vision of any government's open data programme as it integrates open data norms into government procedure.

Requiring 'new' data to be published can in some instances refer to information that will be created, collected and released for the first time -- a unique opportunity to follow best practices in open data publishing from the start. In other instances, 'new' data can mean identification of existing datasets and mandating their release as open data.

Information can run the gamut from corporate registration data to the video, audio, and minutes from a public meeting. It can also include historic information that has previously been locked in paper-based archives. Specific mandates can be made about a variety of kinds of data -- information ranging from transportation data to lobbying registration databases to the video and audio of public meetings -- though careful consideration should be given to the language used to describe what information is affected. Descriptive phrases such as 'high-value' or 'high priority', when used without direction or indication of how to assign value or priority, can open up loopholes that slow or prevent the release of information desired by the public.

Recommendations

1. Work with government officials and members of key public stakeholder groups to identify data valuable to internal

and public processes that can be released.

2. Establish open data legislation which requires the release of specific classes or categories of datasets as open data.
3. Be clear about the scope of 'new' information and identify key agencies, committees or other relevant agents necessary for the digitization and publishing process.
4. Create specific requirements for ongoing updates of open data, and aim to release government data as quickly as it is gathered and collected (in 'real time').
5. Release new data online in a way that is free of intellectual property restrictions or fees, in a structured format and ensure that the data is kept updated in a timely manner.

Standards & Guidance

- Open Knowledge Foundation Open Data Handbook <http://opendatahandbook.org/pdf/OpenDataHandbook.pdf>
- Sunlight Foundation: Open Data Policy Guidelines <http://sunlightfoundation.com/opendataguidelines/>
- World Bank Open Data Toolkit <http://data.worldbank.org/open-government-data-toolkit>

Country Examples

 In Japan, the Parliament's National Library plans to digitise its entire collection to make available online

The National Diet Library of Japan, the country's only national library, is on its way to full-text digitisation, which will make Japanese literary artefacts widely available and searchable online.

- <http://www.futuregov.asia/articles/2011/aug/05/japan-digitises-national-diet-library/>

 In Slovakia, government contracts are published online

Corruption in public procurement in Slovakia has been a long-standing problem. Problems in public procurement occur through the manipulation of tenders before or after the awarding of the bid, for example by limiting competition through setting unreasonable conditions, or not fully enforcing contracts, or changing them significantly after tendering. One key example was the 'Notice Board Scandal,' a high profile procurement scandal which took place in 2007 when the Ministry of Development published a tender request for construction services totalling 119.5 million Euros on a small notice board in the hallway inside the ministry building where few could see it. A firm that was known to have close ties to the head of the ruling party won the contract. More than a year after the fact, the scandal came to light and was invalidated by the Slovakian Office of Public Procurement.

Slovakian law was overhauled in response to the 2011 update of the EU Procurement Directives and the concern over high profile public procurement scandals. Major reforms included:

1. The introduction of e-procurement, in which dissemination of tenders, tender documents, the submission of bids and the publication of notification of awards is done publicly through a single portal;
2. The introduction of reverse auction mechanisms for procuring goods and services
3. Mandatory publication of all public contracts on a centralized online government contract repository.

In the Slovak Republic, [Act No. 546/2010 Coll.](#) supplementing Act No. 40/1964 requires all public contracts, with certain limited exceptions, to be published online. To avoid secret contracts, any unpublished contracts are declared to be unenforceable. The Government [Public Procurement Office](#) manages Slovakian procurement rules. This office

publishes the official Public Procurement Journal, legal interpretation of the Public Procurement Act, maintains a [register of procurement documents](#) and operates the procurement portal, which is called [EVO](#).

These reforms have made it significantly easier for organizations and people outside the government to access public data about procurement. Previously access tender documents and other procurement data was granted primarily through requests under Freedom of Information Laws (FOI). If requests were not granted and appeals could take so long that the information was no longer relevant.

Now, through EVO all of that information is published including the contract itself and information on the bids received and the process of contracting.

The availability of data has lowered the barriers to entry for participating in the oversight process. This has enabled much greater public participation in uncovering suspect procurements. Before the reforms, exposing corruption relied on whistleblowers alerting journalists or watchdogs of suspicious proceedings. Now more tips come from local activists and individuals. For example teachers, highlighted information about large Ministry of Education procurements for flowers and alcohol and the Ministry of Finance conducted an audit.

Opening up the information makes it possible compare contractors and look at patterns across cities and institutions. Local people who may know who the mayor is friends with, and which local businesses have relationships with people of influence are able to spot issues that a researcher farther removed from the process might not be able to.

Despite these positive developments corruption in Slovakian public procurement remains a challenge. While the availability of data has been a positive step, there remain barriers to using it, and where there is no real threat of enforcement, transparency and disclosure are limited in their ability to bring about effective change. Researcher using the data say that rationalizing the manner in which the data is released and formatted would make it easier to use, reducing the cost of finding corruption and increasing the likelihood that improper processes will be uncovered. The NGOs TI-Slovakia and Fairplay Slovakia maintain an online [Open Contracts](#) website built off the procurement data scraped and structured from public sources. This portal visualizes procurement expenditures by procurers, suppliers, sectors and regions as well as provides downloadable structured procurement data in bulk. Having data available in these formats also enabled TI-Slovakia to conduct broader analyses than were previously possible.

Standardised data formats, bulk downloading, structured formats like XML would make it easier to use the data. Another key problem is that there are no data licenses attached to public data so it is not clear how it can be used. Additional information about pre-tender requirements would also be valuable.

Formal mechanisms and institutional means of sanction also need to be strengthened. The Sunlight Foundation concludes that "Most significantly, transparency alone, it appears, cannot change deeply ingrained corrupt practices in a short time span. Transparency can only highlight the problem, and provide tools for oversight and investigation. Enforcement mechanisms, both formal and informal, must be brought to bear to sanction those whose transgressions are revealed by transparency-enabled oversight."

[Source: Sunlight Foundation case study]

- <http://sunlightfoundation.com/blog/2013/08/12/case-study-public-procurement-in-the-slovak-republic/>
- <http://www.zmluvy.gov.sk/>
- <http://www.otvorenezmluvy.sk/>

 The Brazilian ministry of finance publishes large amount of budget data in machine-readable formats

Brazil has developed a number of instruments for fiscal transparency. The most well known initiative perhaps is the transparency portal www.portaltransparencia.gov.br/, which was started in 2004 and which draws together information from across the federal government. The portal includes information on public revenues, budgets and spending as well as income and assets of public servants and information on procurement. It is updated daily and provides searchable, open access to the data, as well as offering specific sections focused on areas of particular interest such as the World

Cup and the Olympics.

The portal aims to provide information which can be easily accessed and used. For example budget lines are tagged with popular names (for example 'bolsa familia' as well as the official title 'Transferência de renda e apoio à família no acesso à saúde e a à educação'). The information in the budget portal is provided in the form of open, machine readable data, so that it can be used and reused by civil society, media and other organisations to create analysis, visualisations and tools to navigate the information.

As the practice of transparency has developed, so too has the legal framework. In 2012 Brazil established a new Transparency Law obliging all Brazilian public entities (executive, judiciary and legislative bodies at the federal, state and municipality levels, as well as in the federal district) to publish detailed budget data online in real time. The transparency initiative is led by the Office of the Comptroller General. Significant effort has been put into education and dialogue, both within and outside of government, to understand user information needs, to support users to use the data and to generate high quality information flows.

As part of its first OGP Action Plan Brazil has been providing more budget information on its transparency portal, improving data on social benefits and on contracts. In its second Action Plan there is a plan to rebuild the Transparency Portal completely, based on learning from the first ten years, to improve quality and usability and to connect budget information to datasets on actions. The federal government is now working to encourage states and municipalities to develop their own portals.

[Source: Based on a webinar presentation by Otavio Castro Neves, July 30 2013]

- <http://www.opengovpartnership.org/webinar-introducing-fiscal-openness-working-group>

The Senate of Italy publishes legislative data on its own open data portal

The Italian Senate publishes legislative data on its data portal *dati.senato.it*. The portal provides information for citizens, researchers and journalists to analyse and share information of what is being proposed, discussed and voted in the Senate. The data is released under Creative Commons (CC BY 3.0) for free reuse.

- <http://dati.senato.it/>

Advanced Step: Create or appoint an oversight authority

Justification

A single authority empowered to resolve conflicts, provide consistent oversight, and ensure compliance with new open data measures is a valuable asset to any open data policy. Commonly, open data initiatives either direct a pre-existing officer (i.e. a chief technology or administrative officer) or a specific department to oversee execution and compliance, although new positions and authorities can also be created. Specifying an authority, review board, or similar body is an important step to making sure that an open data policy can actually be executed and provides a resource to address unforeseen hurdles in implementation. New oversight bodies should conduct their work independently and publicly, and can be bolstered by creating new regulations or guidance for implementation.


Recommendations

For any authority created or granted, care should be given that the new position has powers of enforcement to follow through on their work and address resistance or non-compliance.

Standards & Guidance


- OpenGovData.io <http://opengovdata.io/>
- Sunlight Foundation: Open Data Policy Guidelines <http://sunlightfoundation.com/opendataguidelines/>
- World Bank Open Data Toolkit <http://data.worldbank.org/open-government-data-toolkit>

Country Examples

 Australia's information commissioner is responsible for all information held by the government


According to the Australian Information Commissioner Act 2010, the information commissioner's function is to report on any matter related to the collection, use, disclosure, management administration or storage of, or accessibility to, information held by the Government.

- <http://www.comlaw.gov.au/Details/C2010A00052>

 In Canada, the information commissioner investigates access to information complaints and advocates for more proactive disclosure within government

The Information Commissioner in Canada investigates complaints about federal institutions' handling of access requests. The Information Officer also encourages federal institutions to disclose information, and continually makes the case for greater freedom of information through targeted initiatives, such as the annual [Right to Know Week](#), and ongoing dialogue with Canadians, Parliament, federal and provincial institutions.

- http://www.oic-ci.gc.ca/eng/abu-ans_what-we-do_ce-que-nous-faisons.aspx

 In the U.S. state of Utah, a Transparency Advisory Board acts as the oversight authority for the state's open data policy

In the U.S. state of Utah, the Utah Transparency Advisory Board acts as the oversight authority for the state's open data policy. The Board is comprised of six members knowledgeable about providing public access to public financial information. Its responsibilities include making public information more accessible through an information website transparent.utah.gov.

- <http://le.utah.gov/~2013/bills/sbillenr/SB0283.pdf>

Advanced Step: Create public listings of government data, and audit data

availability and management

Justification

Government officials, policy-makers, and members of the public can only request or analyse what they know exist. Too often, government officials themselves are not aware of the details or amount of information that they possess. A comprehensive index or listing of government information both enables policy-makers and administrators to determine whether information is being appropriately managed, and empowers public oversight of those determinations. Publicly accounting for agency information helps ensure that information is managed to benefit the public interest, and can create efficiencies among government departments.

To provide up-to-date information, agencies can also be required to regularly audit their information holdings.


Recommendations

1. Craft a high level policy requiring each individual department to index all of their data.
2. Design the variables and labels that will accompany all listed government datasets -- i.e. is it public or not, could it be made public, is it accessible through FOI request, what is the justification or classification for non-release, if public, where it can be found, etc.
3. Publish data indexes online so that public datasets can be directly linked to.
4. Explore opportunities to use the auditing process as an empowering mechanism for government agencies to be recognized for the information they collect, handle and share.

Standards & Guidance


- Sunlight Foundation: Open Data Policy Guidelines <http://sunlightfoundation.com/opendataguidelines/>

Country Examples

 In Canada, a government wide initiative has been undertaken to identify all government data holdings

The Canadian Data Inventory Project is a government-wide stock-taking of federal data holdings. The inventory consists of the metadata on datasets held within government departments and will be linked, when possible, to specific key policy issues. Other metadata will include the title, subject area and subtopics, time and geographic coverage, data source and size, ownership and contact information and a description of the dataset. Together with this data inventory project, work is also being done to assess data needs and identify data gaps.

- http://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=5190&Item_Id=122357

 In the U.S. city of San Francisco, the government's open data policy calls for all departments to publish an inventory of data held

According to the [San Francisco's Open Data Policy](#), each City department must make reasonable efforts to make

available all datasets under the department's control. In addition, the policy calls for an Open Data Plan to be prepared and to include a summary description of all datasets under the control of each City department.

- <http://sunlightfoundation.com/blog/2013/04/25/open-data-policy-evolution-san-francisco/>

 In the United States, the 2013 Open Data Policy called for federal agencies to perform an audit and create an index of datasets

The US [Open Data Policy](#) from 2013 require agencies to index all of their data (internally), to make a public list of all their public data, and requires all agencies to list all their data that *can* be made public.


- <http://sunlightfoundation.com/blog/2013/05/09/open-data-executive-order-shows-path-forward/>

 The England and Wales Land Registry contains an inventory of all available data

The Land Registry is a UK government department established in 1862, responsible to the Secretary of State for Business, Innovation and Skills. It keeps and maintains the Land Register for England and Wales; one of the world's largest property datasets.

A number of [free datasets](#) have been published since 2012 under the Open Government Licence (OGL) in CSV and Excel formats, and as of January 2013 as linked data. The Land registry is progressively adding more datasets, focusing on those it judges to be of wider public interest, information frequently requested and information that is not available from elsewhere. As part of this process the Land Registry released a dataset inventory to provide a transparent, comprehensive list of the data it holds, clearly outlining whether it can release it as open data, and inviting feedback to prioritise future data releases.

- <http://data.gov.uk/dataset/land-registry-dataset-inventory>
- <http://www.landregistry.gov.uk/media/all-releases/press-releases/2013/land-registry-goes-big-on-open-data>

 The National Audit Office in the UK audited government data holdings and released a report on their findings to the public

The UK National Audit Office scrutinises public spending on behalf of Parliament and has statutory authority to report to Parliament on the economy, efficiency and effectiveness with which departments and other bodies have used their resources.

In 2012 the NAO carried out a cross-government review of the government's progress in implementing transparency. This included a survey and interview of 16 departments and a review of central and local government data releases to assess compliance with Treasury guidance on departmental spending data, and progress towards implementation of the public data principles developed by the Public Sector Transparency Board.

- <http://www.nao.org.uk/wp-content/uploads/2012/04/10121833.pdf>

Advanced Step: Establish new legal rights to empower the public

Justification


Laws regulating access to data and public records are not limited to managing internal processes for publishing; they can also give the public new oversight powers to defend their access and support continued compliance with open data policies, and even the quality and integrity of the data. These powers can be expressed through the right to sue or by strengthening the powers of ombudsmen, anti-corruption agencies or other mechanisms for the public to investigate and settle disputes about government data.

Recommendations

Standards & Guidance

- Sunlight Foundation: Open Data Policy Guidelines <http://sunlightfoundation.com/opendataguidelines/>
- World Bank Open Data Toolkit <http://data.worldbank.org/open-government-data-toolkit>

Country Examples

 In Indonesia, individuals have the right to pursue legal recourse if they are prevented from obtaining information under the freedom of information act


The Indonesian Public Information Disclosure Act from 2008 (Article 4) gives individuals the right to file a suit in court if they are obstructed from obtaining, or fails to obtain information for which they entitles.

- <http://ccrinepal.org/files/documents/legislations/12.pdf>

 Many government's FOI laws give citizens the right to sue the government over freedom of information requests

The U.S. Freedom of Information Act, for example, provides a person with the right to sue the government if he/she has had no response to an information request in a fixed period of time.

- <http://www.justice.gov/oip/amended-foia-redlined.pdf>

 Some countries, such as Canada, have freedom of information ombudsmen with special legal enforcement powers

In Canada, the Information Commissioner investigates complaints about federal institutions' handling of access to information requests and has strong investigative powers to assist her in mediating between dissatisfied information applicants and government institutions. As an ombudsperson, the Commissioner may not order a complaint to be resolved in a particular way, though she may refer a case to the Federal Court for resolution.

- http://www.oic-ci.gc.ca/eng/abu-ans_what-we-do_ce-que-nous-faisons.aspx

Advanced Step: Proactively engage with and support data users

Justification

Many of the most successful open data initiative do not stop at publishing open data and waiting to see what happens. To maximise the impact of public information they proactively engage with citizens and end users, to understand and respond to their needs and demands. This might include running or supporting events, workshops, hackathons, competitions, and fellowships, as well as having dedicated staff and communication channels through which to support data users and intermediaries.

Recommendations

To engage data users, governments can:

1. Run or support events, workshops, hackathons, competitions, fellowships or other initiatives to facilitate the reuse of public information.
2. Ensure that there are government officials who are able to proactively engage with, and understand and respond to, the demands of data users (e.g. at events or through relevant online channels).
3. Set up and resource dedicated communication channels to engage with data users such as social media accounts, email lists, webinars and events.

Standards & Guidance

- Open Data Definition <http://opendefinition.org/>
- Sunlight Foundation: Open Data Policy Guidelines <http://sunlightfoundation.com/opendataguidelines/>
- World Bank Open Data Toolkit <http://data.worldbank.org/open-government-data-toolkit>
- World Wide Web Consortium: Publishing Open Government Data <http://www.w3.org/TR/gov-data/>

Country Examples

NASA hosted the world's largest hackathon

The International Space Apps Challenge is an international mass collaboration focused on space exploration that takes place over 48-hours in cities around the world. The event embraces collaborative problem solving with a goal of producing relevant open-source solutions to address global needs applicable to both life on Earth and life in space. Themes are Earth Watch, Technology in Space, Human Spaceflight, Robotics and Asteroids. NASA is leading this global collaboration along with a number of government collaborators and 100+ local organizations.

- <https://2014.spaceappschallenge.org/about/>
- http://www.opengovpartnership.org/sites/default/files/USA_0.pdf

 In Israel the government worked with Google to make transit data more useful

Data.gov.il is a single window portal that aims to give access to public records data produced from information held by the government. The idea is to encourage creative use of the data by civil society and the larger public by providing tools for information presentation, standardized downloading and standard APIs.

When Google Israel tried to use this data to create a transit app they identified many inaccuracies. Google Israel ran its validation tools over the government database and made recommendations for improvement. "We found the e-Gov team very open to the process of validation and improvement. It took 6-10 months of iteration with the government until we were able to create the transit map for 25,000 bus stations and 53 train stations across the country"

- http://www.opengovpartnership.org/sites/default/files/Israel_0.pdf
- <http://www.Data.gov.il>
- <http://maps.google.co.uk/intl/en/landing/transit/#dmy>

Advanced Step: Require that open data commitments apply to all organizations handling public data

Justification

Governments often use third-party entities, contractors, and quasi-autonomous government agencies to carry out public services and generate, handle or research, government information, but the use of outside services should not obscure access to government information. Ensuring that open data is defined not solely as data held by the government but as information collected, stored, processed, or housed otherwise on behalf of the government ensures that public data is treated consistently.

Recommendations

1. Communicate to agencies, and contractors about the role and value of open government data.
2. Integrate open data requirements into grants and contracts with quasi-governmental agencies and other similar actors, such as multi-state agencies, government-sponsored entities, publicly-funded universities, and self-regulatory organizations should release.
3. Specify open data formats and disclosures in contracts with private sector providers.
4. Employ open source solutions whenever possible to enable sharing.

Standards & Guidance

- Open Data Guidelines for Procurement <http://sunlightfoundation.com/procurement/opendataguidelines>


Country Examples

 In the US, the White House Office of Science and Technology Policy requires federal agencies that fund

 research make the results and underlying data available to the public

A memo *Increasing Access to the Results of Federally Funded Scientific Research* from the Office of Science and Technology Policy from February 2013 includes a requirement for all U.S. federal agencies that spend over \$100 million annually supporting research and development to make the results of that (non-classified) research, as well as the underlying data, available to the public within a year of publication.

- http://www.whitehouse.gov/sites/default/files/microsites/ostp/ostp_public_access_memo_2013.pdf

 The US city of Chicago is developing contract provisions to promote open data in technology related procurements

Chicago's open data policy includes a provision requiring the chief data officer to work with the chief procurement officer to develop contract provisions to promote open data policies in technology-related procurements.

- http://www.cityofchicago.org/city/en/narr/foia/open_data_executiveorder.html

Innovative Step: Create unique identifiers for organisations, things and places

Justification

Many government datasets refer to other entities – for example national budgets refer to departments, company registers refers to companies, charity registers refer to charities (which may also be companies) and education performance tables refer to schools. Without a standardised way of referring organisations, locations and things, cross referencing between different datasets requires manual cross-examination against other contextual information. Some analyses can become difficult or impossible, since similar names may or may not refer to the same entities.

When identifiers are shared across data silos, they create connections and make the data more adaptable. The value of the two connected datasets becomes more than just the sum of their parts.

Recommendations

1. Create guidelines for the naming and using of unique identifiers for government datasets and the entities they refer to.
2. Create reusable sets of identifiers for common sets of public entities, such as Government Departments, Local Authorities, Schools and Railway Stations.
3. Work with governments, and through standards bodies and other consensus groups to unify unique identifiers in key areas of collaboration.

Standards & Guidance

- 6 Degrees of Corporations <http://sunlightfoundation.com/sixdegrees/resources/>
- Open Data Guidelines for Procurement <http://sunlightfoundation.com/procurement/opendataguidelines>
- Sunlight Foundation: Open Data Policy Guidelines <http://sunlightfoundation.com/opendataguidelines/>
- World Wide Web Consortium: Linked Data <http://WWW.W3.ORG/DESIGNISSUES/LINKEDDATA>

Country Examples

 Belgium piloted a system to develop unique identifiers for addresses and streets


The Core Location Pilot 'Interconnecting Belgian National and Regional Address Data' analysed the possibility of developing unique identifiers for addresses and streets in Belgium.

- https://joinup.ec.europa.eu/svn/core_location/pilot/D5.2.1_Core_Location_Pilot-Interconnecting_Belgian_National_and_Regional_Address_Data.pdf

 The UK government published guidelines on the use of unique resource identifiers

The UK Government website *data.gov.uk* provides guidance about publishing Linked Data/unique resource identifiers within the UK public sector.


- <http://data.gov.uk/resources/uris>

 The US White House requires predictable URLs for committee documents and data

In order to ensure that members of the public have easy access to U.S. legislation, the U.S. White House enacted the 'Standards for the Electronic Posting of House and Committee Documents & Data' in 2011. These standards included a requirement for files to be posted using permanent URL links.

- http://cha.house.gov/sites/republicans.cha.house.gov/files/documents/hearing_docs/2011_12_16_posting_standards.pdf

Parliaments

 **Lead author:** [National Democratic Institute](#)

Introduction

Citizen participation in democracy begins at the ballot box. But genuine elections – no matter how free and fair – are insufficient in ensuring that elected officials are accountable and responsive to citizens. Parliaments are the citizens' institutions. As the representative branches of democratic governments, parliaments are meant to provide citizens with links to the policy-making process and with methods of holding the executive branch to account. As a place for informed debate on the issues affecting citizens, parliaments are ultimately responsible for finding compromise among competing interests, enacting these compromises into laws, and ensuring their successful implementation.

The Inter-Parliamentary Union characterizes the “democratic parliament” as one that is representative of the social and political diversity of a people, transparent in the conduct of its business, accessible to the involvement of citizens and interest groups, accountable for its performance, and effective in organizing and conducting its work. Parliaments have gathered in regional and international venues across the globe to discuss the specific characteristics of a democratic parliament, emphasizing these same values.

The concept of parliamentary openness is a crucial factor in enhancing how parliaments function. The Declaration on Parliamentary Openness is a normative framework developed by the OpeningParliament.org community of parliamentary monitoring organizations, with the support of several parliaments and parliamentary associations. The Declaration states that parliamentary openness “enables citizens to be informed about the work of parliament, empowers citizens to engage in the legislative process, allows citizens to hold parliamentarians to account and ensures that citizens’ interests are represented.” It is this connection with citizens that deepens the legitimacy of parliament and, in turn, provides an incentive for parliaments to promote a culture of openness in government more broadly.

The illustrative commitments outlined herein represent a sample of possible commitments parliaments can make to become more open and engaging of citizens. As illustrative commitments, these ideas represent a sampling of measures taken by parliaments around the world. Efforts to design and implement commitments to further open parliaments must recognize differences among parliamentary systems. They must also recognize differing levels of parliamentary and governmental resources, as well as differences stemming from a country’s historical and political context. Nevertheless, meaningful commitments to advance parliamentary openness should demonstrate a respect for citizens’ right to openness, participation and accountability, as well as a desire to deepen the relationship of trust between citizens and their parliaments more broadly.

Expert Organisations

National Democratic Institute <http://www.ndi.org/>

OpeningParliament <http://www.openingparliament.org>

Global Centre for ICT in Parliament <http://www.ictparliament.org/>

Inter-Parliamentary Union <http://www.ipu.org/>

The Latin American Network for Legislative Transparency <http://www.transparencialegislativa.org/>

OGP Legislative Openness Working Group <http://www.opengovpartnership.org/get-involved/join-working-group>

Summary of illustrative commitments

Initial

- Define clear rules on parliamentary openness and integrity, and develop capacity to implement them
- Enable citizens to provide input into the legislative process
- Proactively publish information about parliament's roles, functions and work online

Intermediate

- Make parliamentary information easier to understand and accessible to citizens through multiple channels
- Partner with external groups to enhance citizen participation with parliament
- Publish parliamentary information in open formats

Advanced

- Conduct targeted outreach to youth and historically marginalized communities
- Develop digital platforms and capacities to enable citizen engagement with parliament
- Ensure that parliamentary openness procedures are in line with international good practice

Innovative

- Develop and share open-source parliamentary software
- Enable citizens to engage with parliaments and MPs using mobile and SMS technology

Detailed Recommendations

Initial Step: Define clear rules on parliamentary openness and integrity, and develop capacity to implement them

Justification

For citizens to be able to participate in the legislative process, they must have an understanding of the rules of engagement, and trust that they are implemented fairly. Provisions on parliamentary openness and regulations about ethics and behaviour of parliamentarians and public officials can be established through constitutions, statutes, rules of procedure, or through a mix of these and other regulations. By adopting explicit and clear policies on openness, parliaments can signal their commitments to representing citizens' needs and help them navigate this potentially confusing terrain. An openness policy can include procedures for requesting parliamentary information that is not otherwise readily available, as well as procedures for challenging decisions to not disclose particular information. The right of citizens to access and analyse the work of parliament is linked with policies on integrity, which may be established in parliamentary bylaws, or through the adoption of codes of conduct or ethics. Transparency requirements which shine light on the assets, expenses and relationships between parliamentary actors with lobby or interest groups are particularly important, irrespective of a parliament's level of development.

According to the OpeningParliament.org community's [Declaration on Parliamentary Openness](#) (art.13), "Parliament shall adopt policies that ensure the proactive dissemination of parliamentary information, including policies regarding the formats in which this information will be published." The Declaration on Parliamentary Openness echoes the conclusions of a 2004 Commonwealth Parliamentary Association (CPA) and World Bank Institute (WBI) study group on access to information, which noted that consideration should be given to regular parliamentary review, for example on a biannual basis, of implementation of the access to information regime (Mendel, 2005). In its [Benchmarks for Democratic Legislatures](#), the CPA also states that "Legislatures shall require legislators to fully and publicly disclose their financial assets and business interests," a benchmark supported by the Assemblée Parlementaire de la Francophonie (APF), Parliamentary Confederation of the Americas (COPA), and the South African Development Community Parliamentary Forum (SADC-PF) and the OpeningParliament.org community.

Recommendations

1. **Recognize citizens as the owners of parliamentary information.** This includes respecting citizens' right to access parliamentary information, including proactively providing information categories needed by citizens to make informed decisions about issues being discussed in parliament and their elected officials.
2. **Conduct an assessment of parliament's information and integrity policies and implementation capacities.** This review should examine the flow of parliamentary information, the technological infrastructure to support this workflow, and how information is used by citizens, civil society and other stakeholders. A review of a parliament's system for ensuring public integrity review should focus on identifying the mechanisms in place for addressing potential conflicts of interest and disclosure of the financial interests of parliamentarians.
3. **Develop a workplan for enhancing public access to parliamentary information and opportunities for citizen engagement,** and for removing or minimizing restrictions on citizen access to use of parliamentary information.
4. **Create a basic parliamentary ethics regime.** This could include adopting regulations for disclosing member assets and any non-parliamentary income. It may also include adopting ethics regulations limiting conflicts of interest and the creation of an ethics committee or other body charged with the enforcement of these regulations.
5. **Enable citizens and citizen-based groups to provide input into the policy process,** to understand their needs and concerns and help ensure that parliamentary information can reach a broader audience.
6. **Develop a primer for citizens that clearly explains the parliament's policies in plain language,** especially where rules and regulations affecting the transparency and openness of parliamentary information or the ethical responsibilities


of parliamentary actors are captured in a variety of laws, statutes and policies.

7. **Create educational opportunities for MPs and staff** to help them gain the skills necessary to effectively implement these openness and integrity policies.

Standards & Guidance

- Commonwealth Parliamentary Association: Recommended Benchmarks for Democratic Legislatures http://www.cpahq.org/cpahq/Main/Document_Library/Benchmarks_for_Democratic_Legislatures/Recommended_Benchmarks_for_Democratic_Legislatures.aspx
- Declaration on Parliamentary Openness <http://openingparliament.s3.amazonaws.com/docs/declaration/commentary-20120914.pdf>


Country Examples

 In India, a declaration of assets is mandatory within 90 days of taking office as a Member of Parliament

In India, the voter has the fundamental right to know the financial background of any person contesting elections to Parliament. Since 2003, it has become regular practice for candidates contesting elections to Parliament to submit an official declaration disclosing details of assets and liabilities for self, spouse and three dependents. The Election Commission of India is required to make these affidavits public so that the voter may get to know the background of electoral candidates.


After a candidate wins elections to either House of Parliament it becomes mandatory for him/her to declare their assets (movable and immovable property for self, spouse and dependent children) within 90 days of taking oath of office as an MP. Liabilities to public financial institutions and the Central and any State Government are also required to be disclosed.

- http://www.humanrightsinitiative.org/publications/rtp/parl_citizens_bridging_gap_thro_greater_transparency.pdf

 The Mexican Senate's Transparency Committee has developed a workplan on parliamentary openness

After conducting a review of the Senate's transparency policies against the [Declaration on Parliamentary Openness](#), the Mexican Senate's Transparency Committee has developed a workplan on parliamentary openness. The review took place with assistance from the local parliamentary monitoring organisation and think tank [Fundar](#).

- <http://blog.openingparliament.org/post/45116039342/lessons-on-networking-and-advocacy-from-mexico>

 The Scottish Parliament has developed a series of Key Principles that guide the practices of parliament and the work of MPs

After a wide public consultation process, the Scottish Parliament published a set of Key Principles in 1999, '[Shaping Scotland's Parliament](#)' which set out how the Parliament should work. The Principles are:

- **Accountable:** the Scottish Parliament is answerable to the people of Scotland. The Scottish Parliament should hold the Scottish Government to account;

- Open and Encourage participation: the Scottish Parliament should be accessible and involve the people of Scotland in its decisions as much as possible;
- Power Sharing: power should be shared among the Scottish Government, the Scottish Parliament and the people of Scotland, and
- Equal Opportunities: the Scottish Parliament should treat all people fairly.
- <http://www.scottish.parliament.uk/visitandlearn/Education/18651.aspx>

The U.S. House of Representatives has clearly defined its standards for posting electronic information

The U.S. House of Representatives, through its Committee on House Administration, published its standards for posting electronic information in December 2011. The standards are intended to ensure easy access to legislation considered by the House and its committees, and will be subject to periodic review and reissuance. Greater detail related to the House's [use of XML standards](#) for posting information electronically is also available.

- <http://cha.house.gov/member-services/electronic-posting-standards>

Initial Step: Enable citizens to provide input into the legislative process

Justification

International parliamentary associations broadly agree that citizens should have the right to provide input into the work of the legislature. The Commonwealth Parliamentary Association has adopted a [benchmark](#) stating: "Opportunities shall be given for public input into the legislative process," an idea echoed by the [Southern African Development Community Parliamentary Forum](#) and the [Confederation of Parliaments of the Americas](#). The [Treaty on the European Union](#) states, "The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action." According to the [Declaration on Parliamentary Openness](#): "Parliament has a duty to actively engage citizens and civil society, without discrimination, in parliamentary processes and decision-making in order to effectively represent citizen interests and to give effect to the right of citizens to petition their government."

Many parliaments have recognized the value of actively soliciting citizen input in the legislative process by providing mechanisms for citizens to share their policy ideas, their experiences with a given law, and their expertise on the problems that a given law may seek to address. To provide opportunities for citizen's input into the law-making process, a simple initial step is to institutionalize public hearings as a method for citizens and CSOs to provide comment on draft legislation. In addition, however, parliaments are increasingly using new technologies to provide new, more robust opportunities for citizens to participate in the law-making process.

Recommendations

Parliaments should adopt mechanisms to receive citizen input into the legislative process. Recommendations include:

1. **Hold public committee hearings as a means of enabling citizens to provide input on legislation.** When focused and structured, public hearings allow parliaments to benefit from the expertise of citizens. By taking testimony from government officials and investigating the use of public funds, public hearings can also demonstrate to the public that

parliament is ensuring that government implements policy effectively and in accordance with citizen interests.

2. **Consider providing opportunities for citizens to submit written comments on draft laws.** In some instances, these comments become part of the official record.
3. **Provide basic support for constituency relations efforts of MPs.** Many parliaments provide MPs with a minimum of support to travel to and from their constituencies for the purposes of meeting with constituents. Some also fund constituency offices.

Standards & Guidance

- Declaration on Parliamentary Openness <http://openingparliament.s3.amazonaws.com/docs/declaration/commentary-20120914.pdf>
- EU: Information and Communications Technologies in Parliament: Tools for Democracy http://www.europarl.europa.eu/pdf/oppd/Page_8/ICT_FINAL.pdf
- Inter-Parliamentary Union & United Nations: Global Parliamentary Report, 2012 <http://www.ipu.org/pdf/publications/gpr2012-full-e.pdf>

Country Examples

 Citizens are invited to have their say in the legislative process in Ghana, South African and Uganda

In Ghana, memoranda are welcomed from the public on any bill before committee. The South African Parliament allows for “submissions” to committees as well, and provides a simple description for how citizens may use this tool in its website. While in Uganda, members of the public may appear before parliament to give evidence on an item in the budget.

- http://www.ipu.org/PDF/publications/democracy_en.pdf
- http://www.parliament.gov.za/live/content.php?Category_ID=53
- <http://www.parlcent.org/en/wp-content/uploads/2011/09/API-African-Parliamentary-Index.pdf>

 The Swedish parliament reaches out to citizens in a variety of ways

In Sweden, parliament reaches out to citizens through regional surveys or by holding panels of MPs in local districts. Parliament has also opened regional ‘branches’ throughout the country, where citizens can access educational and informational material on parliament and follow live broadcasts of parliamentary proceedings. These branches serve as meeting places for MPs and voters.

- <http://www.ictparliament.org/wepr2010>

Initial Step: Proactively publish information about parliament’s roles, functions and work online

Justification

Nearly all of the world's parliaments have websites, enabling citizens to access parliamentary information wherever Internet access is available. Even in countries where Internet penetration may be low, putting information online makes information available to civil society organizations, the media and citizens, who all play an important role in transmitting parliamentary information. While the Global Centre for ICT in Parliament reports that more than 93% of parliamentary websites in a recent survey included information on their composition and function, many parliaments do not provide public access to a variety of critical legislative documents that are necessary for citizens to be able to influence decision-making processes. Even when this information is publicly available, it may not be available in a fashion that enables broad participation. According to a World Bank Institute report, "international provisions make clear that, in addition to having numerous benefits for public bodies and for members of the public, proactive disclosure is an obligation that is part of the right of access to information" (Darbishire, 2013). The [Declaration on Parliamentary Openness](#) (section 2, provisions 13-26) contains a comprehensive list of information that parliaments should make available, as does the Inter-Parliamentary Union's [Guidelines for Parliamentary Websites](#).

Recommendations


- 1. Establish requirements for the proactive publication of parliamentary information** including:
 - Information about parliament's roles and functions;
 - Legislative process information: proposed legislation and amendments, laws enacted, the legislative workflow, preparatory analysis, reports and background documents, and historical information;
 - Agenda and meeting information: advance notice of plenary and committee meetings;
 - Member information: Basic information about members, their backgrounds and activities, including votes and transcripts, their assets and expenses, and sufficient information for citizens to make informed judgments regarding their integrity and probity;
 - Parliamentary institution and committee information: their powers and functions, management and administration of parliamentary, parliamentary staff, and detailed budget data.
- 2. Consider the quality of the information provided, as well as any barriers to use of his information by citizens.** The Declaration on Parliamentary Openness highlights a number of principles that contribute to helping parliaments meet this end, including:
 - Accuracy: Parliamentary information should be authoritative and accurate.
 - Timeliness: Parliamentary information should be provided as close to real time as possible and at minimum in time for citizens to influence the legislative process.
 - Completeness: Parliaments should strive to make the full body of information categories available to citizens (for example, not just some draft legislation or votes, but all draft legislation and votes).
- 3. Seek to minimize other restrictions and burdens on citizen access to use of parliamentary information.** For example, parliaments should consider taking steps to:
 - Allow for simple and complex searches using persistent URLs so that documents remain at their same web address over time.
 - Eliminate any fees associated with accessing or searching laws and subsidiary legal requirements, as well as applying copyright or similar tools to limit sharing or publication of laws, which should be viewed as belonging to the public.
 - Eliminate provisions that compromise the privacy of users of parliamentary information.
 - Avoid the use of unnecessary use of legalese and technologically complex language, which can also serve as a barrier to citizens and consider regular use of "plain language summaries."

- Eliminate the release of information in formats that can only be viewed using proprietary software.
- Reduce difficulties in finding parliamentary information due to poor website organization or limits on searchability.

Standards & Guidance


- Declaration on Parliamentary Openness <http://openingparliament.s3.amazonaws.com/docs/declaration/commentary-20120914.pdf>
- Global Centre for ICT in Parliament: World e-Parliament Report 2012 <http://www.ictparliament.org/WePReport2012>
- Inter-Parliamentary Union: Guidelines for Parliamentary Websites <http://www.ipu.org/PDF/publications/web-e.pdf>

Country Examples

 The New Zealand Parliament provides easy access to most relevant information on its website

The New Zealand Parliament's website www.parliament.nz contains easy access to most relevant information, including web streaming and email alerts on pending business.

- <http://www.parliament.nz/en-nz/pb/>

 The Swedish Parliament's website is easy to use and provides the public with a range of information

The Swedish Riksdag's website www.riksdagen.se is easy to use. It provides public access to a range of information, such as preparatory documents, information about MPs and their work (including vote data), legislation and other valuable information. It contains information in a number of languages. Much of this information is also available on the Riksdagen [open data portal](#) for use by third party technology developers.

- <http://www.riksdagen.se/en/>

 The website of the Korean National Assembly provides information about its work

The website of the Republic of Korea's National Assembly provides a variety of information about its work, with updates on its homepage about recent happenings, a weekly calendar and schedule of upcoming programmes on the National Assembly's television channel.

- <http://korea.assembly.go.kr/>

Intermediate Step: Make parliamentary information easier to understand and accessible to citizens through multiple channels

Justification

Democratic parliaments need to inform citizens about their work, both to young people as a part of civic education, as well as to provide citizens with information necessary to make decisions on political activism and voting. However, in a modern society, citizens access information through increasingly diverse channels. Benchmarks on democratic standards suggest that parliaments have a role to play in ensuring that parliamentary information is widely available to citizens irrespective of their proximity to parliament, their access to technology, or other social or cultural factors. The Declaration on Parliamentary Openness summarizes this idea when it states: "Parliament shall provide access to information about its work through multiple channels; including first-person observation, print media, radio and television broadcasts, and Internet and mobile device technology." Since it is impossible for parliaments to anticipate all of the ways that citizens would want to use parliamentary information, parliaments should seek to disseminate information in a variety of formats, seeking citizen feedback throughout the process. In this way, parliaments can give effect to the principle that parliamentary information should be available "to the widest range of users for the widest range of purposes" (Tauberer, 2012).

While most parliaments agree on the need to minimize barriers in accessing parliamentary information, it is also recognized that there is a difference between accessing information and being able to interpret and understand this information effectively. As a result, parliaments are also increasingly providing the context needed to help reduce barriers in understanding parliamentary information. Put bluntly by the former President of the European Parliament Josep Borrell Fontelles, "There is no point in putting a report adopted in plenary online if no effort is made to explain it." The [World Parliament Report 2012](#) notes that "Because proposed legislation often deals with current statuses and, if passes, must be incorporated into the existing bodies of law, it is usually drafted in legal language that can be difficult to understand. A number of parliaments have begun to recognize the importance of providing explanations of bills and legislative actions in language understandable to citizens."

Recommendations

1. **Provide contextual information on draft laws.** Many parliaments provide parliamentarians with resources such as plain language summaries, analyses of economic or environmental impact, testimony and reports, committee reports and other information aimed at helping them to make informed decisions. Citizens should also have access to this information to enable them to fully engage in the legislative process.
2. **Provide resources for civic education.** Many parliaments provide educational resources targeting specific groups, including high school and middle school students, aimed at enabling non-experts to explore parliamentary work and voice their legislative preferences.
3. **Support broader media coverage.** Many parliaments seek to encourage media coverage of parliamentary activities by providing in-house press facilities, such as parliamentary recording studios and media offices. Others have in-house media or information teams that are charged with communicating parliamentary information to media outlets and helping to ease the reporting process.
4. **Provide multiple channels of access for parliamentary information.** The best means of communication of parliamentary information depends on the audience and the nature of its interest in the information provided. Many parliaments provide written transcripts of debate, which form a permanent record that is also essential for ensuring the accuracy of the public debate. This information can be useful, particularly if it is made available immediately after the debate takes place and is in a format that is easily searchable and downloadable. To reach a different and broader audience, many parliaments are making this information available by broadcast plenary and committee sessions on television, radio and through live and/or on-demand webstreaming as means of broaden the reach of parliamentary debate to audiences beyond the capital.
5. **Create a parliamentary information or visitor's centre.** Providing physical access to the plenary not only is a method of providing information about the session, but carries important symbolic value in communicating the openness of the parliament. Many parliaments create information and visitor's centres to enable citizens to observe parliament at work, view the seat of the legislative branch of government, and retrieve parliamentary information

from its source.

Standards & Guidance

- Declaration on Parliamentary Openness <http://openingparliament.s3.amazonaws.com/docs/declaration/commentary-20120914.pdf>
- Inter-Parliamentary Union & United Nations: Global Parliamentary Report, 2012 <http://www.ipu.org/pdf/publications/gpr2012-full-e.pdf>

Country Examples

 A parliamentary monitoring organisation in India publishes easily digestible information about parliament

PRS Legislative Research, a parliamentary monitoring organisation in India, provides [primers](#), [plain language summaries](#) and other information aimed at enabling broad consumption by parliamentarians and citizens.

- <http://www.prsindia.org/>

 In Slovenia, the Netherlands and the UK, the public may attend a plenary or committee session without prior arrangement

In Slovenia, 100 seats are available to the public for the plenary sessions and the parliamentary building is open to the public biweekly. In the Netherlands, there are 240 seats available to the public at plenary sessions. Committee sessions are held in several halls which have seats for 24 to 208 visitors. In the UK, the public can observe plenary sessions of both houses and the Westminster Hall debates from the public galleries.

 The UK Parliament's Educational Service provides a range of opportunities for youth education

The United Kingdom Parliament provides a range of opportunities for youth education through its Educational Service, including school tours, a parliamentary quiz web application, and video games. The Parliament Education Service has more than 40 educational videos on its [YouTube channel](#).

- <http://www.parliament.uk/education/>

Intermediate Step: Partner with external groups to enhance citizen participation with parliament

Justification

In recent years, citizens around the world have begun to develop innovative tools and applications to improve understanding and use of parliamentary and other government information. These emerging tools can help citizens [recognize](#) where legislative amendments have been drafted by private companies, [visualize](#) the legislative process, and [connect](#) citizens to their representatives to promote constructive dialogue. The emergence of parliamentary monitoring organizations (PMOs) as a community of civic developers that can help support innovation in the use of parliamentary information and forge partnerships with parliaments has been recognized in the IPU's [Social Media Guidelines](#) and the joint IPU-UN [Global Parliamentary Report](#).

Recommendations

1. **Sign memoranda of understanding with civil society or parliamentary monitoring organizations** to collaborate in improving parliamentary openness.
2. **Host parliamentary hackathons and other events** aimed at harnessing technology for the exploration of parliamentary data.
3. **Create transparency advisory committees** that enable citizens to engage parliamentarians on issues related to transparency and openness.
4. **Integrate new operational models for interacting with third parties.**

Standards & Guidance


- Declaration on Parliamentary Openness <http://openingparliament.s3.amazonaws.com/docs/declaration/commentary-20120914.pdf>
- Inter-Parliamentary Union & United Nations: Global Parliamentary Report, 2012 <http://www.ipu.org/pdf/publications/gpr2012-full-e.pdf>
- Inter-Parliamentary Union: Guidelines for Parliamentary Websites <http://www.ipu.org/PDF/publications/web-e.pdf>

Country Examples

 Manabalss.lv is a Latvian civil society-run website allowing citizens to propose legislation

Manabalss.lv is a Latvian civil society-run website allowing citizens to propose legislation that is considered by parliament if it receives more than 10,000 signatures. Civil activity at ManaBalss.lv has resulted in two new laws being passed.

- <http://manabalss.lv/>

 The Argentinean Chamber of Deputies collaborates with parliamentary monitoring organisations on transparency

The president of the Chamber of Deputies of Argentina signed a [memorandum of understanding](#) (MoU) with a coalition of parliamentary monitoring organisations, who are using the [Declaration on Parliamentary Openness](#) and the [Latin American Index on Legislative Transparency](#) to help guide discussions on transparency issues. Through the MoU, the Chamber of Deputies has agreed to create a registry of citizens and non-governmental organisations to ease their ability to participate in committee and plenary sessions, promote an internal regulation about access to public information, create an on-going legislative transparency working group composed of the signatories of the MoU and more.

- <http://www.directoriolegislativo.org/destacados/se-firmo-acuerdo-de-transparencia-con-la-camara-de-diputados-de-la-nacion/>

The Finnish Parliament works with external groups to engage citizens

The Finnish Eduskunta's [Committee for the Future](#) is partnering with domestic and international research organisations, universities and institutions to address challenges of citizen engagement in the legislative process. It is also [integrating new technologies](#) into its methods of work, including exploring the use of social media during hearings and exploiting crowdsourcing techniques to boost citizen feedback.

- <http://web.eduskunta.fi/Resource.phx/parliament/committees/future.htx>

Intermediate Step: Publish parliamentary information in open formats

Justification

While nearly all parliaments use the Internet to communicate information to citizens, many do so in formats that can be viewed by people, but not be processed by machines. This prevents citizens and parliamentary actors from taking advantage of the advances in modern technology that have helped revolutionize commerce and industry. Putting data in open formats is a key element of the Open Government Partnership. Even some parliaments that provide information in formats that can be processed by computers place copyright restrictions or fees on the use of information. This can also prevent citizens from freely sharing, republishing, and integrating this parliamentary information with other sources of information. Enabling bulk downloading, which allows the user to download all the information in a database at once, is also critical to third party developers who use parliamentary information.

Providing parliamentary information in open formats, which are machine-readable, reusable and re-publishable, makes parliamentary information more accessible to citizens. It allows them to develop and use their own tools and software for making this information more interesting, useful and understandable. In addition to fostering innovation, many parliaments have found various efficiencies in utilizing open formats, as well as cost savings (Global Centre for ICT in Parliament, 2012; Mandelbaum, 2012). For these reasons, the [IPU](#) states that “open document standards, such as XML, should be used to prepare proposed legislation and other parliamentary documentation. Eventually all documentation and media should be made available using open standards.” The [IPU](#) also calls specifically for countries to provide on their parliament’s website the ability for “high-speed downloading of parliamentary files,” a suggestion echoed by the [Declaration on Parliamentary Openness](#).

Recommendations

Parliaments may take a number of steps to provide parliamentary information in open formats; in particular, parliaments may wish to:

1. **Create a policy for ensuring that parliamentary information is provided using “open data” principles.** Several parliaments and governments have issued directives or policies to help govern principles on open data. These policies cover issues such as which information is to be provided in which format, where, and how.
2. **Create specific websites where citizens can access legislative data in open formats,** similar to how governments have created open data portals. This can serve as a means for fostering public discussions on open data and how the

parliament can begin to serve the data needs of its citizens.

3. **Provide bulk download and/or API (application programming interface) access to parliamentary data.** Access to raw parliamentary data is essential to developers interested in creating websites that help citizens understand and analyse parliamentary information. Providing bulk access to the raw data is an easy and low-cost way to ensure access to the data, while creating an API can be more costly, but can also be useful in some circumstances.
4. **Consult and consider publication in a format that is interoperable internationally.** The United Nations (UN) has supported the creation of the Akoma Ntoso standard for all legal documents, which provides the basis for the Brazilian government's open documentation standard and is in use by a growing number of parliaments.

Standards & Guidance

- Declaration on Parliamentary Openness <http://openingparliament.s3.amazonaws.com/docs/declaration/commentary-20120914.pdf>
- Global Centre for ICT in Parliament: World e-Parliament Report 2012 <http://www.ictparliament.org/WePReport2012>
- Inter-Parliamentary Union: Guidelines for Parliamentary Websites <http://www.ipu.org/PDF/publications/web-e.pdf>

Country Examples

The Brazilian Chamber of Deputies has an open data standard

The Brazilian Chamber of Deputies' [open data standard](#) states that data shall be available to all without registration and that "the data are not subject to any regulation of copyrights, patents, intellectual property or trade secrets. Reasonable restrictions relating to privacy, security and access privileges may be allowed." The Brazilian Chamber of Deputies makes most categories of information available for recent years on its [open data webpage](#).

- <http://www2.camara.leg.br/transparencia/dados-abertos/leis-e-principios-dos-dados-governamentais-abertos>

The Italian Senate has adopted standards based on the Akoma Ntoso format

The Italian Senate has adopted data standards based on the [Akoma Ntoso](#) format. All the bills published on the Senate's website are available, other than in the usual HTML, PDF, and ePub formats, also in XML.

Akoma Ntoso defines a 'machine readable' set of simple technology-neutral electronic representations (in XML format) of parliamentary, legislative and judiciary documents and is the result of the efforts of the Africa i-Parliaments Action Plan to realise a common standard for the interchange of legal documents among institutions and countries.

- <https://www.youtube.com/watch?v=vga0b7jwBf0>

The Senate of Italy publishes legislative data on its own open data portal


The Italian Senate publishes legislative data on its data portal [dati.senato.it](#). The portal provides information for citizens, researchers and journalists to analyse and share information of what is being proposed, discussed and voted in the Senate. The data is released under Creative Commons (CC BY 3.0) for free reuse.

- <http://dati.senato.it/>

 The UK National Archives makes a range of legislative documents available on its [legislation.gov.uk](http://www.legislation.gov.uk) website

Legislation.gov.uk carries most types of legislation and their accompanying explanatory documents.

- <http://www.legislation.gov.uk>

 The US Library of Congress has launched a challenge to help improve Akoma Ntoso's support of US and UK legislative data

The United States Library of Congress, through the online platform *Challenge.gov* has launched a challenge to invite competitors to map the Akoma Ntoso schema to established US and UK legislative markup languages to improve Akoma Ntoso's support of US and UK legislative data.

- <http://www.loc.gov/today/pr/2013/13-161.html>

Advanced Step: Conduct targeted outreach to youth and historically marginalized communities

Justification


Beyond developing new mechanisms to encourage engagement of those already interested in parliamentary action, parliaments must also seek to reach constituencies that are less engaged in parliamentary work, particularly those in historically marginalized communities. In some countries, as in Romania, parliaments have adopted electoral rules that aim to ensure the participation of marginalized or minority groups (Protsyk, 2010a). Others seek to demonstrate symbolic respect for minorities, by, for instance, flying a minority flag (Protsyk, 2010b). But encouraging historically marginalized groups to participate in parliamentary work can be aided by the adoption of routinized practices for conducting outreach and engagement of these groups.

Recommendations

1. **Conduct targeted outreach to marginalized communities**, i.e., through school outreach programs intended to advance civic education.
2. **Use non-official languages to include minority populations**, or conduct hearings in non-official languages on issues that are of interest to a particular minority community (such as immigration reform) that does not speak the official language.
3. **Engage in targeted outreach to youth** to engage them more directly in political life through legislator back to school programs, youth parliaments or other activities seeking to engage the youth in political decision making.
4. **Assess particular challenges for a person of average means to enter parliament as a representative**, and take affirmative actions to ensure equality of opportunity for a country's citizens to serve in the legislature.


5. **Explore creative processes, such as citizen juries, to amplify voices** that might not otherwise be able to contribute to legislative debate.

Country Examples

 In the U.S. the 'America's Legislators Back to School' programme enables legislators to meet with young people

In the United States, the National Conference of State Legislatures operates a programme taking America's Legislators Back to School. The programme gives elected parliamentarians in all 50 states the opportunity to meet personally with their young constituents and to answer questions, share ideas, and listen to concerns. The programme is designed to teach young people what it is like to be a state legislator: the processes, the pressures, and the debate, negotiation and compromise. The programme is emphasised as a bipartisan event.

- <http://www.ncsl.org/legislators-staff/legislators/legislators-back-to-school.aspx>

 The Mexican Senate is translating parliamentary documents to indigenous languages

In an effort to reach out to indigenous communities, the Mexican Senate has started translating parliamentary documents to indigenous languages, which are not official languages. This effort comes from the Information Access and Transparency Guarantee Committee and the National Indigenous Institute to provide non Spanish speaking citizens access to parliamentary information.

- <http://www.senado.gob.mx/comisiones/cogati/reu/docs/acuerdo2-6.pdf>

 The U.S. state of Oregon aims to improve political participation through its Citizens' Initiative Review

In Oregon, the Citizens' Initiative Review was established in 2009 to improve the quality of public participation and political deliberation. It brings together 24 randomly selected, demographically diverse voters for 5 days to review evidence, talk to experts, hear from campaigns, and discuss a ballot measure that citizens will vote on when they go to the polls. They ultimately produce a citizen statement reviewing the facts and arguments. Each citizen statement is published as a prominent page in the voters' pamphlet as a new and easily accessible resource for voters to use at election time.

A 2012 evaluation found the citizen statements to be "highly deliberative", "high level of factual accuracy", and insightful from the perspective of two-thirds of citizens who read them.

- <http://www.healthydemocracyoregon.org/citizens-initiative-review>
- <http://www.la1.psu.edu/cas/jgastil/CIR/ReportToCIRCommission2012.pdf>

Advanced Step: Develop digital platforms and capacities to enable citizen

engagement with parliament

Justification

Recognizing that interaction between citizens and their representatives enhances the work of parliament, many parliaments are seeking to institutionalize citizen participation both through development of new platforms for citizen parliamentary work and through integration of social media. The Global Centre for ICT in Parliament (2010) recommends that parliaments employ “all available tools, including new media and mobile technologies, to provide citizens with improved access to the work of parliament and means of participation in the political dialogue.”

The methods that parliaments are adopting to improve parliamentary consultation of citizens are varied, but many parliaments are adopting the use of digital technologies as low-cost ways to reach citizens in various geographic locations or who lack the means to participate in-person. As noted by the Secretary General of the Inter-Parliamentary Union in the preface to its Social Media Guidelines for Parliament, “One lesson that parliaments have learned from their efforts to engage citizens is the following: you cannot wait for the people to come to parliament; you need to go where the people are. In 2013, the people are on social media. More than one billion to date and the number continues to grow exponentially.” (Williamson, 2013). These tools are most effective when integrated with the parliament’s workflow. For instance, many parliaments and PMOs are finding that new technologies can complement in-person interaction between citizens and representatives by allowing citizens to provide comments or annotations in the text of draft legislation, or by providing citizens the opportunity to submit letters or questions to representatives in a public forum.

Recommendations

Actions that countries have taken include:

- **Develop a robust institutional social media presence**, drawing on the principles contained in the IPU’s Social Media Guidelines for Parliaments. While individual parliamentarians oftentimes use social media to engage with citizens, social media provides an opportunity for the institution of parliament to reach out to citizens and build interest in their work.
- **Create an e-petition website with low barriers to participation.** Websites that allow citizens to propose and vote on legislation to come before parliament are gaining traction in a number of countries. In some instances, they raise debate on issues that might otherwise not be tabled.
- **Create a platform for citizens to contribute ideas in the mark-up of draft legislation.**

Standards & Guidance

- Declaration on Parliamentary Openness <http://openingparliament.s3.amazonaws.com/docs/declaration/commentary-20120914.pdf>
- IPU: Social Media Guidelines for Parliaments <http://www.ipu.org/PDF/publications/SMG2013EN.pdf>

Country Examples

In Brazil, the Chamber of Deputies’ [e-Democracia platform](#) uses new social media and technology tools to engage a range of actors in the legislative process. For example, it allows citizens to comment on draft legislation and see when their comments are incorporated into law.

The platform enables multiple modes of interaction for citizens and lawmakers, including:

- Integration with Facebook, Twitter, and e-mail
- Live chats between legislators and citizens
- Interactive polling platform for different issues
- Broadcasting for public hearings
- “Video forums” for legislators.

The e-Democracia platform was launched in June 2009 and, as of August 2013, the portal had about 3,000 debates (forum threads), 17,400 contributions, and 27,400 registered participants.

- <http://blog.openingparliament.org/post/60749859717/case-study-5-brazils-e-democracia-project>. Accessed: 09.24.13

Finland set up an e-petition platform that enables citizens to propose legislation

Open Ministry is a civil society e-petition platform that enables citizens to propose legislation to Finland’s Parliament. Any proposal that receives over 50,000 signatures is automatically considered by the Parliament. Issues that have thus far received more than 50,000 signatures and have come up for parliamentary consideration include banning farming of animals for their furs, issues regarding copyright regulation, allowing for same-sex marriages, and making Swedish language non-mandatory for Finnish students.

- <http://democracyoneday.com/2013/08/21/what-are-the-finns-up-to/>

In Croatia there is widespread collaboration between parliamentarians and civil society representatives

In Croatia, requests to hold a roundtable at Parliament are frequently approved by the Secretary of the Parliament, while many civil society organisations cooperate directly with parliamentary committees on round tables or thematic open sessions. Committee chairs have the right to invite NGO representatives to committee sessions to obtain additional information on reviewed bills.

Each committee has 3-7 external permanent committee members from think tanks, interest groups or NGOs. The external permanent committee members are elected through a public announcement and have the right to participate in committee discussions, but cannot vote. They receive monthly remuneration (approximately €260) and are entitled to reimbursement of travel expenses.

- <http://library.fes.de/pdf-files/bueros/sofia/10069.pdf>

In the US the House and Senate and House removed restrictive rules governing Members’ use of social media

Before the digital age, Congress established ‘franking rules’ on communication to constituents. These governed how Members could use public funds to send mass mailings to constituents, while guarding against incumbents using this privilege to advance political campaigns. When these rules were extended to include social media, at first they were restrictively applied, effectively making popular social media services such as Facebook and Twitter out of bounds. This reflected fears that using social media would imply a commercial endorsement through association with advertising,

could tarnish the status of the institution, might create security issues, and would make inappropriate political activity harder to catch.

Following emerging experience, debates and a campaign led by the Sunlight Foundation, in 2008, the House and Senate revised these rules and allowed members and staff to use social media to correspond with constituents more freely, while still maintaining the principles of *no product endorsement*, *no partisan material* and *no unrelated personal information*.

While there is no overall social media policy, the [House](#) and [Senate](#) rules now makes clear that Federal law and House Rules on communication apply to all 'official content of material posted by the Member on any website', but not to the broader social media platform itself.

- <http://sunlightfoundation.com/blog/2008/10/03/web-use-reform-happy-ending/>
- [http:// http://cha.house.gov/member-services/handbooks](http://cha.house.gov/member-services/handbooks)
- <http://www.senate.gov/usage/internetpolicy.htm>

 Manabalss.lv is a Latvian civil society-run website allowing citizens to propose legislation

Manabalss.lv is a Latvian civil society-run website allowing citizens to propose legislation that is considered by parliament if it receives more than 10,000 signatures. Civil activity at ManaBalss.lv has resulted in two new laws being passed.

- <http://manabalss.lv/>

 The European Parliament runs live chats on Facebook with MEPs

The European Parliament has undertaken a strategy to engage the public in the places where they are and to use social media tools to promote public understanding and interest in the parliament. It has developed custom applications inside Facebook to run live chats with members, to find their local MEP and connect to his/her Facebook page. It has also run a competition to select a citizen to be a Facebook "editor" for a day.

- <http://www.ipu.org/PDF/publications/SMG2013EN.pdf>

Advanced Step: Ensure that parliamentary openness procedures are in line with international good practice

Justification

Parliaments must constantly renew their commitments to openness, transparency and citizen engagement. Due to the rapid pace of technological change, there's a need clear for periodic reviews of policies that influence parliament's ability to engage; and it is often helpful to institutionalize this process for periodic review. The [Declaration on Parliamentary Openness](#) states that "Parliamentary transparency policies shall be publicly available and shall specify terms for their periodic review to take advantage of technological innovations and evolving good practices." As early as 2004, the

conclusions of a 2004 Commonwealth Parliamentary Association and World Bank Institute study group on access to information noted that “[c]onsideration should be given to regular parliamentary review, for example on a biannual basis, of implementation of the access to information regime.” (Mendel, 2005). The Global Centre for ICT in Parliament (2010) has also established that parliaments should elaborate “strategic plans, updated regularly, for the use of ICT that directly improve the operational capacity of parliaments to fulfil their legislative, oversight, and representational responsibilities.”

Recommendations

1. **Institutionalize a regular legislative openness review**, in the rules of procedure or in other procedures and practices that involve the participation of local civil society experts, leading to both changes in policies and potential commitments.
2. **Actively engage with the government in the development of parliamentary openness commitments in future OGP action plans**; either fully integrated into the countries action plan or as a separate appendix, focused solely on the legislature.
3. **Conduct a parliamentary information audit** to ensure that necessary information is made available in accordance with international good practice.
4. **Form or formally task a committee or other body within parliament to monitor parliamentary openness** and citizen engagement efforts.
5. **Engage in international fora dedicated to sharing international good practice**, including the OGP Legislative Openness Working Group, to actively learn from other peer institutions regarding emerging best practice on parliamentary openness.

Standards & Guidance

- Declaration on Parliamentary Openness <http://openingparliament.s3.amazonaws.com/docs/declaration/commentary-20120914.pdf>
- Global Centre for ICT in Parliament: World e-Parliament Report 2012 <http://www.ictparliament.org/WePReport2012>

Country Examples

 Many parliaments have institutionalised responsibility for transparency and openness

Parliaments have institutionalised responsibility for transparency and openness either by the creation of a new commission or by emphasising this function in assigning committee jurisdictions, such as the Chilean [Bicameral Committee for Transparency](#) or the Mexican Senate’s [Committee on the Assurance of Access and Transparency of Information \(COGATI\)](#).

 The U.S. House of Representatives has clearly defined its standards for posting electronic information

The U.S. House of Representatives, through its Committee on House Administration, published its standards for posting electronic information in December 2011. The standards are intended to ensure easy access to legislation considered by the House and its committees, and will be subject to periodic review and reissuance. Greater detail related to the House’s [use of XML standards](#) for posting information electronically is also available.

- <http://cha.house.gov/member-services/electronic-posting-standards>

Innovative Step: Develop and share open-source parliamentary software

Justification

Open-source software refers to software whose source code (its instructions) can be freely modified and distributed. While the majority of users of parliamentary data train their focus on the contents of that data, the use of open-source software enable citizens to understand how that data is being used by parliament and to create adaptations to the software so that they can view it in the way they find most beneficial. Unlike many proprietary software solutions that restrict data use, most open-source software allows data to remain open, an advantage that benefits users and the parliament in case the parliament decides to shift its data to another platform in the future. Open-source software has the added advantage of being shareable among parliaments, thus potentially reducing the cost of adoption of new technologies by many parliaments.

According to the [World e-Parliament Report 2012](#), "...shared applications that are based on open source or commercial software may enable parliaments to acquire more easily many of the tools needed to support the work of their members and staff." While few parliaments have taken the innovative step of using open-source software, many governments have employed the CKAN open-source data portal software. Managed by the Open Knowledge Foundation, [CKAN](#) "is used to power official data portals by national and local governments in the UK, Brazil, the Netherlands, Austria, the US, and elsewhere, as well as by other organisations and data communities wanting to publish or collaborate with data.

Recommendations

1. **Go open source.** Develop a source code policy recommending that new software purchased by parliament be open source, where open-source solutions exist./li>
2. **Facilitate the exchange of code that helps to make parliamentary information more usable.**

Standards & Guidance

- Consumer Financial Protection Bureau: The CFPB's source code policy <http://www.consumerfinance.gov/blog/the-cfpbs-source-code-policy-open-and-shared/>

Country Examples

 Dominican Republic, Uruguay, Suriname and Ecuador have been testing 'Bungeni' for managing legislative information

Parliamentary chambers in the Dominican Republic, Uruguay, Suriname and Ecuador have been testing [Bungeni](#), which is a suite of open source applications for managing legislative information in XML following the [Akoma Ntoso](#) standard, and may use Bungeni to support their legislative information management needs.

- <http://publicmarkup.org/bill/opening-parliament-declaration/5/36/>

 The code for the UK Government's GOV.uk platform was released on github


The code for the UK Government's GOV.uk platform was released on [github](#), which is the largest code host in the world. Gov.uk is a single domain used to deliver digital services to citizens. It is an open source and mobile-friendly platform.

- <https://www.gov.uk/>

 The European Parliament has provided open source access to its legislative mark-up tool

The European Parliament is since 2010 using an open source release of AT4AM. This is a web-based amendment authoring tool used to create and table amendments on the proposals of the European Commission and the Council of the European Union, and the reports of the parliamentary committees. Until February 2013, 250.000 amendments had been created with AT4AM.

- <http://www.at4am.org/overview/>

 The US Congress is developing an online crowdsourcing legislative platform

While still experimental, the Madison Project – a US Congress online crowdsourcing legislative platform – has designed an open source tool to allow anyone to comment on a piece of legislation or annotate it.

- <http://opengovfoundation.org/the-madison-project/>

Innovative Step: Enable citizens to engage with parliaments and MPs using mobile and SMS technology


Justification

It is important to keep citizens apprised of parliamentary developments as they occur, and it is part of parliament's responsibility to provide information in a timely manner. This can be done effectively by using alert services using mobile phones or email. The IPU recommends parliaments use alert services: "Alerting services, such as email, RSS, or other appropriate technologies that enable members and the public to be informed about important parliamentary actions such as the introduction of, and changes to, the status and text of legislation; members' activities; committee activities; oversight and scrutiny activities; and plenary activities." The Office for Promotion of Parliamentary Democracy also cites alert services as a crucial modern technology tool that parliaments increasingly use to enhance openness.

Recommendations


1. **Create a system that allows citizens to SMS in their concerns** or to push out tailored legislative updates to subscribers on specific issues.
2. **Develop a system for receiving citizen input** on draft legislation or on general concerns through SMS.

Country Examples

 The UK Parliament has developed an app that enables citizens to view the parliamentary agenda on the iPad

The UK Parliament's application enables citizens to read the latest version of the House of Commons Order Paper, which is published each sitting day and lists the business of the House and sittings in Westminster Hall. It also lists questions for oral or written answer that day, questions for written answer which have not previously appeared in print, and other items such as notices of written statements, committee notices, remaining orders and lists of future business. It is designed specifically for the iPad.

- <https://itunes.apple.com/gb/app/commons-order-papers/id691958985?mt=8>

 The 'Congress app' provides profiles of all members of the U.S. Congress and updates on congressional action

The Sunlight Foundation's [Congress app](http://congress.sunlightfoundation.com/) provides profiles of all members of the U.S. Congress and updates on congressional action. It has been downloaded 488,000 times for Android and has recently been released on iOS.

- <http://congress.sunlightfoundation.com/>

Police and public security

 **Lead author:** [Open Society Foundation](#)

Introduction

Across the globe, the primary point of contact many citizens have with their government is a police officer. Competent, honest and effective law enforcement is a mainstay of the rule of law. Insufficient or ineffective investment in the public security sector can result in weak or non-functioning security institutions, unable to respond to or deter crime and violence. Given the extraordinary power and authority vested in the police, accountability is particularly important in addressing problems of corruption, discrimination, abuse of power and anti-democratic use of police. For these to be exposed and addressed requires sound governance and accountability of the police, supported by transparency

Countries organise their police systems in different ways. Most of them have more than one police force, for example national, state or regional police, local or municipal police, gendarmerie, and judicial police. Some also undertake military duties, and in some cases military forces may supplement national police forces in national emergencies or, in specific circumstances that are clearly defined and restricted under law, help carry out basic police functions. There may also be special police forces or units such as tax and military (or para-military) and drug enforcement police. Whatever the form the police and public security forces take, it is important that information about laws and the way they are enforced is open to the public, and that policing is accountable. As with any other public service, the police force is paid for by the public and therefore should be ultimately accountable to citizens. Issues of security and safety are of profound concern to the entire population but are often 'owned' by police and political authorities.

Key principles of democratic policing are;

- Police give priority to serving the needs of individual citizens and private groups
- Police are accountable to law
- Police respect and protect human rights, particularly those necessary for unfettered democracy
- Police are professional and transparent in their activities (Bruce and Nelid, 2005)

The establishment and consolidation of democratic policing require that governments see the police as an instrument for protecting the safety and democratic rights of the people, and establish mechanisms and institutions to ensure that police are accountable and act with integrity. A further concern is that police themselves are fairly treated by their own institution – police corruption often takes a heavy toll on officers' conditions of service – and this in turn has direct outcomes for service delivery and police efficiency.

Going beyond this, it is increasingly recognised that community participation is crucial to enhancing safety and public order, solving and preventing crime. Police departments enjoy greater support when the public understand police procedures, believes that they are fair and that officers are held accountable for their actions and performance. Active participation by local people requires a new approach to policing (often termed 'community policing') in which the police are better integrated into communities, are seen to listen and respond to concerns, and actively engage people and communities. This involves a change in organisational values, management style, training and evaluation of police officers. The benefits of this approach come in better community relations, improved police legitimacy and public support, more effective problem solving and increased information for the police (OSCE, 2008).

New technologies open up new opportunities for collecting evidence, targeting police resources and enhancing efficiency, and monitoring the performance and conduct of police, but they also raise important privacy concerns, which need to be addressed with robust safeguards.

References

Bruce, D and Neild, R, 2005, The Police we Want: A handbook for oversight of police in South Africa, Centre for the Study of Violence and Reconciliation

OCSE, 2008, Good Practice in Building Police-Public Partnerships, OCSE. <http://www.osce.org/spmu/32547>

Expert Organisations

Open Society Foundation <http://www.opensocietyfoundations.org>

United Nations Office on Drugs and Crim <http://www.unodc.org>

OSCE Polis <http://polis.osce.org>

Transparency International <http://www.ti-defence.org/publications/1431-arresting-corruption-in-the-police>

Altus <http://www.altus.org>

International Network to Promote the Rule of Law <http://www.inprol.org>

DCAF <http://www.Dcaf.ch>

Summary of illustrative commitments

Initial

- Publish all laws setting out law enforcement powers and complaints and whistleblower procedures in relation to policing
- Publish basic information on police budgets, personnel and crime

Intermediate

- Develop a system of regular public surveys about crime and policing
- Establish integrity provisions for police officers, in line with international good practice
- Establish more extensive proactive disclosure requirements for police

Advanced

- Publish comprehensive national crime statistics to international standards

Innovative

- Create on-line crime and policing maps
- Establish safeguards to ensure that new technologies used for police surveillance respect the right to privacy

Detailed Recommendations

Initial Step: Publish all laws setting out law enforcement powers and complaints and whistleblower procedures in relation to policing

Justification

Democratic policing requires that all citizens are treated according to established procedures, regardless of who they are and who the individual police officer is. Procedures and training should ensure that members of the public are treated with dignity and respect and ensure that all people are treated with dignity and respect and engaged with due care for their safety concerns and for their rights in encounters with police officers.

Ensuring that the laws and regulations that describes the nature and extent of police powers are robust and well-understood is critical to enabling citizens to feel confident of their rights in relationship to the police

The great majority of individuals involved in policing are committed to honourable and competent public service and consistently demonstrate high standards of personal and procedural integrity and still more would do so given the right institutional support and training, but in every policing agency there needs to be safeguards to ensure honesty and professionalism. Robust complaints mechanisms and the means to identify individual officers are crucial to enable individuals to register complaints where police abuse their powers.

Recommendations

1. **Publish all laws and regulations setting out police powers and adopt such laws where these do not exist.** These should cover internal regulations and procedures (such policies and standards on key police powers including ID checks, searches, arrest, detention, and the regulation of public demonstrations among others; and regulations concerning the private security sectors).
2. **Provide information to citizens on the official complaint mechanism** (including where and how to file a complaint, protection for whistleblowers, the process for reviewing complaints, time-frames for adjudication). Display information on police conduct and the right to complain prominently in police stations and online, including in holding cells or police lockups. Such information should also be readily available externally (in non-police settings), not solely on-line, particularly in those settings with limited literacy and/or internet access. Information should be provided in accessible (non-legal) terms and in all frequently used local languages.
3. **Require that all police personnel are publicly identifiable** through wearing badges with names or ID numbers clearly visible. This should include senior management, district and regional chiefs and patrol officers.
4. **Require that private security personnel are also clearly identifiable** by company name and badge number or name.
5. **Ensure that police officers and other police service employees are included within whistleblower protection legislation** and that these procedures are well publicised.


Standards & Guidance

- Council of Europe's European Code of Police Ethics <http://polis.osce.org/library/f/2687/500/CoE-FRA-RPT-2687-EN-500>
- Government Accountability Project: International Best Practices for Whistleblower Policies http://www.whistleblower.org/storage/documents/Best_Practices_Document_for_website_March_13_2013.pdf
- Interpol: Global Standards to Combat Corruption in Police Forces/Services <http://www.interpol.int/Media/Files/Crime-areas/Corruption/Global-standards-to-combat-corruption-in-police-forces>
- OECD: G20, Whistleblower Protection Frameworks, Compendium of Best Practices and Guiding Principles for

Legislation <http://www.oecd.org/general/48972967.pdf>

- OGP Eligibility Criteria: Citizen Engagement <http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>
- UN Code of Conduct for Law Enforcement Officials and supplementary guidelines <http://www.un.org/disarmament/convarms/ATTPrepCom/Background%20documents/CodeofConductforlawEnfOfficials-E.pdf>
- UNODC: Criminal Justice Toolkit <http://www.unodc.org/unodc/en/justice-and-prison-reform/Criminal-Justice-Toolkit.html>

Country Examples

 In Brazil police stations show photographs of the team of officers

Posters in police stations show the team officers in charge with photographs, enabling identification of officers. Not only is this more personal, it provides access to all irrespective of literacy, and enhances identification in situations in which a badge number or nameplate may not have been visible).

Initial Step: Publish basic information on police budgets, personnel and crime

Justification

Basic information on budgets, line accountability and crime rates is necessary in order to assess the costs of policing and distribution of law enforcement resources relative to public safety needs as well as to other spending priorities. Lines of authority and the chain of command should be published so that responsibility is clear. Such data should cover all police agencies, including intelligence services, which should be statutorily established and subject to parliamentary oversight. This data must be accessible and published in a timely manner.

Basic data gives the public some means to judge the performance of their police forces. Public data about police performance also means that the police can receive credit from the public when they are successful. Care, however, must be taken to avoid perverse incentives, a risk especially when activity measures are set as key performance indicators. (Reliance on clearance rates, or use of total numbers of identity checks irrespective of their outcomes, for example, are commonly used as productivity measures and drive discriminatory and abusive police practices as well providing little insight into actual safety outcomes.)

Recommendations

1. **Publish basic budgets and lines of leadership and authority** for national police force(s). Information on the station commander and teams can also be made public at station or local level.
2. **Publish basic data on number of personnel** (distinguishing sworn officers, administrative staff, officers in intelligence agencies and other law enforcement units); number of police officers per capita and by region; names and functions of special units; numbers of officers assigned to each; weapons and non-lethal equipment assigned to officers.
3. **Publish the number of recorded crimes**, breaking out violent crime from property crime, and within violent crime, noting numbers of homicides and rapes and other gender violence and hate crimes. Publicly available guidance should set out definitions that support consistent recording of types of crimes, and audit systems should

support checks to make sure that there is no deliberate mis- or under-recording.

4. **Publish the arrest rate and clearance rate** (rate of handling cases and outcomes following arrest such as referrals for prosecution versus cases dropped) on an ongoing basis and in a timely and accessible manner. Also, awards such as medals or out-of-turn promotions should be made public.

All data should be published in a timely and accessible manner, taking into account local languages and levels of internet access. Posters, noticeboards and the media should be used for key information, in addition to websites.

Standards & Guidance

- UNODC: Criminal Justice Toolkit <http://www.unodc.org/unodc/en/justice-and-prison-reform/Criminal-Justice-Toolkit.html>

Country Examples

 The National Crime Records Bureau in India publishes annual reports on crime, deaths and imprisonment

The National Crime Records Bureau (NCRB) in the Ministry of Home Affairs is responsible for collecting, maintaining and disseminating crime data. The NCRB has installed a 762 server – based computer systems at District Crime Records Bureau and State Crime Records Bureau across the country. Every year, the NCRB brings out three important publications- (i) Crime in India (ii) Accidental Deaths and Suicides in India and (iii) Prison Statistics in India.

The Bureau of Police Research and Development of the Ministry of Home Affairs puts out an annual publication titled “Data on Police Organisations in India.” The report provides some basic and vital statistics about police in different states/UTs in the country, like sanctioned and actual rank wise strength of police forces, including the women police; police population and area ratio; number of police districts, rural and urban police stations; police budget, including expenditure incurred on police training; extent of transport, communication and computer facilities available to the police; number of police training institutions; number of departmental proceedings initiated against police personnel, etc.

- <http://ncrb.gov.in/>

Intermediate Step: Develop a system of regular public surveys about crime and policing

Justification

Citizens expect the police to reduce crime and to be fair and sensitive to the needs of people in all interactions. Public satisfaction surveys provide a means to assess the quality of these interactions, allowing citizens to have a voice in policing and generating timely feedback regarding police performance that can be used by local agencies to enable performance management, and as a means of accountability. Creating a visible mechanism for community input can help to build trust, transparency, and legitimacy. Citizen surveys can also provide information on crime levels, as many crimes are not reported to the police.

While one-time surveys can provide a useful snapshot, the most effective systems enable ongoing and timely feedback

which tracks performance over time. Surveys can be complemented by information such as crime maps, and information on precautions taken against victimization.

Recommendations

1. **Design crime and police satisfaction survey** to provide regular, actionable timely data that can be used by local police forces, as well as offering aggregate measures of national performance.
 - Independent researchers and guaranteed anonymity are crucial in enabling people to speak freely.
 - Surveys and sampling methods should be designed to capture feedback from across all members of the public. They can include both representative surveys (such as telephone based research) and customer satisfaction surveys enabling people who have had specific contact with police to feedback on the experience. Focus groups can provide more detailed feedback on particular issues or from particular groups of citizens (such as young people, or particular ethnic groups).
 - Consider using web-based, telephone and automated surveys to save costs and reduce the turn-around time to agencies (where these do not exclude persons without such access and/or skew sampling).
 - Ensure that the survey is well publicised to people who have had encounters with the police and that it is available in local languages.
2. **Publish results regularly and hold meetings with citizens and civil society organisations to discuss them.**

Country Examples

Australia holds regular satisfaction surveys on policing

For example the Australian Federal Police assesses client satisfaction is a Key Performance Indicator. The AFP Business Satisfaction Survey (BSS), formerly known as the Client Satisfaction Survey, has been conducted annually since 1999-2000.

The survey is designed to assess the AFP's commitment to its core values, the performance of the AFP in conducting and undertaking investigations, and working with our clients and stakeholders. The results provide feedback about the AFP's activities and enable the identification of areas of service delivery requiring attention. Those surveyed include staff from organisations that the AFP routinely works with, including commonwealth, state and territory government agencies, foreign governments, law enforcement agencies, industry clients, embassies and diplomatic missions in Australia and overseas.

Intermediate Step: Establish integrity provisions for police officers, in line with international good practice

Justification

As public servants whose mandate it is to uphold law and order the police are awarded a particular trust by the public. Police work by its nature is often intrusive on communities and individuals – involving investigative work, searching premises, stopping suspects, controlling demonstrations and dealing with vulnerable individuals. Maintaining integrity and trust is paramount. Police forces face considerable threats from external corruptors. Examples include organised crime, drug dealers and syndicates, media who pressure to gain access to information, criminals trying to

influence the outcomes

of investigations and those who engage in criminal activity amongst police officers such as steroid dealing. Opportunities to accept or extort bribes from citizens are manifold (Transparency International, 2012). Other corruption risks may be embedded in police culture, including a professional 'code of silence', a perception among police officers that some aspects of their improper behaviour are acceptable in the cause of the greater good in order to gain information or to ensure a conviction.

In too many countries the police force is seen as routinely corrupt, and in others trust in the police has been damaged by a few high profile scandals. Police forces therefore need clarity and consistency about what constitutes integrity and how this is to be instilled in their activities.

Police forces are also increasingly outsourcing of police key functions. This can present increased integrity risks during the procurement process and because the police need to rely on private partners to uphold integrity standards in operation. Conflicts of interest may also arise when senior officers retire and move into the private sector provision of security services.

Recommendations

Since each country faces different challenges in addressing corruption in the police force, there is no "one-size fits all" template for action. National reform strategies need to be developed through domestic analysis and development of long term change programs. Key elements that have achieved success are:

1. **Adoption of police integrity codes**, supported by guidance in line with accepted anti-corruption codes and systems.
2. **Creation of robust systems** to identify, monitor and manage risks (including issues such as improper disclosure of information, gratuities, hospitality, contracting and secondary employment). Implementation of such systems supported by internal communication and training, development of complaints and whistleblowing channels, internal controls and sanctions and oversight.
3. **Internal transparency** in the form of open consultation and communication between all ranks of the police force can make corruption more difficult to conceal, and can help to restore the confidence and morale of a service suffering from public scandal.
4. **Asset disclosure and conflict of interest systems** for police officers and senior management.
5. **Involvement of civil society** in developing the case for reforms, keeping up the pressure and helping to mobilise public support and engagement.
6. **Technology can be used to support anti-corruption measures in the police.** Examples include cashless systems for paying fines and permit fees, CCTV and body-worn cameras.
7. **Police officers must have access to their performance appraisal reports.** Merit-based career advancement is a crucial incentive for ensuring democratic and accountable policing.

Standards & Guidance

- DCAF: Overseeing Intelligence Services: A Toolkit <http://www.dcaf.ch/Publications/Overseeing-Intelligence-Services-A-Toolkit>
- Public Office, Private Interests: Accountability through Income and Asset Disclosure [http://star.worldbank.org/star/sites/star/files/Public Office Private Interests.pdf](http://star.worldbank.org/star/sites/star/files/Public%20Office%20Private%20Interests.pdf)
- TI: Arresting corruption in the police – The global experience of police corruption reform efforts http://issuu.com/tidefence/docs/2012-11_arrestingcorruptioninpolice

Country Examples

In India police officers are included in income and asset declaration requirements

The Home Ministry had directed all the officers of the Indian Police Service (IPS) in the country to disclose their assets under the Immovable Property Return (IPR). State level governments have also directed police officers above the rank of Sub-Inspectors to disclose details of their income and assets. Those who fail to comply can be clearance for promotion and service medals. However high rates of non compliance continue to be reported.

- <http://mha.nic.in/ipr/iprmain.htm>
- http://articles.timesofindia.indiatimes.com/2012-06-21/india/32351131_1_ips-indian-police-service-home-ministry

The UK established a new integrity package for the police in 2012

Following a series of scandals about police conduct, new code of ethics, and a single set of professional standards in force practice were adopted. Police officers must declare gifts and hospitality, second jobs and sources of income including company directorships, and this is published in a national database. A 'struck-off list' of officers who have been dismissed for misconduct is published and a sanction has been introduced for officers resigning during misconduct proceedings by ensuring such proceedings are taken to conclusion – proven misconduct will result in officers going on the struck-off list.

- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/181705/Accountability_System_Statement_13_04_03_v3.pdf
- <https://www.gov.uk/ensuring-the-highest-standards-of-integrity-in-the-police>

Intermediate Step: Establish more extensive proactive disclosure requirements for police

Justification

Publication of information—about the structures and numbers of police personnel, salary scales, seized assets, persons in detention, and measures of core activities of the criminal justice system—is one of the most powerful ways to protect against corruption and mismanagement in police forces. The publication of such information supports more informed discussion of operational approaches, and improves public perceptions of the police. For instance, comparing police budgets, and crime and arrest data can enable the public to raise questions about efficiency and good management, and assess whether the information suggests good policy or, to the contrary, mismanagement and corruption.

Detailed information about patterns of criminality, including distribution, and level and rates of crime allow citizens to assess whether remedial approaches being taken are effective and whether the police are addressing crimes that affect most people, or targeting special interests or groups to their advantage or disadvantage.

Recommendations

1. **Establish requirements or include police services in existing requirements for proactive disclosure of information.**
Key information that should be disclosed includes:

- Basic pay scales, qualifications for entry to the police, recruitment and promotions processes should be public.
 - Data on crime disaggregated by age, sex, weapon used if any, and locality.
 - Data on persons held in police detention, with length of detention, age, sex and geographic district.
 - Data about assets seized by the police (including real estate, cars, weapons, drugs, and cash)
 - Statistical data on complaints against police, both those received directly by police and those made to prosecutors, independent complaint bodies and ombudsmen offices, including reasons for those complaints and their disposition (including rejected, substantiated, mediated, upheld) and all disciplinary actions taken against officers at all rank levels, and including senior civilian management staff and political appointments at ministerial or cabinet level. Individual information should respect privacy rights of officers.
 - Data on use of enhanced or special powers to fight organised crime, terrorism and other specialised authorities with figures on the frequency, numbers and categories of targets, duration, cost and outcomes. Data on the use of wiretapping, interception of telephone or internet communications, emails, should be also made public.
 - Information on the procurement rules, regulations and procedures. All tenders and major acquisitions should be public, also the names of companies winning contracts, including names of all private companies contracted to provide public security services.
2. **Information should be disclosed in a systematic fashion on-line and made available locally through media and posting at police stations.**
 3. **Police archives should be statutorily obliged to de-classify all information related to the police and secret services after a fixed period established by law**, subject to extension only in exceptional circumstances, and filing those archives with the regular civil archive services. Rules for classification of police and related agencies' data should be established in law and publicly available.


Standards & Guidance

- DCAF: Overseeing Intelligence Services: A Toolkit <http://www.dcaf.ch/Publications/Overseeing-Intelligence-Services-A-Toolkit>
- UNODC: Criminal Justice Toolkit <http://www.unodc.org/unodc/en/justice-and-prison-reform/Criminal-Justice-Toolkit.html>

Country Examples

 Austria has published information on the use of special investigative means

In 2008, the Austrian Court of Audit published a report about the use of special investigative means by the police, including wiretapping, costs, effects, etc

 Germany publishes an annual statistical yearbook on crime

The Federal Criminal Police Service (BKA) has, since 1997, published an annual statistical year book for crime trends, together with analysis.


 In Bulgaria publishes data on permissions granted for electronic surveillance

In Bulgaria permissions for wiretapping must be granted by the Presidents of the district courts and aggregated data are available in the annual reports of these courts since 2010. This information is aggregated in the annual report of the Prosecutor's office. The same report contains aggregated data about number of crimes committed by the employees of the Ministry of Interior, including police.

- http://http://www.prb.bg/uploads/documents/docs_3923.pdf

 The monthly criminal intelligence gazette is published by the West Bengal police

The Police Department in West Bengal publishes a monthly Criminal Intelligence Gazette online. These kinds of documents were earlier confidential and accessible to police officers only. Now some States are uploading this kind of data on their police websites.

 The UK sets 'annual data requirements' for police forces

Section 11(1) and (2) of the Police and Social Responsibility Act requires an elected Local Policing Body to publish any information specified by the Secretary of State by Order. The Secretary of State may also specify by Order the time and manner of publication. The details of the information required to be published includes:

- The total budget of the elected Local Policing Body;
- Information as to each item of expenditure of the Local Policing Body exceeding £500 (other than a crime and disorder reduction grant), including the recipient of the funds, the purpose of the expenditure and the reasons why the body or the chief officer (as the case may be) considered that good VfM [value for money] would be obtained;
- Information as to each anticipated source of revenue of the Local Policing Body other than, in the case of a PCC, the precept);
- Information as to each crime and disorder reduction grant made by the Local Policing Body;
- The salary of each senior employee, and
- A copy of each contract with a value exceeding £10,000 to which the Local Policing Body or the chief officer is or is to be a party.

The Annual Data Requirement (ADR) sets out all routine requests for data made to all police forces in England and Wales under the Secretary of State's statutory powers. Some of the data collected through the ADR form National Statistics that are subject to stringent reporting and validation standards. The ADR requires police forces to submit the financial data used by HMIC in the preparation of its annual Value for Money profiles of police forces.

- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/181705/Accountability_System_Statement_13_04_03_v3.pdf

standards

Justification

Timely information about national crime statistics is essential in order to be able to track and address overall trends and sub-trends, and compare criminal patterns across countries. Victimisation surveys are important complements to police and criminal justice data that capture only recorded crime and not the large number of unreported incidents that exist in every setting. Criminal justice systems include many components that do not work independently and problems frequently arise in coordination between various steps of the criminal justice process. Information that tracks the progress of individuals through the criminal justice system is important both to detect and address abuse and corruption and to support development of more effective and fairer policies.

The collection of ethnic data is a vital tool to detect and address patterns of discriminatory targeting of certain groups for law enforcement attention. Police should not feature the ethnic, religious or political background individuals in their investigations, unless necessary for the investigation and directly relevant to specific offence. The gathering and publication of anonymous ethnic statistics – while an essential tool to monitor discrimination – remains a highly sensitive in many settings where there are valid fears that ethnic data may fuel stereotypes about ethnic or religious identity and offending and the affected communities should have a voice in decisions to gather such data.

Recommendations

- 1. All relevant criminal justice authorities (prosecution serves as well as police) should collect and publish more detailed information on criminal justice statistics** from policing through to probation, including the following:
 - Police data. Basic demographic statistics on the police force and administrative staff, including sex, age group, and ethnic group or nationality.
 - Prosecution statistics. Data covering all steps of decision-making by prosecutors, such as initiating and abandoning prosecutions, bringing cases to court, and sanctioning offenders by summary decisions.
 - Detention statistics. Regular data on persons in police custody, in pre-trial detention, and on bail and electronic monitoring, including the legal bases (charges) and length of detention, including basic demographic info about detainees – age, sex, ethnic origin, nationality.
 - Judicial (Court) statistics. Integrated systems of data related to all actors in the criminal justice system.
 - Conviction statistics: data on persons who have been convicted—i.e., found guilty according to law – disaggregated by offence and by sex, age group, and ethnic background or nationality of the offender.
 - Prison authorities or Corrections. Information on numbers in detention, distinguishing juveniles and women, type of facility (e.g., high, medium or minimum security, early release decisions, and numbers of persons on probation. Figures should enable analysis of repeat offending and cycling through the criminal justice system.
- 2. Compile and publish annual victimisation surveys/crime reports so that overall trends and sub-trends can be monitored.**
- 3. Make national crime data bases, including victimisation surveys, open and accessible** to academic researchers and civil society organisations and the general public, and further publication should be permitted without restrictions.
- 4. Provide geo-referenced or mapped crime data.**
- 5. Publish evaluations of management quality, resource allocation and effectiveness** as measured against public safety and crime outcomes.
- 6. Data sets should be available online in open formats** that are easily downloaded for comparing and contrasting with other government data sets.
- 7. Submit data to the UN Office on Drugs and Crime for the International Crime and Victimisation Survey** and to

relevant regional organisations (OSCE; Council of Europe – CEPEJ).

8. Make police and crime info available in commonly-used languages.

Country Examples

The UK conducts annual surveys of experience and attitudes to crime

The Crime Survey for England and Wales, and the Crime Survey for Scotland measure the extent of crime by asking people whether they have experienced any crime in the past year. The full results are published annually each July with quarterly update. The Crime Survey records crimes that may not have been reported to the police and it is therefore used alongside the police recorded crime figures to show a more accurate picture of the level of crime in the country. As well as measuring crime, the survey looks at identifying those most at risk of crime, which is used in designing crime prevention programmes, people's attitudes to crime and the Criminal Justice System, including the police and the courts and people's experiences of anti-social behaviour and how this has affected their quality of life. From 2009 the survey has included a separate survey to record the experiences of young people aged 10-15.

- <http://www.crimesurvey.co.uk/>

Innovative Step: Create on-line crime and policing maps

Justification

New technologies are making information gathering and provision accessible to the general public in close to real time. These technologies enable the release of a greater level of detail, and ways to make police responses and resource allocation easily visible to local communities and the public.

Recommendations

1. **Geo-code police crime data.**
2. **Enable on-line mapping of reported crime and of police use of discretionary statutory powers**, such as stops, frisk and searches such that police-initiated actions may be assessed against crime patterns by the public at large.
3. **Allow raw data (suitably anonymised) to be downloaded as open data.**

Country Examples

The www.police.uk website provides street level information about crime and justice outcomes

The UK Home Office run website, www.Police.uk, which provides the public with easy access to street-level information about crime, anti-social behaviour and justice outcomes in their local area in the form of crime maps. The public can also see how crime rates in their area compare with those in other similar areas. By following a link to HMIC's website the public can see how the cost of policing in their force area compares to the cost in other police areas. Users can also find information about their Police and Crime Commissioner. We will be adding comparative information about the finances and staffing of PCC offices.

- <http://www.police.uk>

Innovative Step: Establish safeguards to ensure that new technologies used for police surveillance respect the right to privacy

Justification

Police organisations collect, hold, or have access to a significant amount of information, some of it of a private nature about victims, witnesses, crimes, and suspects, and much of it confidential. This information must be lawfully collected and used for only as far as is necessary and proportionate for law enforcement, and must be safeguarded from being misappropriated by criminals, journalists or private investigators, or for use by politically motivated State forces.

Technology developments are changing the nature of this information. People now transmit vast amounts of digital data about themselves and leave trails of metadata about their whereabouts, their contacts, and their transactions. Other data can be more cheaply collected, digitised and analysed, RFID tags enable individual products to be tracked, DNA can be sequenced, while facial recognition and number plate recognition software enable data mining of CCTV images. Taken alone or analysed collectively this data can be used to reveal a person's identity, behaviour, associations, physical or medical conditions, race, color, sexual orientation, national origins, or viewpoints; or enable the mapping of the person's location, movements or interactions over time.

These technologies can play an important role in preventing and detecting crime and enabling justice. They have also been used to support more accountable policing, for example there is early promising evidence from pilots of police officers using body-worn cameras that this encouraged lawful and respectful interaction and reduced the use of force.

However all of these technologies also raise privacy concerns. Pervasive or systematic monitoring has the capacity to reveal private information far in excess of its constituent parts, leaving the application legal principles to new technological contexts inadequate and unclear. As the development and use of these technologies advance, it is crucial that laws and regulations adhere to international human rights and adequately protect the rights to privacy and freedom of expression. The European Court of Human Rights has acknowledged that the mere collection and storing of personal data, including DNA and photographs, by law enforcement agencies can amount to an interference with the right to privacy. This is even when that data is publicly available and is systematically collected and stored in police files. (*Segerstedt-Wiberg v Sweden* (2007) 44 EHHR 2; *S and Marper v United Kingdom* (2009) 48 EHRR 50)

Recommendations

The following recommendations draw on the 'International Principles' and on 'Tshwane Principles,' Principle 10E.

States should:

1. **Publish sufficient information to enable individuals to fully comprehend the scope, nature and application of the laws permitting communications surveillance.**
2. **Authorise communications service providers to publish the procedures they apply when dealing with surveillance, adhere to those procedures, and publish records of State communications surveillance.**
3. **Publish, at a minimum, aggregate information on the number of requests for communications surveillance approved and rejected, and a disaggregation of the requests by service provider and by investigation type and purpose.**
4. **Establish independent oversight mechanisms to ensure transparency and accountability of surveillance.** Oversight

mechanisms should have the authority to access all potentially relevant information about surveillance, to assess whether it is conducted lawfully, and to evaluate whether the State has been transparently and accurately publishing information about the use and scope of communications surveillance techniques and powers. The independent oversight mechanism should publish periodic reports on its findings.

For law enforcement agencies, the operational implications of this include the need to

1. **Review police information security measures in the light of new technologies and techniques** to ensure they remain robust.
2. **Submit new or expanded surveillance techniques or technologies to the scrutiny of the judiciary or other democratic oversight mechanism** to ascertain whether it falls into the realm of complies with constitutional protections and international human rights standards.

Standards & Guidance

- DCAF: Overseeing Intelligence Services: A Toolkit <http://www.dcaf.ch/Publications/Overseeing-Intelligence-Services-A-Toolkit>
 - International Principles on the Application of Human Rights to Communications Surveillance <http://https://en.necessaryandproportionate.org/text>
 - Tshwane Principles on National Security and the Right to Information <http://www.right2info.org/exceptions-to-access/national-security>
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Privacy and Data Protection

 **Lead author:** [Open Rights Group](#), [Privacy International](#) and

Introduction

Privacy is an internationally recognised human right, enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the constitutions of more than 100 countries across the globe. Privacy is not only an important right in itself, but it is a key element of individual autonomy and dignity, and a strong enabler of political, spiritual, religious and even sexual freedoms. It is central to defining the relationship between a citizen and their government. Concrete expressions of the right to privacy are context specific, and may reflect cultural and societal differences.

The right to privacy encapsulates a right to protection of personal data: individuals have the right to decide whether to share or exchange their personal information and on what terms. Technologies are rapidly changing the nature and value of information, with huge volumes of personal data rapidly generated, transmitted, shared and collated. It is essential that governments are transparent and accountable in their handling of citizens' personal information.

The right to privacy and the [right to information](#) - and freedom of expression - are both essential human rights and need to be balanced on a case by case basis. There are occasions when these rights will be in conflict, such as in mandating disclosure of the private interests of politicians. But in most cases these "information rights" are not opposed, and in fact mutually reinforce each other. They work in tandem to hold the powerful to account by establishing the right to know, mainly about the government, but also what information the government and relevant institutions may hold and utilise in decisions about a citizen (Banisar, 2011).

Transparency efforts that respect privacy will try to correct information asymmetries between the powerful and rest of the population, while minimising intrusion to what is necessary to make the powerful accountable. Privacy should not be used as an excuse to avoid proper scrutiny.

Open government and transparency programmes place more information in the public domain, and can generate negative reactions if ordinary citizens feel that it is they - and not the powerful - who are exposed. The publication of health records, tax returns or even court transcripts have all proved problematic for individual privacy in different contexts. Technologies used for accountability - for example apps and websites collecting complaints about corruption - can have serious privacy implications. Such technologies involve the collection or storage of large amounts of potentially sensitive data, and as such raise risks of identification by third parties, and unforeseen access to data by governments (Open Rights Group, 2014).

The rights to privacy and data protection have a bearing on a multitude of government institutions, but are also important in the regulation of the private sector, including NGOs involved in development projects.

Police and security services are special cases since their responsibilities involve non-consensual intrusion into the private sphere in pursuit of public aims such as criminal justice and the protection of public safety and national security. Privacy issues relate to search and seizure powers, communications surveillance activities, and the establishment of DNA databases. The chapter of this guide on the [Police](#) and Security Sector contains specific recommendations.

The recommendations in this chapter are not prescriptive but examples to be adapted to local circumstances in order to enhance existing protections.

Open Rights Group (2014) Open Data and Privacy Primer <https://www.openrightsgroup.org/ourwork/reports/open-data-and-privacy-primer>

Banisar, D. (2011) The Right to Information and Privacy: Balancing Rights and Managing Conflicts, Washington DC: World Bank. <http://wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/Right%20to%20Information%20and%20Privacy.pdf>

Expert Organisations

Privacy International <http://https://www.privacyinternational.org/>

Open Rights Group <http://https://www.openrightsgroup.org/>

Electronic Frontier Foundation <http://https://www.eff.org/>

OECD [http:// www.oecd./sti/security-privacy](http://www.oecd./sti/security-privacy)

Global Privacy Enforcement Network <http://https://www.privacyenforcement.net>

Summary of illustrative commitments

Initial

- Enact privacy and data protection legislation
- Establish a programme of public education about protecting personal information
- Introduce guidelines for the handling of personal information in open government programmes
- Publish laws regulating the surveillance powers of law enforcement and intelligence agencies

Intermediate

- Assess the public privacy impact of open government programmes
- Publish transparency reports about surveillance, interception and access to communications data
- Repeal any requirements compelling the identification of phone or internet users

Advanced

- Incorporate 'privacy by design' in open government and transparency programmes
- Reform legislation relating to surveillance by state agencies to ensure it complies with human rights

Innovative

- Establish safeguards to ensure that new technologies used for surveillance and interception respect the right to privacy
- Give citizens control of their personal information and the right to redress when that information is misused
- Publish details of computer algorithms used by government

Detailed Recommendations

Initial Step: Enact privacy and data protection legislation

Justification

Data protection law is an important part of preserving personal privacy rights, which otherwise could be easily overwhelmed by the power of government agencies and corporations that hold information about individuals.

Privacy and data protection legislation is necessary in the context of open government programmes in order to give assurances to citizens. As public engagement increases, citizens are asked to trust their government and contracted agencies with their opinions, values and beliefs. Non binding agreements are not enough, as citizens cannot depend on the goodwill of the incumbent government for their privacy.

The concept of data protection implies that individuals in principle have the right to decide whether to share their personal information and to determine on what terms they are prepared to do so. Data protection laws generally incorporate safeguards protecting the security of personal data and allowing others to use it only in prescribed circumstances. More than 100 governments have enacted or are in the process of enacting data protection legislation. It is important that these laws cover both the public and private sector, as both have their own set of privacy risks for individuals. Data protection laws enhance government transparency by letting citizens know what information the state holds on them.

In addition to protecting individual privacy adequate data protection laws are an economic imperative for countries to attract investment in information-based industries, such as international call centres, data centres, and data processing services.


Recommendations

1. **Enact privacy and data protection legislation** regulating the use of personal information by both the private and public sectors.
2. **Establish a data protection authority** to oversee compliance with data protection legislation and to mediate complaints. If an authority exists, ensure it has the capacity to enforce privacy laws.
3. **Provide educational material to inform citizens and businesses about data protection standards**, their application and opportunities for redress when data breaches occur.
4. **Introduce meaningful punishments for breaches of privacy.** Fines should be proportional to a company's turnover to avoid them being incorporated into pricing.
5. **Apply for accreditation with the EU data protection regime** and introduce the necessary changes in the law.

Standards & Guidance


- Council of Europe: Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data <http://conventions.coe.int/Treaty/en/Treaties/Html/108.htm>
- European Union: European Data Protection Directive 1995 <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31995L0046&from=en>
- OECD: Guidelines on the Protection of Privacy and Transborder Data Flows of Personal Data <http://www.oecd.org/internet/ieconomy/oecdguidelinesontheprivacyandtransborderflowsofpersonaldata.htm>

Country Examples

 The data protection framework of Uruguay has been accredited by the EU as providing adequate protection

The EU Commission recognised Uruguay's legal framework as providing 'adequate protection' for personal data under the EU Data Protection Directive 95/46/EC. This allows full data transfer with the EU without the need for additional safeguards. To achieve this distinction, Uruguay has had to prove to the competent authorities the appropriate adoption and compliance with the provisions on protection of personal data protection.

Other countries recognised as providing 'adequate' data protection are Argentina, Andorra, Canada, Switzerland, Faeroe Islands, Guernsey, Israel, Isle of Man, Jersey and the US Safe Harbor.

 The Dominican Republic committed to enact the law on personal data protection as part of its OGP Action Plan

The Open Government Partnership Action Plan for the Dominican Republic contains a commitment to create a legal framework for the protection of personal data, both in public and in the private domain.

Initial Step: Establish a programme of public education about protecting personal information

Justification

An important step towards securing the protection of individuals' personal information is educating citizens about the value of that information and the reasons why they should expect that data to be protected. Individuals need to be informed about the nature of digital technologies and the internet, how companies gather and use data, and how governments might be able to gain access to that data. New technologies require new skills and awareness about how to stay safe and protect personal information (see Electronic Frontier Foundation, 2002). This is particularly important for the legitimacy of government programmes that increase the use of personal data in policy making and service delivery. Empowering individuals with respect to personal information is in line with the Organisation for Economic Cooperation and Development Guidelines on the Protection of Privacy and Transborder Flows of Personal Data (1980), which emphasise the participation of individuals in the protection of their own personal data.

Recommendations

1. **Carry out public education campaigns about personal information**, including current topics such as how it can be linked with other data and analysed in ways that might endanger privacy. These should be translated into local languages and disseminated through appropriate media (e.g. community radio).
2. **Provide individuals with simple steps they can take to protect their personal information**, both online and offline, to ensure that citizens play a proactive role in the protection of their personal data.

3. Introduce privacy and transparency together in the national curriculum for schools.

Standards & Guidance

- Council of Europe: Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data <http://conventions.coe.int/Treaty/en/Treaties/Html/108.htm>
- European Union: European Data Protection Directive 1995 <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31995L0046&from=en>
- OECD: Guidelines on the Protection of Privacy and Transborder Data Flows of Personal Data <http://www.oecd.org/internet/ieconomy/oecdguidelinesontheprivacyandtransborderflowsofpersonaldata.htm>
- United Nations: Guidelines for the regulation of computerized personal data files <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=3ddcfaac>

Country Examples

The UK Government supports the Get Safe Online advice site

Get Safe Online was created in 2005 as a joint Government-industry partnership in order to provide unbiased, user-friendly advice about online safety for consumers and smaller businesses. It is supported by funding from the Cabinet Office and cooperation from other Government bodies. The Serious Organised Crime Agency (SOCA) provides staff to help with the annual "Get Safe Online Week" which includes conferences, media events and workshops.

The UK Information Commissioner's Office has published a booklet about protecting personal information

The UK's Information Commissioner's Office – the independent authority set up to promote access to information and to protect personal information in the UK – has published a booklet on protecting personal information. It contains advice and tips on protecting, accessing and correcting personal information, as well as information on how to reduce unwanted texts, junk mail etc. and how to identify theft and fraud.

Initial Step: Introduce guidelines for the handling of personal information in open government programmes

Justification

Government programmes to increase transparency and accountability need to consider privacy early in the conception stage, and not at the point of delivery. Privacy concerns can generate negative reactions, as has been the case with the release of health data in the UK. Plans to allow better scrutiny of outcomes by releasing more data have led to concerns that patients would see their privacy invaded.

In most cases personal data should not be published at all and almost certainly not as open data. When personal data is

published in the public interest potential negative impacts should be minimized. For example, personal information should not be made available for marketing purposes through the publication of data on subsidies and taxes or disclosure of registers and judicial documents. Data minimisation (identifying and holding only the minimum amount of personal data that needs to be held to fulfil a purpose) and other practical measures, such as controlling access to personal information through registration, can help control the risks of misuse.

Another potential conflict is the publication of performance data from public services – schools, hospitals, welfare, etc - for accountability purposes. This kind of data is normally “anonymised”, but there are growing concerns about the risks of re-identification of individuals by combining different data sources. There should be transparency and accountability over the release of such data with aggregate statistics, instead of individual level data, always being the better privacy option.

Data collected in programmes of citizen engagement has to be handled with special care. In some extreme cases there could be serious risks of reprisals, such as in the reporting of corruption. In some cases the information management risks will not be strictly related to personal data. For example, disclosure of the location of natural resources or protected species may negatively affect a whole community.

Recommendations

1. **Publish guidelines for the disclosure of personal information in public registers**, including data minimisation and access control if appropriate.
2. **Publish guidelines and offer support for the incorporation of privacy and responsible data handling in the design of open government programmes.**
3. **Publish guidelines for the release of personal information about public employees**, e.g. seniority criteria.
4. **Publish guidelines for the sharing of personal information with private contractors.** Data should be minimized to that needed to fulfil the purpose of the contract. Contractors delivering the services should be subjected to the same controls as public bodies.
5. **Use Open Data Institute certificates in open data releases.** In datasets containing personal information these should include the legal basis for release, de-identification options, etc.

Standards & Guidance

- European Commission – Article 29 Working Party: Opinion 05/2014 on Anonymisation Techniques http://www.cnpd.public.lu/fr/publications/groupe-art29/wp216_en.pdf
- Open Data Institute: Open Data Certificates <http://https://certificates.theodi.org/about>

Initial Step: Publish laws regulating the surveillance powers of law enforcement and intelligence agencies

Justification

Many countries still rely on secret laws and confidential interpretations by secret courts to carry out surveillance, while in other countries these activities are not fully regulated. The administration of justice and the protection of national security in democratic countries require a transparent and open legal framework detailing the powers and responsibilities of police and public security agencies, including intelligence agencies. Where law enforcement and intelligence agencies are empowered to conduct surveillance in order to achieve security and policing aims, these powers must be clearly delineated and articulated in a way that enables individuals to foresee their application and scrutinise their use.

A fundamental principle of international human rights law is that interferences with the right to privacy must be necessary, proportionate, and in accordance with the law. The European Court of Human Rights has emphasised that for surveillance to be “in accordance with the law” legislation must give citizens enough detail on the following aspects:

- The nature of the offences which may give rise to surveillance;
- The categories of people liable to be subject to surveillance;
- A limit on the duration of surveillance;
- The procedure to be followed for examining, using and storing the data obtain;
- The precautions to be taken when communicating the data to other parties; and
- The circumstances in which data may or must be erased or the tapes destroyed.

Recommendations

1. **Publish all laws and regulations setting out the surveillance powers of law enforcement and intelligence agencies, and adopt such laws where these do not exist.** These should cover internal regulations and procedures, although internal regulations should be minimised where possible. Surveillance regulations should be legislated to ensure they are subject to sufficient scrutiny.
2. **Ensure laws and regulations setting out surveillance powers are sufficiently clear in scope and detail** to meet the requirements of foresee-ability and accessibility necessitated by the rule of law. Ensure they are published with enough supporting documentation and explanatory notes so citizens understand how they work in practice.
3. **Educate citizens about the oversight mechanisms in place** that investigate and monitor the compliance of law enforcement and intelligence agencies with the laws and regulations pertaining to surveillance powers. Provide information about means of redress for citizens who believe that agencies have breached legislation relating to surveillance.

Standards & Guidance

- International Principles on the Application of Human Rights to Communications Surveillance <http://https://en.necessaryandproportionate.org/text>
- UN High Commissioner for Human Rights: The Right to Privacy in the Digital Age http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A.HRC.27.37_en.pdf
- United Nations: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/133/03/PDF/G1313303.pdf?OpenElement>

Intermediate Step: Assess the public privacy impact of open government programmes


Justification

A Privacy Impact Assessment, or PIA, is a formal analysis of how personally identifiable information is collected, used, shared, and maintained. PIAs provide accountability by demonstrating that privacy has been incorporated in the design of a programme. This allows for risks to be discovered early and mitigated. PIAs allow organisations to communicate more clearly with the public their responsible management of personal data and how they deal with privacy concerns.

Recommendations

1. **Mandate PIAs for all e-government and open government programmes.** Mandate that PIAs are published, including technical information on how data may be protected, such in de-identification processes. Third party providers of services should be included within the scope of PIAs and agree to be accountable as well.
2. **Provide guidance on how to carry out PIAs** (for example, see the UK's [Code of Practice](#)).

Country Examples

 Privacy Impact Assessments are legally required for e-government programmes in the United States

In the US, PIAs are required by the E-Government Act of 2002, Section 208, which regulates the management and promotion of Federal electronic government services and processes. The Act defines the required top level components of a PIA, including how the information will be secured.

Intermediate Step: Publish transparency reports about surveillance, interception and access to communications data

Justification

Transparency around the use of surveillance powers is a crucial means of ensuring that law enforcement and intelligence agencies are kept in check and the privacy of individuals is not interfered with outside the strict confines of the law. Transparency allows the citizenry to watch over the government, ensure that it is not exceeding its powers, and to know when the balance between protecting security and infringing on human rights has tipped too far in favour of the police and public security forces.

In recent years, growing numbers of internet services and communications providers have taken to publishing transparency reports, detailing the numbers of requests they receive from governments for access to individuals' communications data, and the number of requests they get for the removal of information from their services. Examples include:

- Facebook Global Government Requests Report -https://www.facebook.com/about/government_requests
- Google Transparency Report -<http://www.google.com/transparencyreport/>
- Microsoft Law Enforcement Requests Report -<https://www.microsoft.com/about/corporatecitizenship/en-us/reporting/transparency/>
- Twitter Transparency Report -<https://transparency.twitter.com/>
- Vodafone Law Enforcement Disclosure Report -http://www.vodafone.com/content/sustainabilityreport/2014/index/operating_responsibly/privacy_and_security/law_enforcement.html

Governments should embrace a similar process. By publishing transparency reports detailing the number of requests they make to communications services providers and internet services, and the number of authorisations granted to law enforcement and intelligence services for different types of online or offline surveillance, governments can ensure that its surveillance is scrutinised by the public in a way that ensures accountability.

Recommendations

1. **Enact legislation compelling law enforcement and intelligence agencies to publish yearly disaggregated data** about the number of requests made and acceded to by the private sector for access to corporate communications data, and the number of requests made to and approved by the courts or other oversight mechanisms for authorisation to conduct online or offline surveillance.
2. **Ensure transparency reports are published in an easy and accessible way** that is also consistent, machine readable and openly licensed for reuse.

Standards & Guidance

- Global Network Initiative: Principles on Freedom of Expression and Privacy
http://https://globalnetworkinitiative.org/sites/default/files/GNI_-_Principles_1_.pdf

Country Examples

The UK's Interception of Communications Commissioner publishes limited annual statistics

The Commissioner's role includes reviewing interception warrants for real-time surveillance (historically known as "telephone tapping") and safeguards relating to the use of information. He reports annually to the Prime Minister as to whether the institutions within his oversight mandate are operating in accordance with the law. The Commissioner's annual report covers the issuing of warrants to MI5, police, Special Branch and other government agencies, but not the Foreign Office or world-wide electronic intelligence-gathering agency GCHQ. It only gives general aggregate figures, and although the amount of data has been increased in recent years, human rights organisations say that this remains inadequate for meaningful oversight, review and accountability of interception and surveillance'

- <http://www.iocco-uk.info/>
- <http://www.statewatch.org/analyses/no-244-gchq-intercept-commissioner.pdf>

The USA publishes annual Wiretap reports

U.S. Courts issue an annual Wiretap report detailing the use of surveillance authorities by law enforcement agencies. The annual report provides comprehensive data on all federal and state wiretap applications, including the types of crimes investigated, as well as the costs involved and whether arrests or convictions resulted. They do not include names, addresses, or phone numbers of subjects under surveillance. However the [Foreign Intelligence Surveillance Court](#) annual report provides much less information.

Intermediate Step: Repeal any requirements compelling the identification of phone or internet users

Justification

One of the most important features of the Internet is the ability to anonymously access and impart information, and to

communicate securely without having to be identified. Initially, this was possible because there was no “identity layer” built into the Internet. However, in the name of security and law enforcement, Governments around the world are increasingly restricting opportunities for anonymous communication. For example, in some countries individuals must identify themselves at cybercafés and have their transactions on public computers recorded. In other cases, identification and registration are also required when buying a SIM card or mobile telephone device, for visiting certain major websites, or for making comments on media sites or blogs (Donovan and Martin, 2014). Here we must make a clear distinction between private companies asking for data for commercial purposes and mandated identification by governments.

Restrictions on anonymity facilitate State communications surveillance by making it easier to identify individuals accessing or disseminating prohibited content, making such individuals more vulnerable to other forms of surveillance. Thus restrictions on anonymity dissuade the free expression of information and ideas and can in practice result in people being unable to access vital social spheres, undermining their rights to expression and information, and exacerbating social inequalities. This includes many open government projects that rely on mobile technologies to give citizens a voice or a platform for action. Furthermore, restrictions on anonymity allow for large amounts of data collected and compiled by the private sector to become personally identifiable. This may result in a significant burden and responsibility on corporate actors to protect the privacy and security of such data. Or alternatively drive them to monetise it, with the risk of further privacy invasions.

Recommendations

1. **Repeal any laws or regulations that require the use of real names or the verification of identity in online fora, social media or other internet spaces.**
2. **Remove requirements that individuals identify themselves** when using cybercafés or public computers.
3. Open government engagement programmes may on occasion need to **identify participants, but only after a clear case has been made.**

Standards & Guidance

- GSMA: The Mandatory Registration of Prepaid SIM Card Users – A White Paper http://www.gsma.com/publicpolicy/wp-content/uploads/2013/11/GSMA_White-Paper_Mandatory-Registration-of-Prepaid-SIM-Users_32pgWEBv3.pdf
- United Nations: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/133/03/PDF/G1313303.pdf?OpenElement>

Advanced Step: Incorporate ‘privacy by design’ in open government and transparency programmes

Justification

Privacy by design promotes privacy and data protection compliance from the moment a project is conceived. This approach is not a substitute for any legislation, but it will help organisations comply with their obligations under local laws.

Recommendations

Incorporate the seven *Privacy by Design* principles in open government programmes:

1. **Proactive not Reactive; Preventative not Remedial:** Anticipate and prevent privacy-invasive events before they happen.
2. **Privacy as the Default Setting:** Deliver the maximum degree of privacy by ensuring that personal data are automatically

protected in any IT system or business practice. Privacy settings should get built into the system, by default so that no action is required on the part of the individual to protect their privacy.

3. Privacy Embedded into Design: Privacy should not be bolted on as an add-on, after the fact but be built into core functionality.

4. Full Functionality: Accommodate all legitimate interests and objectives in a positive-sum “win-win” manner, not through a dated, zero-sum approach, where unnecessary trade-offs are made. Privacy by Design avoids the pretence of false dichotomies, such as privacy vs. security, demonstrating that it is possible to have both.

5. Full Lifecycle Protection: Extend privacy throughout the entire lifecycle of the data involved, from start to finish. This ensures that at the end of the process, all data are securely destroyed, in a timely fashion.

6. Visibility and Transparency: Assure all stakeholders that the business practice or technology is operating according to the stated promises and objectives, subject to independent verification. Component parts and operations should remain visible and transparent, to users and providers alike.

7. Respect for User Privacy– Above all: Privacy by Design requires architects and operators to keep the interests of the individual uppermost by offering such measures as strong privacy defaults, appropriate notice, and empowering user-friendly options.

Standards & Guidance

- GSMA: Privacy Design Guidelines for Mobile Application Development <http://www.gsma.com/publicpolicy/privacy-design-guidelines-for-mobile-application-development>
- Privacy by Design: 7 Foundational Principles <http://www.privacybydesign.ca/index.php/about-pbd/7-foundational-principles/>

Advanced Step: Reform legislation relating to surveillance by state agencies to ensure it complies with human rights

Justification

As technologies that facilitate surveillance of communications advance and the powers of intelligence agencies expand, governments must ensure that laws and regulations related to communications surveillance adhere to international human rights and adequately protect the rights to privacy and freedom of expression. There needs to be an updated understanding of how international human rights law applies in the current digital environment, particularly in light of the increase in, and changes to, communications surveillance technologies and techniques.

A very useful tool to assess compliance is the International Principles on the Application of Human Rights to Communications Surveillance. These were developed to provide governments with a framework to evaluate whether current or proposed surveillance laws and practices are consistent with human rights. The Principles are the outcome of a global consultation with civil society groups, industry and international experts in communications surveillance law, policy and technology. These principles are the global standard for balancing the need for secrecy around surveillance with the requirements for accountability inherent in open government. This is one of the hardest problems for policy makers seeking to create genuinely accountable states and an urgent priority. Getting this balance wrong can undermine the very basis of democracy by weakening fundamental rights.

Recommendations

1. **Thoroughly review all laws and regulations pertaining to the surveillance powers of law enforcement and intelligence agencies** to identify where legislation conflicts with, or falls short of, the standards articulated in the International Principles.
2. **Amend legislation to ensure compliance** with the International Principles.

Standards & Guidance

- International Principles on the Application of Human Rights to Communications Surveillance
<http://https://en.necessaryandproportionate.org/text>

Innovative Step: Establish safeguards to ensure that new technologies used for surveillance and interception respect the right to privacy

Justification

Law enforcement and intelligence agencies collect, hold, or have access to a significant amount of information – some of it of a private nature about victims, witnesses, crimes, and suspects – and much of it confidential. This information must be lawfully collected and used for only as far as is necessary and proportionate for law enforcement, and must be safeguarded from being misappropriated by criminals, journalists or private investigators, or for use by politically motivated State forces.

Technology developments are changing the nature of this information. People now transmit vast amounts of digital data about themselves and leave trails of metadata about their whereabouts, their contacts, and their transactions. Other data can be more cheaply collected, digitised and analysed. RFID tags enable individual products to be tracked, DNA can be sequenced, while facial recognition and number plate recognition software enable data mining of CCTV images. Taken alone or analysed collectively this data can be used to reveal a person's identity, behaviour, associations, physical or medical conditions, race, colour, sexual orientation, national origins, or viewpoints; or enable the mapping of the person's location, movements or interactions over time.

These technologies can play an important role in preventing and detecting crime and enabling justice. They have also been used to support more accountable policing, for example there is early promising evidence from pilots of police officers using body-worn cameras that this encouraged lawful and respectful interaction and reduced the use of force.

However all of these technologies also raise privacy concerns. Pervasive or systematic monitoring has the capacity to reveal private information far in excess of its constituent parts, leaving the application legal principles to new technological contexts inadequate and unclear. As the development and use of these technologies advance, it is crucial that laws and regulations adhere to international human rights and adequately protect the rights to privacy and freedom of expression. The European Court of Human Rights has acknowledged that the mere collection and storing of personal data, including DNA and photographs, by law enforcement agencies can amount to an interference with the right to privacy. This is even when that data is publicly available and is systematically collected and stored in police files (*Segerstedt-Wiberg v Sweden* (2007) 44 EHRR 2; *S and Marper v United Kingdom* (2009) 48 EHRR 50).

Recommendations

The following recommendations draw on the 'International Principles' and on 'Tshwane Principles,' Principle 10E.

States should:

1. **Publish sufficient information** to enable individuals to fully comprehend the scope, nature and application of the laws permitting communications surveillance.
2. **Authorise communications service providers to publish the procedures they apply when dealing with surveillance**, adhere to those procedures, and publish records of State communications surveillance.
3. **Publish, at a minimum, aggregate information on the number of requests for communications surveillance approved and rejected**, and a disaggregation of the requests by service provider and by investigation type and purpose.
4. **Establish independent oversight mechanisms to ensure transparency and accountability of surveillance.** Oversight mechanisms should have the authority to access all potentially relevant information about surveillance, to assess whether it is conducted lawfully, and to evaluate whether the State has been transparently and accurately publishing information about the use and scope of communications surveillance techniques and powers. The independent oversight mechanism should publish periodic reports on its findings.

For law enforcement agencies, the operational implications of this include the need to:

1. **Review information security measures in the light of new technologies and techniques** to ensure they remain robust.
2. **Submit new or expanded surveillance techniques or technologies to the scrutiny of the judiciary or other democratic oversight mechanism** to ascertain whether it falls into the realm of complies with constitutional protections and international human rights standards.

Innovative Step: Give citizens control of their personal information and the right to redress when that information is misused

Justification

Increasingly businesses and government collect and analyse a large amount of personal data on their customers and service users. Giving people greater access to electronic records of their credit rating, or their past buying and spending habits can help them to make better buying choices. For example, data that a phone company holds about your mobile use may help you choose a new tariff.

It is of key importance that consumers are aware of the data they are giving to businesses, and the potential uses for this information. They must have control over their personal data and have mechanisms in place to prevent businesses deleting or replacing incorrect or sensitive data from their records; allowing them to prohibit the collection of personal data if they do not want to share it.

In many countries there is a growing lack of trust in how both governments and private institutions handle personal information. This has generated interest in technologies that allow consumers to be in control of their data. In the UK, there are new Personal Information Management Services, such as [Mydex](#), a social enterprise that offers a platform for users to capture, organise and take control of their personal data. This company has been certified as a provider of digital identity for e-government by the UK administration.

Personal clouds keep personal data safe and allow sharing data under terms and conditions of choice; they also allow choice over which apps to run on the data. [The Respect Network](#) is a group of cloud providers that enable members anywhere in the world to share sensitive private data over trusted private connections.

In many open government programmes citizens could be given control over their information by using these kinds of technologies. This would not just induce confidence but would give citizens shared responsibility and ownership of the programmes. Protecting personal information is important in all public programmes from welfare, health education to open government technologies for accountability. Giving citizens control over their data does not remove the need to have

sound privacy policies and practices. In particular, giving users control without educating them about privacy could open the way for them to be exploited by unscrupulous individuals or organisations.

Recommendations

1. **Identify key sectors for the release of personal data.** Work with sector regulators, information commissioners and consumer groups to identify key sectors such as banking, mobile phones and energy, as priorities for the private sector to release personal data to consumers electronically;
2. **Work with companies to develop systems** to make sure consumers can access their own data securely;
3. **Encourage businesses to develop applications** (apps) that will help consumers make effective use of their data;
4. **Enact and enforce legislation** that provides consumers with adequate mechanisms to manage the type, amount and use of personal data by businesses;
5. **Consider regulation** to compel companies to disclose data to customers;
6. In open government initiatives, **implement technical solutions for the control of personal information**, such as data stores, vendor relationship management, private clouds.

Innovative Step: Publish details of computer algorithms used by government

Justification

As interactions between citizens and state institutions and services become increasingly digital, there is the potential for new forms of 'algorithmic regulation'. For example, vehicle license plate recognition is already used for congestion charging. Collecting data from in car GPS systems could allow drivers to be automatically ticketed for exceeding the speed limit, or help them find parking spaces, while the development of self-driving vehicles and integration of public transport, traffic control and smart transport sharing services will require collection and sharing of further data.[1]

This new digital regulation has risks for privacy. Once data is collected for one purpose, it is easy to imagine new uses for it, and data combined from different sources can reveal more than is needed. For example, tracking our speed while driving also means tracking our location. If computer algorithms are used to score, profile, decide or have any impact on citizens, these should be subjected to the same public scrutiny and accountability as any other component of open government. This means algorithms have to be public.[2]

We are only at the beginning of this data revolution, and privacy safeguards must be developed alongside.

Recommendations

1. **Inform the public about the use of algorithmic regulations** and consult on privacy and design issues.
2. **Develop algorithmic regulations with clearly specified goals** and wherever possible design real-time quality measurements to track and improve performance towards these goals and avoid 'mission creep' in the use of the data.
3. **Adopt 'privacy by design' principles** when developing algorithmic regulations, discarding or anonymising data that is not needed to meet the goals.
4. **Explicitly include algorithms within the scope of Access to Information Laws**, and ideally establish a policy to proactively publish all public regulation algorithms and their objective.

5. **Develop methods for usable transparency** so that the relevant aspects of an algorithm can be presented in an understandable and plain-language way, perhaps with multiple levels of detail.
 6. **Ensure that the data used to make determinations is auditable**, and whenever possible, open for public inspection.
 7. **Periodically undertake and publish deeper analysis** of whether the algorithms themselves are correct and performing as expected.
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Public contracting

 **Lead author:** [Open Contracting Partnership](#)

Introduction

Public contracts play a vital role in the financial health of a country and the lives of its citizens by generating revenues and providing essential goods, works, and services. Public contracts cover all economic sectors and types of agreements, including **procurement, licenses and concessions** and the **sale of public property**. It has been estimated that public contracts procuring goods, works, and services alone are worth approximately USD 9.5 trillion per year.(Kenny, 2012)

Therefore, it is critical that public contracts should be fairly awarded and offer good value-for-money. However, in many countries around the world, public contracting has been identified as the government activity most vulnerable to wastefulness, mismanagement, inefficiency, and corruption.(World Bank, 2011)

Citizens, media, and civil society want to know why a school was not built, why medicines are so expensive, why a road is in disrepair after only one year, or how many local workers the new mine will be hiring. To answer these questions requires access to information contained in contracts and documents related to their procurement and performance. But, in many countries there is limited public information about how contracts are negotiated, what has been contracted for, how they are being performed, and who is responsible. Sometimes even parliamentarians and supreme audit institutions are prevented by confidentiality clauses from understanding how the government is allocating public resources. Likewise, there are few chances for citizens to monitor public contracts.

It is increasingly recognised that 'open contracting' is required for governments to be held accountable for the use of public resources.(OECD, 2007) Disclosure and participation are critical tools to improve the management of public resources and *open contracting* refers to norms and practices for increased disclosure and participation in public contracting. It covers the entire process, including formation, award, execution, performance and completion of public contracts, and the full range of contract types, from basic procurement to joint ventures, licenses and production sharing agreements. Open contracting practices can be implemented at all levels of government and can apply to all public contracting, including contracts funded by combinations of public, private and donor sources.

References

Kenny, Charles with Jonathan Karver, 2012, Publish What You Buy The Case for Routine Publication of Government Contracts, Center for Global Development Policy Paper 011

World Bank, 2011, Curbing Fraud, Corruption, and Collusion in the Roads Sector

OECD, 2007, Integrity in Public Procurement: Good Practice from A to Z

Expert Organisations

Open Contracting Partnership <http://www.open-contracting.org/>

Summary of illustrative commitments

Initial

- Develop a framework for public contracting that ensures a transparent and equitable process
- Recognize the right of the public to access public contracting information

Intermediate

- Proactively disclose core classes of documents and data about public contracting
- Provide capacity building to support stakeholders to understand, monitor and act upon contracting data

Advanced

- Create mechanisms for participation and redress in public contracting

Innovative

- Facilitate funding to support participation in public contracting

Detailed Recommendations

Initial Step: Develop a framework for public contracting that ensures a transparent and equitable process

Justification

Clear, transparent and fair frameworks for public contracting are linked to operational benefits such as saving time and money on finding and processing bids. At the same time transparent processes deter a culture of corruption and create conditions for open competition, supporting the goal of securing goods and services that deliver greater value money. (Kaspar and Puddephatt, 2012) Transparent contracting frameworks should not require excessive bureaucracy which prevents small firms and organisations from competing for tenders, but rather should open up a level playing field.

In awarding licenses in the extractive industries competition among potential investors is crucial to help offset some of the asymmetry regarding access to information that tends to disadvantage governments.(World Bank, 2012)

Recommendations

Public contracting frameworks should be characterised by:

1. Well-defined, concise, and comprehensible regulations, guidelines and procedures that are enforceable and open to public scrutiny.
2. Transparent advertising of opportunities, clear and standardised tender documents and guidelines.
3. Clear and public selection and award criteria.
4. Disclosure of awards.
5. Rationale behind awards.
6. Conflict of interest policies for officials.
7. Mechanisms for appeal and information requests.

Public contracts should be awarded through competitive processes whenever possible.

Information relating to procurement procedures and contracts that have been awarded should be made publicly available.

Standards & Guidance

- OECD Methodology for Assessing Procurement Systems (MAPS) <http://www.oecd.org/dac/effectiveness/45454394.pdf>
- OECD Principles for Integrity in Public Procurement <http://www.oecd.org/gov/ethics/48994520.pdf>
- Open Contracting: A New Frontier for Transparency and Accountability <http://pro-act.org/profiles/blogs/research-highlights-open-contracting-practices-from-around-the-wo>
- Open Data Guidelines for Procurement <http://sunlightfoundation.com/procurement/opendataguidelines>

Country Examples

 In Ecuador, the introduction of an e-reverse auction in the purchase of medicines achieved an expenditure reduction of USD 327 million

In Ecuador, the introduction of an e-reverse auction in the purchase of medicines significantly reduced the overall cost of obtaining information on contracts and simplified the bidding process. In total, this process achieved an expenditure reduction of USD 327 million.

The health sector in Ecuador is made up of 4 major institutions that have around 2800 public health establishments carrying out autonomous purchases. This traditional and fragmented purchase of medicine hurts planning, efficiency and control.

The National Institute of Public Purchases -INCOP – as the directing entity of Ecuador's public purchases, developed a process for purchasing medicines through a Reverse Auction of Medicines. By consolidating the demand they were able to get a better position in the market to and fixing prices for two years with winning bidders signing a framework agreement for two years. Health providers are then able to purchase medicines at fixed price from the resulting electronic medicine catalogue.

The process using electronic bidding through the [INCOP](#) website allows for fair competition. In the first rounds of bidding it is estimated that savings of \$327 (or 42% of the existing medicines budget). Although the bidding was carried out openly, the system still allowed a local content requirement to be included and 41% of the awarded medicine was of Ecuadorian origin. The preferences were given with the purpose of job creation, innovation and industrial development.

- <http://pro-act.org/profiles/blogs/acquiring-medicine-for-the-ecuadorian-public-health-sector-just-a>

In Peru public land for sale must be advertised for a minimum of 90 days

In Peru, a land auctioning process has been in place since the 1990s and since then 235,500 ha of public land has been auctioned for nearly US\$50 million. About 20 of the country's 50 main agro-export companies have received land through these auctions.

Where a government agency, ministry, regional or local government wishes to divest public land, the intention to divest the land is published, along with the minimum investment required and the minimum bid price for the land, in the official gazette, local and international newspapers, and a government Web site for a minimum of 90 days. Likewise, if an investor approaches the government, the evaluated proposal is published for a minimum of 90 days to allow other potential investors to present offers.

Bids are ranked by price offered and the amount of projected investment. Each auction takes 4-5 months and data on the minimum bid value of the land, the investment commitment, and data on land size are publicly available. Business plans are also made public. Redress can be remedied if the property was expropriated. If within one year of the conclusion of the court process the expropriated property is not used for its planned purpose, it automatically reverts to the original owner.

Peru's success in divesting public land through auctions is credited to the transparency of the process as well as to oversight from a high-powered and independent technical committee representing private and the public sectors. Competitive bidding for land provides a mechanism by which the host government achieves better terms and is able to extract some of the surplus created by the project, while eliminating direct negotiations between private buyers and public officials. However, the extent to which business plans incorporate community benefits, or how social and environmental concerns are considered during the awarding of investment projects, remains unclear.

- http://www.globalwitness.org/sites/default/files/library/Dealing_with_disclosure_1.pdf

- http://siteresources.worldbank.org/INTARD/Resources/ESW_Sept7_final_final.pdf

 In Sierra Leone the law requires that oil contracts must be awarded through competitive auctions

Sierra Leone has a long history of mining as its major economic activity. The mining sector provides employment and livelihood to over 135,000 workers, the overwhelming majority of whom are engaged in artisanal, small-scale mining operations. Artisanal mining constitutes an estimated 84 percent of total diamond exports from Sierra Leone. Sierra Leone does not currently produce any petroleum, but there are offshore prospects.

The petroleum sector is regulated by the Petroleum Exploration and Production Act of 2001. Under this Act, Sierra Leone developed a model petroleum agreement which provides a 10 percent royalty, a 37.5 percent income tax rate and annual rental between \$30 and \$100 per sq. km. A revised Petroleum Exploration and Production Bill was submitted to parliament in July 2011 that included several clauses seeking to improve transparency, including a requirement that oil contracts be awarded only through competitive auctions, that contracts be published and that payments be disclosed in accordance with the terms and procedures of EITI.

Paragraph 39 of the Petroleum (Exploration and Production) Act form 2011 states that “A Minister may, following a transparent, fair and competitive process and on the advice of the Directorate, grant a petroleum licence to two or more applicants who offered the most favourable terms and conditions to the State.”

- <http://www.revenuewatch.org/countries/africa/sierra-leone/extractive-industries>
- [http://www.revenuewatch.org/sites/default/files/Sierra Leone Petroleum Act 2011b.pdf](http://www.revenuewatch.org/sites/default/files/Sierra%20Leone%20Petroleum%20Act%202011b.pdf)

 The Philippine Procurement law requires the proactive publication of key information

In 2002, the Congress of the Philippines passed Republic Act No. 9184, the “Government Procurement Reform Act,” to address the problem of a vague and complex web of overlapping procurement regulations which made the process vulnerable to manipulation.

The Act, along with its implementing rules and regulations, mandates transparency and accountability measures to help combat corruption and inefficiency in public procurement. The bill specifically stresses that information and communication technology (ICT) should play a central role in how the government meets these goals.

The Philippine Government Electronic Procurement System PhilGEPS serves “as the primary and definitive source of information on government procurement.” According to law, all public tenders, from those conducted by federal agencies to those of the smallest Local Government Unit (LGU) must pass through the PhilGEPS system. It hosts information on:

- Invitation to Bid/Request for Expression of Interest;
- Bidding Documents;
- Supplemental/Bid Bulletin;
- Notice of Award;

- Approved Contract; and
- Notice to Proceed

In addition there are procurement related documents that are required by the regulations to be made available to the bidders or the public upon request, such as the Minutes of the Pre-Bid Conference and Minutes of the Bid Opening.



The screenshot shows the PhilGEPS website interface. At the top, there is a navigation bar with links for Home, PhilGEPS Outbox, Opportunities, Catalogue, About PhilGEPS, and Links. Below this, there is a status bar indicating the current date and time (Friday, September 13, 2013 09:15 PM) and options to Login or Register Now. The main content area is titled "Recent Award Notices" and includes a search bar. Below the search bar, there is a pagination control showing "<Previous> 1 2 3 4 5 <Next>" and a message "100 award notices found". A table of award notices is displayed with columns for "Title" and "Amount (PHP)".

	Title	Amount (PHP)
1	1 lot	2,639,141.00
2	11FD47-MPB, Can-adieng, ormoc city	2,880,034.33
3	12IF098-Barangay Road, Mansahaon, Matag-ob	1,338,465.00
4	13IF0018-Cambadbad PS, Matag-ob, Leyte	564,295.00
5	PARTS AND REPAIR OF VEHICLE	90,280.00
6	PARTS AND REPAIR OF VEHICLE	55,000.00
7	PARTS AND REPAIR OF VEHICLE	93,900.00
8	Cluster 8 Repair & Rehabilitation	9,942,590.70
9	Cluster 7 Repair & Rehabilitation	9,896,459.78
10	Cluster 6 Repair & Rehabilitation	9,644,081.72
11	Cluster 5 Repair & Rehabilitation	9,861,903.78
12	Cluster 4 Repair & Rehabilitation	9,745,569.91
13	Cluster 3 Repair & Rehabilitation	10,025,077.90
14	Cluster 2 Repair & Rehabilitation	9,681,883.70
15	Cluster 1 Repair & Rehabilitation	9,272,868.80
16	121g-0067-Expansion San Isidro (Health Facilities)	1,996,090.50
17	12IF085-Palompon Tourism Wharf and Stilt Cottage	4,901,136.00
18	Medical Supplies	1,473.50
19	Medical Supplies	1,470.00
20	Medical Supplies	1,000.00

Despite the introduction of PhilGEPS and the mandate that all public procurement pass through the electronic bulletin system, journalists, watchdogs and other CSOs continue to face significant information availability problems. They report that the compliance with reporting requirements is lacking, the information tracked by government entities is incomplete, and the data that is nominally available is subject to a range of barriers to public use.

Key limitations are that PhilGEPS does not capture all of the relevant information necessary for third-party oversight, in particular lacking details of the contract management phase, in which there are opportunities for contracts to be manipulated. Furthermore full access to PhilGEPS is restricted to accredited contractors who have paid a registration fee. It does not provide a way to access bulk data to use for statistical or visual analysis. Instead, to access procurement information one must already know where to look, and must look one tender at a time.

Developments to improve the system include piloting of performance based bonuses tied to PhilGEPS compliance, and development of more comprehensive access for the public and CSOs.

Source: Sunlight Foundation Case Study

- <http://sunlightfoundation.com/blog/2013/10/07/case-study-public-procurement-in-the-philippines/>
- http://www.lawphil.net/statutes/repacts/ra2003/ra_9184_2003.html
- <http://philgeps.gov.ph/>

information

Justification

Many countries have enacted access to information laws or regulations, reflecting the growing recognition of the right of citizens to access State-held information. This right has been interpreted as imposing a positive obligation on States to proactively disclose information of public interest, including contracts.

Therefore, it is important that contracting information is made available to the public in as complete a form as possible, with any exceptions or limitations narrowly defined. Where contracting information is exempted from disclosure by government, it is important that citizens, as well as parliaments and other oversight authorities, have recourse to subject the exemptions to impartial review.

Recommendations

1. Adopt rules to make contracts, including licenses, concessions, permits, grants or any other document exchanging public goods, assets, or resources (including all annexes, schedules and documents incorporated by reference) and any amendments accessible to the public, as well as any applicable pre-studies, standard bid documents, performance evaluations, guarantees, and auditing reports.
2. These rules may take the form of a national or sub national level law, that governs all or a particular sector, or agency level policies or guidance.
3. The rules should clearly lay out the circumstances in which contracting information may be exempted from disclosure, provide for reasons to be given for the exemption or redaction, and a mechanism for redress, preferably judicial review.
4. Ensure that laws and policies governing public access to public contracting information are applied to state-owned companies and sovereign wealth funds.
5. Include in model agreements and standard contracting documents language indicating the disclosable nature of the contracting documents.
6. Preclude confidentiality clauses, draft them narrowly to cover permitted exemptions, or include provisions to allow for the contract and related information to be published.

Standards & Guidance

- Open Contracting Principles http://www.open-contracting.org/global_principles
- Open Contracting: A New Frontier for Transparency and Accountability <http://pro-act.org/profiles/blogs/research-highlights-open-contracting-practices-from-around-the-w>

Country Examples

 Denmark's Model License for Exploration & Production of Hydrocarbons contains a standard provision on disclosure

In a survey of more than 150 confidentiality clauses in oil and mining contracts worldwide found only one recognizes that the public interest in information should outweigh the company's interest in confidentiality. Denmark's Model License of 2005 for Exploration & Production of Hydrocarbons contains a standard provision on disclosure, stating: [Information can be disclosed if] no legitimate interest of the Licensee requires the information to be kept confidential; essential public interests outweigh Licensee's interest in maintaining confidentiality; information of a general nature is furnished in connection with issuance of public statements [...]

- <http://www.revenuewatch.org/sites/default/files/RWI-Contracts-Confidential.pdf>

Ethiopia launched a new Procurement Proclamation which requires disclosure of contracting information

In Ethiopia there has been strong support for procurement transparency from the Commissioner, Federal Ethics and Anti-Corruption Commission. This support was strengthened when the Ethiopian Roads Authority, the Ministry of Health, the Ministry of Education, and the Ministry of Water and Energy—signed memoranda of understanding with the Construction Sector Transparency Initiative (CoST) to participate as a pilot country. A senior representative of the Public Procurement and Property Administrator Agency (PPPAA) joined the initiative's multi sector group, alongside other representatives from government - from the Federal Ethics and Anti-Corruption Commission, Roads Authority, Ministry of Urban Development and Construction- as well as from the private sector and civil society.

Initial studies found that there was a legal between requirements for disclosure and the procuring entities' understanding of those requirements. It also revealed that the procurement law prohibited the disclosure of information relating to tender submissions and evaluations. This contributed to poor governance of projects resulting in wide differences between budgeted costs and timelines, and the actual costs and times of delivery. In 2010 a new Procurement Proclamation was issued requiring disclosure of key information related to public contracts.

CoST Ethiopia has developed an e-procurement system with the PPPAA where procuring entities will be required to disclose the CoST Project Information Standard. The Ethiopian MSG will then train the procuring entities on using the e-procurement system. This includes the Ethiopian Roads Authority who is in a good position to mainstream information disclosure due to the development of a new database and a number of disclosure policies that are already in place.

- <http://www.ppa.gov.et/>
- [http://www.constructiontransparency.org/db/documents/25_Briefing_note_10_\(Ethiopia\).pdf](http://www.constructiontransparency.org/db/documents/25_Briefing_note_10_(Ethiopia).pdf)
- [http://www.constructiontransparency.org/db/documents/Briefing_note_12_\(Success_Stories\).pdf](http://www.constructiontransparency.org/db/documents/Briefing_note_12_(Success_Stories).pdf)

In Victoria, Australia disclosure requirements are part of the standard terms and conditions for contracts

In Victoria, Australia, current policy and rules require that private parties be made aware of contract disclosure requirements at the time of tender. This is included in the Standard Tender and Contract Terms on Disclosure for contracts over \$100,000 Policy adopted in 2002 by the Victoria Government Purchasing Board.

- http://www.procurement.vic.gov.au/CA2575BA0001417C/pages/procurement-practitioners-stage-2---bid-process-and-contract-award-step-5---evaluation,-selection-and-contract-award-disclosure-of-contracts->100000*-policy

Liberia publishes information on bids and contracts

In Liberia the Land, Mines and Energy Ministry publishes information on the number of bids received, bidding requirements, and winning bids. Most mineral development agreements are published, and the Ministry is launching a

Mineral Cadaster Information Management System.

- <http://www.revenuewatch.org/countries/africa/liberia/overview>

South Sudan enacted a law that makes confidentiality clauses in petroleum contracts invalid

South Sudan, Petroleum Law (2012) 78(3), declares confidentiality clauses in petroleum contracts to be invalid to the extent that they contradict disclosure requirements.

- [http://www.southsudanankara.org/docs/The Petroleum Act 2012.pdf](http://www.southsudanankara.org/docs/The_Petroleum_Act_2012.pdf)

The Indian Right to Information Act makes contracts disclosable

The Indian [Right to Information Act](#) (2005) specifies that contracts are disclosable within the definition of information (subject to some limitations).

- <http://www.righttoinformation.gov.in/>
- <http://rti.gov.in/rti-act.pdf>

The UK issues guidance on what information can be exempted from tenders

In the UK, tenderers for public contracts are advised to consider the Guidance on Contract Information that is Exempt from the Freedom of Information Act to evaluate whether information in the tender can be exempted under a non-disclosure agreement. Contracts are then redacted in accordance with the Freedom of Information Act and official guidance.

- <https://www.gov.uk/tendering-for-public-sector-contracts/disclosing-information-in-your-tender>
- http://www.ico.org.uk/~media/documents/library/freedom_of_information/detailed_specialist_guides/awareness_guidance_5_annexe_-_public_sector_contracts.ashx

Transparency in public contracting is written into the South African Constitution

Section 195 of the South African Constitution states that "People's needs must be responded to, and the public must be encouraged to participate in policy-making...Public administration must be accountable...Transparency must be fostered by providing the public with timely, accessible and accurate information." and Section 217(1) South African Constitution Section 217(1) of the Constitution states that "when an organ of state contracts for goods and services it must do so in a manner which is fair, equitable, transparent, competitive and cost effective.

- <http://www.info.gov.za/documents/constitution/>

Intermediate Step: Proactively disclose core classes of documents and data about public contracting

Justification

Developing a system of proactive disclosure (meaning that contracts and the other core classes of information are routinely published) has several benefits:

- Promotes equality of access to information as all members of society can access without having to file requests.
- Improves records management system.
- Saves time and money - proactive disclosure may even be more affordable than dedicating staff time to search for documents and evaluate every access to information request individually.[1]

This information needs to be available in a systemized and organized manner so that it can be read and processed by computers and can be easily reused and analyzed by citizens, civil society, the private sector and government.

Many governments are shifting to e-procurement and standardised contracting documents to provide a simple, secure and efficient means for managing the whole procurement process online. This reduces the obstacles to disclosure as documents are already in digital form and are organised with metadata. While e-procurement portals are aimed at bidders, a separate interface should be developed that allows ordinary people to find out about projects or contracts affecting them or their area.

Recommendations

Define core classes of information for proactive disclosure. This should include:

1. **Contracts**, including licenses, concessions, permits, grants or any other document exchanging public goods, assets, or resources (including all annexes, schedules and documents incorporated by reference) and any amendments.
2. **Related documents** such as Pre-studies, standard bid documents, performance evaluations, guarantees, and auditing reports;
3. **Key pieces of information concerning contract formation**, including: The planning process, method of award, scope and specifications for each contract, criteria for evaluation and selection, bidders or participants in the process, their validation documents, and any procedural exemptions for which they qualify, any conflicts of interest uncovered or debarments issued, results of the evaluation, including the justification for the award; and the identity of the contract recipient and any statements of beneficial ownership provided.
4. **Information related to performance of the contract**, including subcontracting arrangements, schedules and milestones, status of implementation, dates and amounts of stage payments made or received, service delivery and pricing, arrangements for ending contracts, final settlements and responsibilities, risk assessments, including environmental and social impact assessments, assessments of assets and liabilities of government, provisions in place to ensure appropriate management of ongoing risks and liabilities; and appropriate financial information regarding revenues and expenditures, such as time and cost overruns.

Develop systems to collect and publish this data in a structured manner on a timely, current, and routine basis and in a

form that enables easy use, participation, and analysis.

1. Where feasible, contracting information should be digitized and made available to the public on an online portal.
2. Structured formats such as structured XML and inclusion of all relevant meta-data allows for user-friendly searching and access.
3. Digital information should be retained and made available in perpetuity.
4. Where possible use non-proprietary software applications
5. Where possible, citizens should have the ability to subscribe to services to alert them of certain types of contracting developments through the use of email, SMS text, or other technologies.

Standards & Guidance

- Developing Data Standards for Open Contracting http://www.open-contracting.org/developing_data_standards_for_open_contracting
- OECD Methodology for Assessing Procurement Systems (MAPS) <http://www.oecd.org/dac/effectiveness/45454394.pdf>
- OECD Principles for Integrity in Public Procurement <http://www.oecd.org/gov/ethics/48994520.pdf>
- Open Contracting Data Standard http://www.open-contracting.org/significant_step_forward_for_global_transparency
- Open Contracting Principles http://www.open-contracting.org/global_principles
- Open Contracting: A New Frontier for Transparency and Accountability <http://pro-act.org/profiles/blogs/research-highlights-open-contracting-practices-from-around-the-wor>

Country Examples

 In Afghanistan the Ministry of Economy is required to publish all contracts

In Afghanistan, Presidential Decree 45 requires the Ministry of Economy to publish all contracts signed in the past three years. Mining contracts are available on the website of the [Ministry of Mines](#).

- [http://www.afghanistan-un.org/2012/07/the-office-of-the-president-of-islamic-republic-of-afghanistan-decree-on-the-execution-of-content-of-the-historical-speech-of-june-21-2012-in-the-special-session-of-national-assembly/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+PermanentMissionOfAfghanistanToTheUnInNewYork+\(Permanent+Mission+of+Afghanistan+to+the+UN+in+New+York\)bestth](http://www.afghanistan-un.org/2012/07/the-office-of-the-president-of-islamic-republic-of-afghanistan-decree-on-the-execution-of-content-of-the-historical-speech-of-june-21-2012-in-the-special-session-of-national-assembly/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+PermanentMissionOfAfghanistanToTheUnInNewYork+(Permanent+Mission+of+Afghanistan+to+the+UN+in+New+York)bestth)

 In Colombia the law requires all documentation related with a public contract to be published

In Colombia, Law 80 of 1993 and Law 1150 of 2007 and associated decrees make it obligatory for all government entities, at the national, department, and municipal levels, to publish documents and information related to contracts. All documentation beginning with the preliminary studies and including the contract itself should be published, through the [Public Procurement Electronic System](#) (SECOP).

By visiting the website <http://www.colombiacompra.gov.co/> users can access contracts closed in the past two years. A review by the Center for Global Development found that no information is being withheld from the public

domain related to the main agents involved, the salaries paid to all personnel involved, any taxes and legal fees, or the cost per unit/materials/inputs used.

However there are some limitations to the system. Extractives contracts are presently excluded from the system. In addition a self-evaluation done by the Intersectoral Commission of Public Contracting (CINCO) in 2008 also mentions problems related to full coverage of the system, due to lack of connectivity in some areas. Furthermore CGD's research found that some contracts of concern appear to have been taken down from. For example there are limited contracts available related to the Bogotá Transmilenio Project which was at the centre of a contracting scandal.

- <http://colombiacompra.gov.co/>
- <https://www.contratos.gov.co/puc>
- <http://pro-act.org/forum/topics/open-contracting-from-principles-to-practice>
- http://www.opengovguide.com/wp-content/uploads/2013/09/1426431_file_Kenny_Publish_What_You_Buy_FINAL_0.pdf

In Slovakia, government contracts are published online

Corruption in public procurement in Slovakia has been a long-standing problem. Problems in public procurement occur through the manipulation of tenders before or after the awarding of the bid, for example by limiting competition through setting unreasonable conditions, or not fully enforcing contracts, or changing them significantly after tendering. One key example was the 'Notice Board Scandal,' a high profile procurement scandal which took place in 2007 when the Ministry of Development published a tender request for construction services totalling 119.5 million Euros on a small notice board in the hallway inside the ministry building where few could see it. A firm that was known to have close ties to the head of the ruling party won the contract. More than a year after the fact, the scandal came to light and was invalidated by the Slovakian Office of Public Procurement.

Slovakian law was overhauled in response to the 2011 update of the EU Procurement Directives and the concern over high profile public procurement scandals. Major reforms included:

1. The introduction of e-procurement, in which dissemination of tenders, tender documents, the submission of bids and the publication of notification of awards is done publicly through a single portal;
2. The introduction of reverse auction mechanisms for procuring goods and services
3. Mandatory publication of all public contracts on a centralized online government contract repository.

In the Slovak Republic, [Act No. 546/2010 Coll.](#) supplementing Act No. 40/1964 requires all public contracts, with certain limited exceptions, to be published online. To avoid secret contracts, any unpublished contracts are declared to be unenforceable. The Government [Public Procurement Office](#) manages Slovakian procurement rules. This office publishes the official Public Procurement Journal, legal interpretation of the Public Procurement Act, maintains a [register of procurement documents](#) and operates the procurement portal, which is called [EVO](#).

These reforms have made it significantly easier for organizations and people outside the government to access public data about procurement. Previously access tender documents and other procurement data was granted primarily through requests under Freedom of Information Laws (FOI). If requests were not granted and appeals could take so long that the information was no longer relevant.

Now, through EVO all of that information is published including the contract itself and information on the bids received and the process of contracting.

The availability of data has lowered the barriers to entry for participating in the oversight process. This has enabled much greater public participation in uncovering suspect procurements. Before the reforms, exposing corruption relied

on whistleblowers alerting journalists or watchdogs of suspicious proceedings. Now more tips come from local activists and individuals. For example teachers, highlighted information about large Ministry of Education procurements for flowers and alcohol and the Ministry of Finance conducted an audit. Opening up the information makes it possible compare contractors and look at patterns across cities and institutions. Local people who may know who the mayor is friends with, and which local businesses have relationships with people of influence are able to spot issues that a researcher farther removed from the process might not be able to.

Despite these positive developments corruption in Slovakian public procurement remains a challenge. While the availability of data has been a positive step, there remain barriers to using it, and where there is no real threat of enforcement, transparency and disclosure are limited in their ability to bring about effective change. Researcher using the data say that rationalizing the manner in which the data is released and formatted would make it easier to use, reducing the cost of finding corruption and increasing the likelihood that improper processes will be uncovered. The NGOs TI-Slovakia and Fairplay Slovakia maintain an online [Open Contracts](#) website built off the procurement data scraped and structured from public sources. This portal visualizes procurement expenditures by procurers, suppliers, sectors and regions as well as provides downloadable structured procurement data in bulk. Having data available in these formats also enabled TI-Slovakia to conduct broader analyses than were previously possible.

Standardised data formats, bulk downloading, structured formats like XML would make it easier to use the data. Another key problem is that there are no data licenses attached to public data so it is not clear how it can be used. Additional information about pre-tender requirements would also be valuable. Formal mechanisms and institutional means of sanction also need to be strengthened. The Sunlight Foundation concludes that “Most significantly, transparency alone, it appears, cannot change deeply ingrained corrupt practices in a short time span. Transparency can only highlight the problem, and provide tools for oversight and investigation. Enforcement mechanisms, both formal and informal, must be brought to bear to sanction those whose transgressions are revealed by transparency-enabled oversight.”


[Source: Sunlight Foundation case study]

- <http://sunlightfoundation.com/blog/2013/08/12/case-study-public-procurement-in-the-slovak-republic/>
- <http://www.zmluvy.gov.sk/>
- <http://www.otvorenezmluvy.sk/>

 In the Democratic Republic of Congo, all contracts relating to natural resources are required to be published


Decret No 011/26 du 20 mai 2011 portant obligation de publier tout contrat ayant pour objet les ressources naturelles. Contracts are available on the website of the [Ministry for Energy and Mines](#).

- http://mines-rdc.cd/fr/index.php?option=com_content&view=article&id=92

 In the UK potential opportunities that might be advertised in the future are published, so that all companies can view the pipeline of opportunities

In the UK, Contracts Finder now has details of the potential opportunities over the next few years. Termed “pipelines,” they are intended to help businesses prepare for opportunities that might be advertised in the future.

- <https://online.contractsfinder.businesslink.gov.uk/Common/Browse Pipelines.aspx?site=1000□=en>

 Many countries have developed electronic databases of public contracting information

The following are a few examples of electronic databases of public contracting information: [Colombia](#), [Chile](#) (Concessions), [Guinea](#) (Extractive Industries), [Korea](#), [Philippines](#), [Slovak Republic](#), [USA](#), [UK](#), and [New York City](#).

 Mongolia addresses contracting specifically in its Right to Information Law

In Mongolia, the Law on Information Transparency and Right to Information, Article 10, states “The principles of transparency, fairness, efficiency, economy and accountability shall be upheld in the procurement policy and such policy shall be made available in an easily accessible manner on the website of the organization, and made public through other means.”

Documents required to be published are bid invitations and regulations concerning bid selection processes; criteria for the selection of bidders as well as of criteria under which a contractor was selected; brief information on successful or unsuccessful bidders as well as the detailed reasons, conditions and legal grounds for selections; reports on the procured goods and services, including procurement audit and reports, conclusions and other monitoring reports.

- <http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan047231.pdf>

 Mongolia addresses contracting specifically in its Right to Information Law

In Mongolia, [the Law on Information Transparency And Right To Information](#), Article 10, with regard to procurement, requires publication “in an easily accessible manner” of bid documents, bid invitations and regulations concerning bid selection processes; criteria for the selection of bidders as well as of criteria under which a contractor was selected; brief information on successful or unsuccessful bidders as well as the detailed reasons, conditions and legal grounds for selections; reports on the procured goods and services, including procurement audit and reports, conclusions and other monitoring reports.

- <http://unpan1.un.org/intradoc/groups/public/documents/UN-DPADM/UNPAN047231.pdf>

 New York City's Checkbook NYC website integrates budgets and contracts

New York City, which spends roughly \$70 billion annually, has long had a central budget to combat waste and fraud. In 2010 it set up a transparency initiative; Checkbook NYC website , enabling the public to keep an eye on New York City's spending with detailed, up-to-date information about revenues, expenditures, contracts, payroll, and budget in an easy-to-use, dashboard format. A subcontractor reporting system on the City's Payee Information Portal, rolled out in 2012, requires all vendors with contracts over a certain dollar amount to report their subcontractors online.

Checkbook NYC was released for use and modification under an open source license to encourage programmers and governments that adopt the system to contribute improvements and additional features for release in future versions.

- <http://Checkbooknyc.com>

The Philippine Procurement law requires the proactive publication of key information

In 2002, the Congress of the Philippines passed Republic Act No. 9184, the “Government Procurement Reform Act,” to address the problem of a vague and complex web of overlapping procurement regulations which made the process vulnerable to manipulation.

The Act, along with its implementing rules and regulations, mandates transparency and accountability measures to help combat corruption and inefficiency in public procurement. The bill specifically stresses that information and communication technology (ICT) should play a central role in how the government meets these goals.

The Philippine Government Electronic Procurement System [PhilGEPS](#) serves “as the primary and definitive source of information on government procurement.” According to law, all public tenders, from those conducted by federal agencies to those of the smallest Local Government Unit (LGU) must pass through the PhilGEPS system. It hosts information on:

- Invitation to Bid/Request for Expression of Interest;
- Bidding Documents;
- Supplemental/Bid Bulletin;
- Notice of Award;
- Approved Contract; and
- Notice to Proceed

In addition there are procurement related documents that are required by the regulations to be made available to the bidders or the public upon request, such as the Minutes of the Pre-Bid Conference and Minutes of the Bid Opening.



The screenshot shows the PhilGEPS website interface. At the top, there is a navigation bar with links for Home, PhilGEPS Outbox, Opportunities, Catalogue, About PhilGEPS, and Links. Below this is a header with 'Open Opportunities' and 'Recent Award' tabs. A search bar is visible with the text 'Search' and 'Detailed Search'. The main content area displays a table of 'Recent Award Notices' with 100 results found. The table has two columns: 'Title' and 'Amount (PHP)'. The first 18 rows of the table are as follows:

	Title	Amount (PHP)
1	1 lot	2,639,141.00
2	111F047-MPB, Can-adieng, ormoc city	2,880,034.33
3	121F098-Barangay Road, Mansahaon, Mataba-ob	1,338,465.00
4	131F0018-Cambadbad PS, Mataba-ob, Leyte	564,295.00
5	PARTS AND REPAIR OF VEHICLE	90,280.00
6	PARTS AND REPAIR OF VEHICLE	55,000.00
7	PARTS AND REPAIR OF VEHICLE	93,900.00
8	Cluster 8 Repair & Rehabilitation	9,942,590.70
9	Cluster 7 Repair & Rehabilitation	9,896,459.78
10	Cluster 6 Repair & Rehabilitation	9,644,081.72
11	Cluster 5 Repair & Rehabilitation	9,861,903.78
12	Cluster 4 Repair & Rehabilitation	9,745,569.91
13	Cluster 3 Repair & Rehabilitation	10,025,077.90
14	Cluster 2 Repair & Rehabilitation	9,681,883.70
15	Cluster 1 Repair & Rehabilitation	9,272,868.80
16	121g-0067-Expansion San Isidro (Health Facilities)	1,996,090.50
17	121F085-Palompon Tourism Wharf and Stilt Cottage	4,901,136.00
18	Medical Supplies	1,473.50

19	Medical Supplies	1,470.00
20	Medical Supplies	1,000.00

Despite the introduction of PhilGEPS and the mandate that all public procurement pass through the electronic bulletin system, journalists, watchdogs and other CSOs continue to face significant information availability problems. They report that the compliance with reporting requirements is lacking, the information tracked by government entities is incomplete, and the data that is nominally available is subject to a range of barriers to public use.

Key limitations are that PhilGEPS does not capture all of the relevant information necessary for third-party oversight, in particular lacking details of the contract management phase, in which there are opportunities for contracts to be manipulated. Furthermore full access to PhilGEPS is restricted to accredited contractors who have paid a registration fee. It does not provide a way to access bulk data to use for statistical or visual analysis. Instead, to access procurement information one must already know where to look, and must look one tender at a time.

Developments to improve the system include piloting of performance based bonuses tied to PhilGEPS compliance, and development of more comprehensive access for the public and CSOs.

Source: Sunlight Foundation Case Study

- <http://sunlightfoundation.com/blog/2013/10/07/case-study-public-procurement-in-the-philippines/>
- http://www.lawphil.net/statutes/repacts/ra2003/ra_9184_2003.html
- <http://philgeps.gov.ph/>

The State of Minas Gerais, Brazil requires proactive disclosures about PPP projects

The State of Minas Gerais has been serving as a model for other states in Brazil on practices related to disclosure of project information, draft and final signed contracts, as well as bidding process documentation and technical background reports.

For PPP projects in Minas Gerais, Brazil, a preliminary project summary is published online during a public consultation period, along with the bidding documents, including selection criteria, and the draft of the contract, technical background papers and feasibility studies. Once the tender process is completed, full versions of contract documents are published and the project summary is updated (describing, *inter alia*, guarantees provided by the government). If the contract is renegotiated or amended, such variations are published once agreement is reached. Monthly performance reports are also published.

According to Resolution 72 of 2003, Article 5, web pages should be “easy to read and present content with clarity, coherence, relevance, timeliness, organization, simplicity, objectivity and truthfulness.”⁵² Article 7 specifies that all information contained in websites of the State’s public entities must be rigorously updated, while Article 9 establishes a communication service, “Talk to Us” (“Fale Conosco”), which facilitates the direct access to information held by public institutions.

Through this open channel, citizens can request information, and requests must be responded to within 2 working days, either by disclosing information, referring the public to another institutional source, or requesting more days to fulfil the request. All available information on projects is, however, extensively disclosed proactively.

All documents are disclosed in their original form in the public domain and are signed off by the original producer of the document. When information is extracted from the original documents and placed in a separate format, such as in the case of the project factsheet and guarantees or payment reports, the PPP Unit checks each piece of information.

[Source: World Bank, 2013, [Disclosure of Project and Contract Information in Public-Private Partnerships](#)]

- http://www.opengovguide.com/wp-content/uploads/2013/09/Disclosure_of_Project_PPP.pdf

Intermediate Step: Provide capacity building to support stakeholders to understand, monitor and act upon contracting data

Justification

In some cases governments have gone to great effort to make information available to the public, only to have low usage of this information.(Smith, 2011)

In order for information to be useful, citizens must be empowered to access it, must have the capacity to use it, and be incentivised to engage.

Governments can play a key role in empowering people to understand, monitor and act upon contracting data by establishing a program of capacity building to support relevant stakeholders, both within and outside of government. The importance and impact of public contracting is such that it is likely worth the efforts of companies, governments and donors to build citizen capacity and create an enabling environment for participation. For example, civil society may lack the skills necessary to analyse and understand the technical, legal and financial elements of the deals that their government negotiated with companies.

Recommendations

1. Work with CSOs and business organisations to put in place civic education programs for citizens or groups wishing to engage in the monitoring of contracting activities. This engagement can also be used to help identify the most useful contracting information.
2. With regard to individual contracts of significant impact, contracting parties should craft strategies for citizen understanding of the key terms and benefits and engage citizen monitoring groups.

Standards & Guidance

- OECD Principles for Integrity in Public Procurement <http://www.oecd.org/gov/ethics/48994520.pdf>
- OECD Public Engagement for Better Policy and Services <http://www.iadb.org/intal/intalcdi/pe/2009/03785.pdf>
- Open Contracting: A New Frontier for Transparency and Accountability <http://pro-act.org/profiles/blogs/research-highlights-open-contracting-practices-from-around-the-wo>

Country Examples

Brazil provides citizens education on public budgets

Brazil publishes an annual Citizen's Budget. However it also backs this up with several other innovative communication streams.

To better explain to citizens what the budget is, its importance and other aspects of the subject, a radio program titled Moment Budget is produced to provide information to the listener in a simple and direct language.

The Virtual School of the Federal Budget Secretariat (SOF) was created in 2008 by the Ministry of Planning, Budget and Management. It provides online courses on the understanding public budgets. Courses are aimed at both government employees and members of the public, and civil society. By 2011 the Virtual School graduated approximately 2000 citizens.

The government also created a specific Public Budget Primer for children, available as a booklet and a website. In the form of a comic, the booklet provides an introduction to the idea of the Public Budget in relation to children and their concerns.

- <http://www.orcamentofederal.gov.br/educacao-orcamentaria>
- <http://fiscaltransparency.net/wp-content/uploads/2013/11/Brazil-Experience-Public-Participation.ppt>

 In the Philippines, both government and private sector are active at training monitors

The government [Procurement Policy Board](#) holds trainings for monitors wishing to understand more about the procurement process and related laws and regulations. [The Makati Business Club](#) is an active participant in a Coalition Against Corruption. The coalition provides training and on the Government Procurement Reform Law for volunteers so they can participate as observers in Bids and Awards Committees.

Advanced Step: Create mechanisms for participation and redress in public contracting

Justification

Contracting processes and outcomes can be improved with citizen feedback. Such citizen participation mechanisms complement government oversight and redress mechanisms. Feedback enables projects to be better designed to meet local needs, and issues to be identified in implementation.

Public hearings and consultations are particularly relevant where contracts affect land or delivery of services to a particular constituency. Constituents or affected communities should be invited to participate during the planning and pre-bidding phases, in needs assessments, feasibility studies and environmental and social impact assessment. Their inputs are crucial to ensure that the contracting process ultimately meets needs and delivers to the public good.(Human Rights Watch, 2013)

Civil society and the media can play a significant role in promoting transparency and accountability in public contracting. If issues are observed then government implementing agencies and oversight authorities can be alerted to take action. However often citizens groups seeking to participate in public contracting are frustrated by a lack of legal basis or support for stakeholder participation and hesitance of officials to engage with them.

Recommendations


1. Establish legislation or policies calling for public consultation, civil society observers of public contracting, and civil society monitoring of contract performance, and requiring that public bodies are receptive to these inputs and take corrective action as a result of citizen feedback.

2. Enter into cooperation agreements with civil society organizations to monitor their public contracting.
3. Enact whistle-blower protection mechanisms.
4. Provide a suitable avenue of redress for citizens, including unsuccessful bidders, to resolve contracting issues.

Standards & Guidance

- Open Contracting Principles http://www.open-contracting.org/global_principles
- Open Contracting: A New Frontier for Transparency and Accountability <http://pro-act.org/profiles/blogs/research-highlights-open-contracting-practices-from-around-the-wo>
- The Open Contracting Community of Practice <http://pro-act.org/>

Country Examples


 In Colombia citizens' oversight organizations can supervise the entire public contracting process

In Colombia, Law 850 of 2003 allows citizens' oversight organizations to supervise the entire public contracting process, from resource allocation to the oversight of the execution and technical quality of the contracted good or service.

The Law states that citizens have the right to constitute "veedurias ciudadanas" or citizen oversight committees, which can be temporary mechanisms for CSOs to control public administration, procurement, processes, etc. The veedurias enable citizens and/or CSOs to oversee public management and the performance of administrative, judicial, electoral and political authorities, public and private entities, or nongovernmental organizations. They are responsible for executing programs, contracts, or public services.

One of the main objectives of the "veedurias ciudadanas" is to strengthen mechanisms to control corruption in public procurement and public management. The Law 489 of 1998 states that the public administration is obliged to provide support to citizens when they constitute a veedurías. This Law also establishes that controlling authorities and the judiciary should support the veedurías in order to investigate and respond to their denunciations.

- <http://report.globalintegrity.org/Colombia/2008/scorecard/2>

 In Guatemala the government has taken action where multistakeholder reviews found problems in public construction projects

Having joined the Construction Sector Transparency Initiative (CoST) in 2010, CoST Guatemala recently published their third CoST Assurance Report, disclosing information from 25 public construction projects. The first disclosure in July 2011 examined six projects including roads, sporting facilities and river dredging. An average of 53 per cent of the project information required by CoST was disclosed by the procuring entities, which marked a great improvement.

The CoST Guatemala programme has highlighted several issues that have led to government action. Following a recommendation from the assurance team procuring entities have to ensure that sufficient budget is in place before contracting firms. This is to avoid unnecessary delays in starting construction. The Multi Stakeholder Group also voiced concerns about NGOs being used to siphon off funding intended for infrastructure projects. The General Directorate for Roads has annulled the works contract for the design and reconstruction of the Belize Bridge in Guatemala City, based on the Assurance Team highlighting the inappropriate use of procedures for contracting in emergencies such as natural disasters. Over time the average level of proactive disclosure of project information has risen from 25% in the

CoST baseline study to 65%. Disclosure is becoming a routine process for CoST Guatemala.

- <http://cost-guatemala.org/>
- http://www.constructiontransparency.org/db/documents/CoST_Briefing_Note_1_Impact_Stories.pdf
- <https://openknowledge.worldbank.org/bitstream/handle/10986/10092/636620BRI0CoST00Box0361520B0PUBLIC0.pdf>

In Mexico “social witnesses” oversee public procurement

In Mexico, since 2004, the federal government of Mexico has required the involvement of “social witnesses” in public bidding for goods, works, and services over a certain threshold value. Since 2009, participation of a social witness has been mandatory in procurements valued at more than \$23 million for goods and services and US \$43 million for public works. Non-government organizations and individuals may be selected as social witnesses by the Ministry of Public Administration. Their function is to propose strategies for improving transparency, impartiality and compliance with the legal framework, and must issue an alert if they detect any irregularities in the course of the procurement. At the conclusion of the procurement proceedings, the social witness issues a publicly available statement including observations and, as appropriate, recommendations. The statement is posted on the government’s central procurement website and in the file of the tender.

The “Social Witness” program is the result of an initiative of the NGO Transparencia Mexicana to facilitate the participation by civil society as external observers in public procurements. Originally, social witnesses participated as a result of guidelines issued by Ministry of Public Administration (MPA) in 2004. The guidelines stipulated that MPA keep a registry of individuals and non-governmental organizations which may participate in all stages of a procurement conducted by any institution of the Federal Public Administration. in Mexico”, Transparency International USA, CIPE, Transparencia Mexicana, 2011,

According to Transparencia Mexicana, the Social Witness program has significantly reduced the costs of public contracts and has increased the number of bidders participating in the procurement process in Mexico.

- <http://www.diputados.gob.mx/LeyesBiblio/pdf/14.pdf>
- <http://corruptionresearchnetwork.org/marketplace/resources/C-M%20SERIES%20-%20A%20new%20Role%20for%20Citizens%20in%20Public%20Procurement.pdf/>

In Mongolia, civil society and professional organizations play a formal role in bid evaluation and contract monitoring

In June 2011, the Government of Mongolia amended the Public Procurement Law of Mongolia (PPLM) to include a new formal role for civil society and professional organizations in bid evaluation and contract monitoring. Private and specialized non government organizations can be selected according to the provision 35-39 of this law to perform monitoring, evaluation and auditing of customer’s activity, contract performance and quality progress and execution.

Mongolia is at the threshold of a major socio-economic transformation driven by the exploitation of its vast mineral resources. Since 2004 when the mining boom began, the economy has grown at an average rate of over 8 percent each


year. Sound infrastructure is particularly critical for this vast, land-locked, sparsely populated, country. In order for it to both develop and benefit from the huge new Southern mines, Mongolia's infrastructure investments will need to increase at an unprecedented pace, placing great demands on public procurement systems. Procurement in Mongolia has been characterized by the familiar problems of political interference and lack of transparency, which are particularly pronounced given the small size of the formal sector and the close ties between politicians and the construction industry. As a result, time and cost over-runs in infrastructure projects are ubiquitous. Increasing the technical capacity, transparency, and accountability of public procurement is an urgent need for government systems to keep pace with the staggering transformation that is underway.

The rationale for involving CSOs in monitoring procurement emphasizes the ability of CSOs to provide feedback to government on bid evaluations and contracts and to disseminate their findings to the public. Through disseminating its observer reports, CSOs can help to inform citizens and thereby strengthen citizen ability to reward or sanction politicians and officials for their management of public resources. It is hoped that greater citizen awareness of procurement-related problems will increase public officials' incentives to respond to CSOs' feedback, including holding contractors accountable for their performance.

Implementing the PPLM, especially the requirement for CSO oversight of bid evaluations and contract performance, will be challenging for both the Government and CSOs. Sustainable funding arrangements that are shielded from political interference will be essential for the success of civil society monitoring. Mongolia has also opted into the [Global Partnership for Social Accountability \(GPSA\)](#) to enable Mongolian civil society groups to apply for financial support from the international donor community to monitor public contracting. In addition, Mongolian agencies have entered into memoranda of understanding with civil society groups to monitor their public contracting.

[Source: World Bank]

- <http://blogs.worldbank.org/governance/voluntarily-tying-government-s-hands-civil-society-oversight-of-procurement-in-mongolia>
- <http://pro-act.org/profiles/blogs/the-building-of-a-procurement-partnership-in-mongolia>

 In the Philippines, citizens participate in all stages of the procurement process and may also observe implementation

The Philippines Procurement Law mandates citizen participation in all stages of the procurement process, from pre-bid conference, opening of bids, bid evaluation, post-qualification and award of contract. Under this system, procuring entities are required to invite outside organizations to sit in on meetings of their Bid and Awards Committees (BACs). Observers may also observe contract implementation, and citizens are able to file complaints with the local ombudsman if they suspect irregularities.

In the extractives sector, although there is currently a moratorium on new mining operations, the Philippines Mining Law requires a "multi-partite monitoring team" to be operational before the mining project can receive an environmental compliance certificate. This body is to be composed of representatives of the national government, affected communities, indigenous communities, an environmental civil society organization, and the project proponent. In addition, Philippine agencies have entered into memoranda of understanding with civil society groups to monitor their public contracting.

However, the system has struggled to respond to the volume of procurements, because of resource limitations for the CSOs involved and the lack of trained staff. According to some estimates, the civil sector oversees less than 1 percent of

procurement proceedings and are not likely to see the misconduct, since they are not present during the pre-bidding parts of the process where misconduct most likely occurs. The degree to which CSO observers are granted a meaningful and participatory role varies greatly depending on the procuring entity.

To date the civil sector observer system has been separate from the ICT enabled e-procurement of PhilGEPs. ICTs can enable asynchronous and remote observation, which can significantly ease the resource burden of observation and allow for more targeted risk assessment.

- <http://www.gppb.gov.ph/laws/laws/RevisedIRR.RA9184.pdf>
- <http://sunlightfoundation.com/blog/2013/10/07/case-study-public-procurement-in-the-philippines/>

The Philippine National Textbook Delivery Programme uses citizen participation to improve accountability in public procurement

The National Textbook Delivery Program (NTDP) in the Philippines is a civil society-led initiative supported by state institutions that has focused on improving transparency in the delivery and distribution of textbooks. Civil society organisations were spurred into action because of the low level of accountability in the education sector with 40 percent of textbooks deliveries not being accounted for and 21 percent of textbooks procured by the Department of Education not being delivered to the designated schools. By effectively monitoring textbook delivery at the community level, the initiative has been able to reduce the average cost of textbooks, reduce the time spent on the process of getting textbooks to schools, and improve the quality of textbooks.

In light of the problems facing textbook procurement, senior officials at the Department of Education initiated the NTDP in order to improve transparency and accountability. They ensured the assistance of G-Watch – an independent monitoring project that undertakes research and advocacy on themes related to governance and public management – and its network of civil society organisations around the country. Several civil society organisations agreed to participate in the NTDP, for example by providing volunteers doing the monitoring work at the local level. These organisations were expected to be the government's eyes and ears as they observed and ensured the transparency of the bidding process, inspected the quantity and quality of the textbooks being produced, and monitored that the right number of books were delivered at the right time. They reported to G-Watch as the national coordinator if textbooks were not of the right quantity or quality. G-Watch, in turn, reported that information to the Department of Education who had the power to make the contractor abide by its contract.

Monitoring actual delivery forced the publishing companies to be more efficient since failure might result in a loss of business the following year. The participation of locally based civil society organisations also invited community participation in the transparency mechanism, adding to the pressure for the Department of Education and the publishing companies to get their act together as more than one set of eyes were scrutinising their performance.

The successful implementation of the NTDP has resulted in the Secretary at the Department of Education issuing Order No. 59, 'Institutionalising NGO and Private Sector Participation in the Department's Procurement Process'. Another initiative to institutionalise this participatory transparency initiative is the Textbook Walk, which invites an entire community to participate in the monitoring of textbooks when they are delivered to a given school. G-Watch has conducted training for event organisers and prepared educational materials to the textbook monitoring process, and has implemented the Textbook Walk in various districts across the Philippines.

- <http://www.idea.int/resources/analysis/loader.cfm?csmodule=security/getfile&pageid=51958>
- <http://www.oecd.org/site/adboecdanti-corruptioninitiative/meetingsandconferences/42877391.pdf>

The UK created a “Mystery Shopper” service to resolve complaints related to procurement processes

In 2011 The Prime Minister and Minister for the Cabinet Office announced a series of measures to open up public procurement to greater participation by small and medium sized enterprises. One of the announcements made was the launch of the Mystery Shopper service. This service exists to provide a structured mechanism for suppliers to raise concerns about public procurement practice and processes.

Suppliers can use this service anonymously to escalate issues about problems in Government supply chains to the Cabinet Office. The aim is to provide a clear, structured and direct route for suppliers to raise concerns about public procurement practice when attempts at resolving issues with a contracting authority or a first tier supplier have failed, and to help the Cabinet Office identify areas of poor procurement practice so it can work with the contracting authority to put them right and reduce the likelihood of similar issues arising in other authorities.

Reports of cases investigated are published on the Cabinet Office website.

- <https://www.gov.uk/government/publications/mystery-shopper-results>

Innovative Step: Facilitate funding to support participation in public contracting

Justification

A key challenge to sustainability of open contracting remains the lack of sustainable resourcing to enable participation.

Civil society organizations in particular, require funding and there is often competition for limited resources, particularly from the government. However providing direct funding may undermine the role of civil society as independent watchdogs and create the potential for conflicts of interest. In order to preserve this independence, innovative sustainable funding solutions must be reached.

Recommendations

1. Developing countries can opt into the [Global Partnership for Social Accountability](#), a donor-funded grant system that provides strategic and sustained support to beneficiary groups and civil society organizations (CSOs) working with their governments, to promote greater transparency and accountability. This would allow civil society groups to apply for core funding for monitoring activities.
2. Governments, foundations and/or companies could convene, or contribute to a national multi-stakeholder governed fund (potentially from funds set aside from public contracts themselves) from which civil society can apply for funds to undertake this work.

Standards & Guidance

- Global Partnership for Social Accountability <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:23017716~pagePK:220503~piPK:220476~theSitePK:228717,00.html>
- Open Contracting: A New Frontier for Transparency and Accountability <http://pro-act.org/profiles/blogs/research-highlights-open-contracting-practices-from-around-the-wo>

Country Examples

 Seventeen countries have joined the Global Partnership for Social Accountability

The GPSA is a coalition of donors, governments and civil society organizations (CSOs) that aims to improve development results by supporting capacity building for enhanced citizen feedback and participation. The GPSA will contribute to country-level governance reforms and improved service delivery. To achieve this objective, the GPSA provides strategic and sustained support to CSOs' social accountability initiatives aimed at strengthening transparency and accountability.

Support is provided on two fronts: funding and knowledge. Through a global grant competition, grants are made available to CSOs for capacity building, research and knowledge dissemination, networking and programmatic activities related to social accountability in their country. The GPSA is also developing a global platform for knowledge exchange and research, especially in measuring and documenting 'what works' in social accountability and the impact of social accountability interventions.


Before a Call for Proposals is issued, multi-stakeholder consultations are held in each country to define thematic priority areas that CSO proposals will need to address. The countries that have formally opted in enable their CSOs to access funding are:

- Bangladesh
- Belarus
- Colombia
- The Dominican Republic
- Honduras
- Indonesia
- Kyrgyz Republic
- Malawi
- Moldova
- Mongolia
- Mozambique
- Paraguay
- Senegal
- The Philippines
- Tajikistan
- Togo
- Tunisia

[As of June 2013]

- <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:23017716~pagePK:220503~piPK:220476~theSitePK:228717,00.html>

Public services

 **Lead author:** [Twaweza](#) and [Involve](#)

Introduction

The provision of public services—such as health care, education, sanitation and criminal justice—is a key task for government. People care about public services and depend on them being delivered well. Public services provide the most common interface between people and the state, and their functioning shapes people’s sense of trust in and expectations of government. At a national level, public services underpin human welfare and economic growth.

Public services need to be delivered with integrity, centred around citizens, and responsive to their needs, particularly the needs of the most vulnerable. Promoting greater transparency and enabling ordinary citizens to assess the quality, adequacy and effectiveness of basic services, to voice their needs and preferences and to become involved in innovation offers an opportunity to enable better use of public funds, and improve service delivery (Ringold et al, 2013)

Public services account for a large proportion of government budgets, but increased spending has often not been matched by improvements in outcomes. In the worst case, public services can be bedeviled by corruption which leads to money intended for books, teachers, dispensaries, medical supplies and infrastructure being syphoned off by officials or private contractors (World Bank, 2004). Around the world, children still leave school unable to read and do basic arithmetic, and the quality of healthcare remains uneven. Data show that just increasing resources, equipment, financial, or personnel, does not guarantee that the quality of education or health care will improve. The quality of service delivery is critical.

Even where the integrity of public resource flows can be secured, approaches to public service delivery designed for a previous age struggle to respond to present day needs driven by complex challenges, such as those created by aging populations, chronic health conditions, mega cities and poverty and inequality.

Public services are traditionally organized in a way that puts the public in a passive role, as the recipient of a standardised service. This contrasts with innovations in other areas of life such as retail, travel and media where people are used to giving feedback on the goods and services they receive, and playing an active role in making choices. Citizens are connected like never before and have the skill sets and passion to solve problems. Local people often know what the solutions to problems in their area, but are rarely empowered by bureaucratic processes, instead facing public services which may be impersonal, irrelevant, and inefficient.

Governments are experimenting with redesigning parts of the system so that citizens can play a more active role as a user community for public services. This can mean participative processes and forums, community monitoring and citizens’ budgets, or new forms of commissioning. Technology and open data enable a different kind of participation. Open government data APIs allow anyone to write a citizen-facing application using government data, creating new interfaces to government, and opening up new possibilities. (Lathrop et al, 2010)

However translating information into action is a difficult challenge. The relationships between citizens, policy-makers, program managers, and service providers are complicated and are not easily altered through a single intervention, such as an information campaign or scorecard exercise. (Ringold et al, 2012)

Particular attention needs to be given to human motivation and incentives. Research by Twaweza in Uganda for example found that formal information sources were not seen as particularly influential and citizens are often either too afraid to act, do not consider it their responsibility or do not know what to do. (Twaweza, 2013)

Lathrop, Daniel and Laurel Ruma, 2010, Open Government, Collaboration, Transparency and Participation in Practice, O'Reilly Media https://github.com/oreillymedia/open_government

Ringold, Dena, Alaka Holla, Margaret Koziol and Santhosh Srinivasan, 2012, Citizens and Service Delivery: Assessing the Use of Social Accountability Approaches in Human Development, Washington DC: World Bank

World Bank, 2004, World Development Report 2004: Making Services Work for Poor People, Washington D.C.: World Bank

Twaweza, 2013, Uganda baseline report <http://twaweza.org/uploads/files/TwawezaBaselineReport-AIID-18April13.pdf>

Expert Organisations

World Bank The Participation and Civic Engagement Group <http://go.worldbank.org/FMRAMWVYV0>

OECD <http://www.oecd.org/gov/publicengagement.htm>

Twaweza <http://www.twaweza.org>

Involve <http://www.involve.org.uk>

Feedback labs <http://feedbacklabs.org>

Govlab <http://thegovlab.org/>

South Asia Social Accountability network <http://www.sasanet.org/>

Affiliated Network for Social Accountability in East Asia and the Pacific <http://www.ansa-eap.net/>

Affiliated Network for Social Accountability <http://www.ansa-africa.net>

Summary of illustrative commitments

Initial

- Establish easy feedback mechanisms for public services
- Publish and promote information on the public services people are entitled to

Intermediate

- Involve citizens in the commissioning, design, delivery and assessment of public services
- Provide cooperation to independent monitoring efforts and take action on issues raised
- Publish key public service performance data

Advanced

- Systematically track and publish performance indicators across public services

Detailed Recommendations

Initial Step: Establish easy feedback mechanisms for public services

Justification

User feedback can play an important role in improving public services. User feedback can:

- help service providers to improve their efficiency and effectiveness
- be a source of innovative ideas for the improvement of services
- help commissioners and policy makers to identify issues with policy and/or delivery
- ensure that public resources are spent effectively
- uncover instances of negligence or corruption

Often there are formal complaints mechanisms in place for public services (including the option of contacting political representatives) but these routes require individuals to put a lot of effort into pursuing a complaint, and require them to challenge powerful institutions and professionals. Citizens may not be willing or able to challenge providers if they lack information or time or if they do not feel empowered to do so. Where providers come from more powerful or affluent backgrounds, citizens may not feel in a position to question them, or they may be concerned about the repercussions of giving negative feedback. Many people will simply grumble and accept poor service. Policymakers meanwhile can often have little access to the everyday experiences and realities of a large majority of citizens. This makes it difficult to know whether policies are properly implemented or actually working.

Making it easy for people to give feedback and empowering them to report things that aren't working, without having to escalate it into formal complaint mechanism can create a powerful feedback loop for public services. Feedback mechanisms should be set up that are built around what people already use and like (e.g. mobile phones, markets, prayer groups, schools). Technology opens up new avenues through which citizens can give their views, such as using SMS, and online.

Collecting feedback is only the beginning. Service providers must respond. This often requires culture change on the part of public service deliverers. Receiving feedback from public service users, particularly complaints is often seen as something to be wary of, not celebrated. However effective public sector organisations should view complaints not as a problem, to be ignored, dismissed or under-valued; but as useful early warning signs that something has gone wrong, which then enable public services to engage with citizens (Simmons et al, 2013)

Recommendations

Governments should

1. Require that public service providers put feedback and complaints mechanisms in place and provide data on complaints and feedback received;
2. Conduct comparisons across services.
3. Aggregate public feedback on services to inform policy and/or commissioning decisions
4. Support the development of channels operated independently of service providers and government by civil society, and respond to feedback gathered through mechanisms developed independently.

While feedback mechanisms should be tailored to the specific context, common best practice is to:

- Keep a range of channels open for feedback and complaints, providing choice in the way feedback can be given and

issues raised, and ensuring they are tailored to the needs of users, including disadvantaged groups.

- Make it easy to give feedback and make complaints, for example using use new technology such as SMS messages and websites, as well as through intermediary organisations.
- Ensure that suitable processes and requirements are in place that citizens feedback is acted upon by service providers and policy makers.
- Ensure that the result of user feedback is reported back to users individually (where possible) and collectively Evaluate the use and effectiveness of mechanisms, and adapting and/or replacing as necessary

Standards & Guidance

- Civicus – Monitoring and Evaluating Public Services http://www.pgexchange.org/index.php?option=com_content&view=category&id=59&Itemid=135
- The World Bank: Citizens and service delivery <http://elibrary.worldbank.org/content/book/9780821389805>

Country Examples

 In Tanzania the government established wanachi.go.tz a website to submit and track complaints and feedback


Wananchi.go.tz is a website was developed by the government to enable Tanzanian citizens to send feedback,opinions,complaints to the government and to track and follow up on queries.

The system aims:

1. To help improve citizen awareness and satisfaction about the services they receive or believe they should be receive by enabling fast and efficient resolutions of relevant citizen submissions
2. To collect data that will assist the Government of Tanzania to identify opportunities for improvement and change, to optimise service and minimise complaint in the future

As part of its OGP commitment the government has committed to improve the website to make it more robust and responsive as a platform for citizens to participate in the running of Government, and produce monthly reports on effectiveness of the citizen"s website.

- <http://www.Wananchi.go.tz>

 In the UK the National Health Service asks all patients leaving hospital if they would recommend it to their friends and family

Since 2012 patients leaving NHS hospitals are asked whether they would recommend their ward to friends and family. This is what is known as a 'Net Promoter' question which is often used by companies in customer service programmes. The overall score for each ward can be positive or negative depending on the number of 'promoters' (people who would recommend the service) and 'detractors' (people who would not).

The anonymous survey covers around 4,500 NHS wards and 144 A&E services. It allows hospital trusts to gain real time feedback on their services down to individual ward level Results are reported weekly to hospital managers and boards, and overall scores are published each quarter.

- <https://www.gov.uk/government/news/nhs-friends-and-family-test-giving-patients-a-greater-voice>

Indonesia set up a social media channel for complaints

LAPOR! (“to report”, in Indonesian) is a social media channel where Indonesian citizens can submit complaints and enquiries about development programmes and public services. Comments are transferred directly to relevant ministries or government agencies, which can respond via the website. Users can access the system through the web, through SMS, through facebook and twitter and mobile applications, and each report is given an ID number so that users can track it to resolution.

Examples of issues reported include potholes, and difficulties in accessing government services, comments on projects and infrastructure developments. LAPOR! now has more than 225,350 registered users and receives an average of 1,435 inputs per day. It is connected with 64 ministries and the Ministry of Non-Government Institutions. It has also been connected with the Local Government and the Provincial Government of Jakarta.

- <http://lapor.ukp.go.id/>
- <http://www.opengovpartnership.org/sites/default/files/Indonesia.pdf>
- http://www.opengovpartnership.org/sites/default/files/Indonesia_0.pdf
- <http://>

Mexico set up a digital platform to ‘improve your school’

Mexico spends more per student than most industrialized nations but has the lowest levels of academic achievement in the OECD. As part of its OGP Action Plan the government-civil society working group set out to improve the information that parents have about schools, and enable them to ‘improve your school’.

The Mexican Institute for Competitiveness (IMCO) cross referenced test results with basic data on all schools and made them accessible on a new website ‘Mejora tu Escuela’. Users can search and compare schools, and provide their own comments. Where problems are identified, like deteriorating infrastructure or principals that mismanage the school budget, they are linked to possible solutions that can be implemented by parents and local CSOs. “The more information you have on schools, the more likely you are to demand higher quality education”, says Gabriela Segovia of the Federal Institute on Access to Information and Data Protection (IFAI).

- <http://www.mejoratuescuela.org/>
- http://www.opengovpartnership.org/sites/default/files/Mexico_0.pdf

Montenegro developed a mobile app to allow citizens to report local problems

The Be Responsible app is a mobile app that allows citizens to report local problems – from illegal waste dumps, misuse of official vehicles and irregular parking, to failure to comply with tax regulations, failure to issue fiscal receipts. The most popular categories to date have been ecology and improper parking.

- <http://www.budiodgovernan.me/>

Tanzania carried out water point mapping

Working with local stakeholders, the government has created an information system which can link every level of the water supply chain to rural communities, highlighting issues of equity and functionality at all levels. Water point mapping provides a baseline of information for improving performance of the water system.

- <http://www.opengovpartnership.org/sites/default/files/Inspiring%20Story%20-%20Tanzania.pdf>

Initial Step: Publish and promote information on the public services people are entitled to

Justification

Too often citizens do not know what their basic entitlements and responsibilities are, or what are the expected performance of service providers. The lack of information prevents people accessing services, allows for under-performance of services and makes it easier for local officials and service providers to divert public resources for illicit gain. Many countries have established Service Charters, backed by information campaigns which make clear what services and benefits people are entitled to receive, the performance standards they should expect, and the grievance redress channels they can use when things go wrong (Centre for Good Governance, 2008).

This lets people know about the services and programs available to them and arms them with information that they can use to hold providers accountable for delivering those services. Citizens can use information to have better-informed direct interactions with individual providers, such as physicians, and with provider organizations, such as village education committees, and they can have better-informed indirect interactions with policy makers, including through voting.

Recommendations

1. **Require public sector organisations (ministries, departments, agencies, local government) to publish information on what level of service people are entitled to.** This may take the form of a service charter detailing the role of the organisation, services provided to each client group, any user costs involved, details of grievance redress mechanism and how to access it; and expectations from the clients.
2. **Develop the Charter not only with senior experts,** but with interaction of frontline staff.
3. **Disaggregate service commitments to the lowest level** (e.g. 'x and y services are free for pregnant women, z dollars per student will be sent to each school per student, x functioning water points per 1000 population in a ward). However the charter does not have to imply a uniform pattern on every service and can also indicate choices.
4. **Communicate the information internally within each public organisation** and integrate into internal performance management.
5. **Set specific targets for communication:** e.g. 'At least 80% of all citizens will be easily able to access this information'.
6. **Make this information easily accessible using simple language and visual displays,** and deliver it through public noticeboards at public service locations and local government offices, TV, internet and mobile phone platforms. The

information should also be published as open data to enable third parties to reuse and disseminate it.

7. **Work with civil society organisations and the media to inform citizens** of their rights, the services and benefits they are entitled to receive, the performance standards they should expect, and the grievance redress channels they can use when things go wrong. Cooperate with independent monitoring efforts that seek to assess the reach and quality (meaningfulness, value) of the public dissemination of information, and should commit to specify and take swift measures to remedy problems.

Country Examples

Azerbaijan set up a one stop shop for public services

ASAN is Azerbaijani for 'Easy'. It is a one-stop shop where people can access the services of various government agencies. Service centres in major cities, mobile busses, an online service and telephone hotline.

- http://www.opengovpartnership.org/sites/default/files/Azerbaijan_1.pdf
- <http://asan.gov.az/en/contactinfo>

Brazil's Bolsa Família program is backed by a widespread information campaign

Brazil's Bolsa Família program of family income support covers 12.7 million families. The program relies on diverse approaches to inform people about their rights and obligations. The program, and its payment calendar is advertised on the internet, local radio ads, and pamphlets and posters that are distributed around poor neighborhoods and public offices. Once a family is admitted in the program, social assistance professionals provide guidance on how the program works using a document called the Agenda da Família, which is provided to all new beneficiary families. Targeted efforts have been made to improve outreach to highly disadvantaged groups, such as indigenous populations, quilombolas (African descendant groups), and the homeless, using material in local dialects and using appropriate graphic design and training local agents on how to reach each group.

- <http://documents.worldbank.org/curated/en/2011/01/15499676/citizens-service-delivery-assessing-use-social-accountability-approaches-human-development-sectors>

Chile set up a one-stop shop for accessing public services

ChileAtiende is the multi service network which was created in 2012 to bring the benefits and services of public institutions to individuals, through in-person service points and mobile offices, a website and a call center that provides guidance on the services and benefits provided by the state by dialing '101'.

The system started out by using the infrastructure of the Social Security Institute, but brings together services from many government departments including the national health fund (Fondo Nacional de Salud, Fonasa), the national consumer protection agency (Servicio Nacional del Consumidor, Sernac), the Civil Registry, the Social Investment Fund (Fondo Solidario de Inversión Social, FOSIS), the Housing and Urban Development Ministry (Ministerio de Vivienda y Urbanismo, Minvu) and the Health Ministry. Citizens can apply for services and subsidies, pay social security contributions, obtain medical vouchers and register for certificates at the same office.

- <http://www.chileatiende.cl/>
- <http://www.gob.cl/english/featured/2013/09/03/president-pinera-signs-bill-to-set-up-the-chileatiende-national->

citizens-attention-service.htm

- <http://www.opengovpartnership.org/sites/default/files/Chile.pdf>
- http://www.opengovpartnership.org/sites/default/files/Chile_0.pdf

Chile's healthcare system sets out guarantees on access, quality and cost of public healthcare

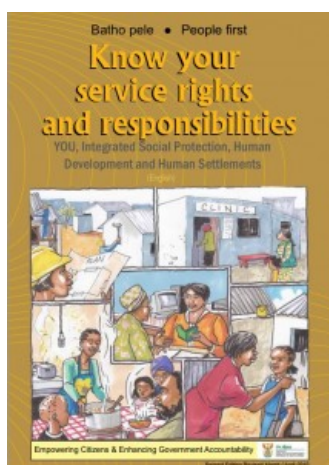
Chile's Regime of Explicit Health Guarantees (AUGE) guarantees a certain set of services for all users. It prioritises health problems based medical criteria and defines a maximum waiting period for receiving services at each stage ("access") the set of activities, procedures, and technologies necessary for treating the medical condition ("quality"); and the maximum that a family can spend per year on health ("financial protection").

- <http://siteresources.worldbank.org/EXTSOCIALDEV/Resources/3177394-1168615404141/3328201-1192042053459/Chile.pdf>

More than 600 government organizations in India have issued Citizen's Charters

- <http://goicharters.nic.in/faq.htm>

South Africa has carried out a national public education campaign on Know Your Service Rights and Responsibilities



The campaign aims to inform citizens about their service rights, responsibilities, and legal mechanisms available to hold government accountable. The "Know Your Service Rights and Responsibilities" booklet was developed in 2010 and more than 35,000 brochures were distributed with the aim to distribute more through 2013 and 2014.

As part of the national OGP Action Plan the Department of Public Service and Administration intensified engagements with communities on the campaign for example informing people about how to apply for housing subsidies and each government department has an outreach programme. However a key weakness of the booklet is that it has only been produced in English.

- <http://www.dpsa.gov.za/batho-pele/docs/Know%20your%20Service%20rights/English.pdf>
- <http://www.opengovpartnership.org/country/south-africa/irm>

 The UK Government's Choice Charter sets out what users should receive from their services

The Choice Charter, published in 2013 sets out four basic principles for public service users:

- You can have a say in how a public service is provided to you.
- You will be given the opportunity to take up and exercise the choices
- available.
- You will be given clear, accessible and high-quality information and advice to inform your choices
- You have clear avenues to complain if you do not receive the choices you are entitled to.

Individual Choice Frameworks have been developed for a number of public services in healthcare, education and social housing, which, set out what choices should be available to people, who is be responsible for providing this choice, relevant quality standards, inspections and licensing requirements, sources of information to help people make informed decisions and details of complaints procedures.

- <https://www.gov.uk/government/publications/choice-charter>

Intermediate Step: Involve citizens in the commissioning, design, delivery and assessment of public services

Justification

The constituency most affected by and often most knowledgeable about the realities, constraints and opportunities regarding service delivery are the millions of citizens and grounded CSOs (including local faith and business groupings), and yet this constituency is often the least consulted or involved in solving persistent service delivery challenges.

Creating serious and practical opportunities for citizen involvement can provide a huge untapped reservoir of knowledge and good will, align incentives effectively and create greater trust, all of which are essential to solve service delivery challenges. New technologies and decreasing costs of communication, particularly the mobile phone and fast-growing social media platforms such as Facebook, enable unprecedented avenues for information sharing and demand-driven, contingent collaboration.

One approach to this is to involve citizens actively in the governance of and commissioning of public services, for example on school boards and health councils and in monitoring public private partnerships delivering public services.

Another is the co-production of public services where service users act not as passive recipients but as individuals with skills and mutual responsibilities with professionals. While still at a developmental stage in many areas of public service delivery, co-production has started to be mainstreamed in a few areas, such as health and social care. Examples include parent-run nurseries, community-led justice, peer-education and medical self-help groups (OECD, 2011).

Open government data [link] approaches offer the potential for users to become involved in developing new interfaces to public services.

Governments can take specific actions here, setting up innovation units, grants, awards and new governance mechanisms, but also important are changes in internal culture of public sector organisations to encourage easier exchange and critique, to take feedback seriously and respond to it reliably, and to set incentives to tap into new ideas, solve problems through experimentation and rigorously evaluate and adopt them at scale.

Recommendations

1. **Promote and support the monitoring and evaluation of public services by civil society and citizens** independently of and in collaboration with policy makers
2. **Consider opportunities to involve citizens at all stages** of the development and delivery of public services or government programmes.
3. **Ensure that the participation of citizens is inclusive** and does not exclude the less powerful.
4. **Give citizens and stakeholders influence** over which services are commissioned and how public funds are allocated through the adoption of participatory [budgeting](#).
5. **Ensure that public service commissioning approaches enable user driven and innovative service approaches** to be funded.
6. **Promote [open government data](#)** as a tool for public service innovation
7. **Document and share research and stories** of how change has happened (including through this Guide)

Standards & Guidance

- OECD: Together for Better Public Services – Partnering with citizens and civil society: <http://browse.oecdbookshop.org/oecd/pdfs/product/4211131e.pdf>

Country Examples

Brazil's Health Councils involve people in governing the health system

Brazil's Sistema Único de Saúde (SUS), is a universal, publicly-funded, rights-based health system. The Brazilian “Citizens’ Constitution” established health as the right of all and guaranteed the right to participate in the governance of health. This is institutionalised through mechanisms for citizen engagement at municipal, state and national levels.

Across Brazil's 5,000-plus municipalities Health Councils are empowered by law to inspect public accounts and demand accountability. Each month tens of thousands of Brazilian citizens representing a spectrum of civic associations meet with those who run their health services and provide their health care. Every two or four years they come together in municipal health conferences, from which delegates are put forward for conferences at the state and national levels. At such events, proposed amendments collated from days of group work are debated, contested and voted for. Good ideas from citizens often become the basis for state and national policies. And when they do not, citizens who recognise the value of their ideas often continue to fight for them.


Research has found that the health councils are quite diverse and include representatives from social movements, disabled people's associations, religious groups, civil rights associations, trade unions and people with no associational ties. However breaking the grip of powerful actors on the councils often depends on a public manager who is willing to champion the cause of participation and work with civil society groups. The selection process of the councillors varies from council to council, with greater openness leading to more inclusivity. Inclusive measures include making information on the election process available, listing all the associations and movements in the region, using radio or

newspapers to publicise elections and granting candidatures to individuals as well as organisations.

Discussion techniques are used to help groups to communicate and express themselves better. This include limiting the length of time people can speak, to ensure people who want to participate get a chance to speak and to vote where decisions need to be made. Training of councillors and the council chairs in their roles and providing them with information on the functioning of the health system also helps to make some councils work better than others.

[Source: Open Democracy]

- <http://www.opendemocracy.net/andrea-cornwall-vera-schattan-p-coelho-alex-shankland/taking-seat-on-brazils-health-councils>

 Denmark's Mindlab involves citizens and business in in problem solving with government ministries

MindLab is a Danish cross-governmental innovation unit which involves citizens and businesses in developing new solutions for the public sector. MindLab is instrumental in helping key decision-makers and employees from its parent ministries view their efforts from the outside-in, to see them from a citizen's perspective. MindLab uses this approach as a platform for co-creating better ideas.

It works with service users, citizens and other stakeholders at early planning stages of service delivery. For example, Mindlab worked with users to test mobile devices for doing tax returns and collected their feedback, which resulted in changing government plans and avoiding costly service mistakes. It developed social networks with and for highly skilled migrant workers to motivate them to stay in Denmark.

MindLab was created in 2002 for the Ministry of Economic and Business Affairs as an internal incubator for invention and innovation. At that time, the vision of an in-house laboratory as a centre of creativity and innovation was unique for a ministry.

In 2007, a new strategy and a new goal were set for MindLab: its focus would be the active involvement of both citizens and companies in developing new public-sector solutions. At the same time, MindLab acquired two additional parent ministries, namely the Ministries of Taxation and Employment. In this manner MindLab also became a fulcrum of intra-governmental cooperation. Finally, the strategy involved MindLab taking on a number of professional researchers, with the aim of establishing a more robust methodological foundation for its work.

Today, MindLab has considerable experience with innovation processes that are based on the realities experienced by citizens and businesses, and which also promote collaboration across the public sector. MindLab has become a part of three ministries and one municipality: the Ministry of Business and Growth, the Ministry of Education, the Ministry of Employment and Odense Municipality and form a collaboration with the Ministry for Economic Affairs and the Interior.

- <http://www.mind-lab.dk/>

 In Karachi, the local government adopted a co-management approach to sanitation

Orangi is a large informal settlement in Karachi, Pakistan. In 1982, residents suffered from high child mortality rates due to poor sanitation. Some of the communities were represented by residents' associations that followed clientelist strategies to try to improve services. They lobbied local politicians and promised votes in return for water pipes and public standpoints.

A local NGO called the Orangi Pilot Project (OPP argued that such a strategy was never going to work at the spatial scale

that was required or with an adequate quality of investment). They developed a model of community-installed and managed sanitation where the residents of a lane or street paid for the lane investment in sanitation (and monitored the quality of the work) while the municipality took on responsibility for the wider sewer network and the waste treatment plants.

At first, the municipality refused to participate in this work and the people discharged the wastewater from the lane sewers into local streams. Over time, the authorities recognized the co-production model could work, if they played their role.

After initial reluctance, the municipality eventually agreed to this co-management arrangement and the idea of rapidly through the settlement. The process strengthened local organisations and made them more likely to engage with formal political structures than clientist networks. Overall residents of, 96,994 houses built their neighbourhood sanitation systems, by investing over half a million dollars collectively. 20 years after the work began in Orangi, the city of Karachi decided that the strategy should be supported throughout the city.

- http://www.sed.manchester.ac.uk/research/socialmovements/publications/papers/Mitlin_EnvironmentandUrbanization20.pdf

US Citizen Corps trains volunteers to play a role in community safety and disaster preparedness

Following the tragic events that occurred on September 11, 2001, state and local government officials in the US increased opportunities for citizens to become involved in disaster preparedness and supporting local first responders.

Citizen Corps was created to help coordinate volunteer activities. It provides opportunities for people to participate in a range of measures to make their families, their homes, and their communities safer from the threats of crime, terrorism, and disasters of all kinds.

Citizen Corps programs build on local efforts to prevent crime and respond to emergencies. Programs that started through local innovation are the foundation for the national approach.

The Citizen Corps mission is accomplished through a national network of state, local, and tribal Citizen Corps Councils. These Councils build on community strengths to implement the Citizen Corps preparedness programs and carry out a local strategy to involve government, community leaders, and citizens in all-hazards preparedness and resilience.

- <http://www.ready.gov/>

Intermediate Step: Provide cooperation to independent monitoring efforts and take action on issues raised

Justification

Because the quality and integrity of underlying data used by governments can be uneven, independent monitoring can help to provide additional means to collect feedback and provide data, through community monitoring of public works and public services. In many countries civil society groups have pioneered the development of feedback approaches such as [public service report cards, social audits and community monitoring](#).

Social audits allow citizens receiving a specific service to examine and cross-check the information the service provider makes available against information collected from users of the service. This form of monitoring can cover all aspects of the service delivery process, such as funds allocated, materials procured, and people enrolled. The audit results are typically shared with all interested and concerned stakeholders through public gatherings, which are generally attended by users of the services as well as public officials involved in management of the service delivery unit.

Technologies such as SMS, apps, social media, online forums and websites can make it easier to people to submit feedback. For example in Tanzania Twaweza, set up a national mobile phone panel of 2,000 randomly selected residents invited to participate for two years. Participants receive mobile phones and agree to participate in monthly surveys on topics such as schools and health clinics.

Recommendations

1. **Promote and support the monitoring and evaluation of public services** by civil society and citizens independently of and in collaboration with policy makers

Country Examples

 In Ethiopia the Protection of Basic Services Project is working to empower citizens to assess public services

In Ethiopia starting in 2006 the Federal Government, with international support, has carried out a project to address this deficit. Working with 45 CSOs across 86 districts the project piloted Community Score Cards, Citizens Report Cards, and Participatory Budgeting as a basis for face-to-face discussions between citizen groups and service providers. The World Bank reports that these regular discussions provided the opportunity for stakeholders to review the service delivery scores and discuss deficiencies, produce common performance indicators, agree on service delivery scores, develop joint action plans, and form joint committees to follow up on the implementation of the action plans. Government officials and service providers have been required to take account of citizens' demands and to respond, as feasible, with appropriate policies and solutions. The program is now being scaled up 172 districts implemented by 60-90 CSOs.

- <http://www.worldbank.org/en/news/feature/2013/02/13/empowering-citizens-increasing-accountability-improving-service-delivery> <http://vimeo.com/15160542>

 In India the National Rural Employment Guarantee Act is monitored through social audits

The NREGA program guarantees 100 days of employment per year to rural households whose adult members are willing to do unskilled manual work. Such programs are often bedevilled by large scale misappropriations by contractors, local political bosses and officials. Proactive disclosure of information, and citizen participation in monitoring was therefore designed into the program, and institutionalised through the legislation that created it in order to expose and prevent corruption.

The National Rural Employment Guarantee Act mandates that regular social audits be conducted at local level every six months. The NREGA guidelines identify 11 stages of the program where an individual or group can intervene to ensure public vigilance. The accountability and transparency measures enshrined in the NREGA have proved to be a catalyst for some state governments and civil society organizations to take innovative steps towards developing and institutionalizing accountability tools into the governance system


The government of Andhra Pradesh set up a separate unit to design and implement social audits of the NREGA

program. The core of the social audit approach is to involve the entire affected group or community in the process. In most cases, the members carrying out the social audits are volunteers who are directly affected by the program, and these volunteers are generally trained in the social audit process by a civil society organization. This extensive involvement of civil society organizations ensures that there is a high degree of autonomy and objectivity to the exercise. It is one of the most important checks and balances that have been built in to the process.

The village social auditors go from house to house cross verifying official records, scrutinizing job cards, examining the worksites, and gathering information through interviews with wage seekers. They then organize a village level meeting where findings from the audit are shared with the villagers, local political bosses, and officials. The presence of senior government officials enables immediate and effective grievance redressal albeit only where cases of petty corruption are unearthed. Over 500 field assistants and 10 technical assistants have been dismissed, and inquiries initiated against higher level officials. Corrupt officials facing public scrutiny have actually begun to return embezzled funds.

Aside from unearthing corruption, the social audits also offer a formal setting for senior officials to interact with front line staff and service users. This allows for real time feedback on the status of the scheme implementation. Through interactions with senior officials, front line workers can clarify doubts, and resolve problems. Moreover, because information on the NREGA is disseminated during the forum, both officials and wage seekers come away with a better understanding of the NREGA.

- http://knowledge.nrega.net/193/1/transparency-accountability_Andhra.pdf

 In the Philippines the Department for Education cooperates with the Checkmyschool monitoring initiative



Started in 2011, Checkmyschool (CMS), is a participatory monitoring initiative that aims to improve service delivery in public education. It was established as a joint initiative of the Affiliated Network for Social Accountability in East Asia and the Pacific (ANSA—EAP) Foundation Inc. and the Department of Education (DepEd), the branch of government that is responsible for regulating and managing the Philippine system of basic education..

CMS is an interactive and hybrid online platform used to validate the government's educational services on the ground, report on issues, and provide solutions. With access to the Department of Education's database, citizens can monitor funds and report on any discrepancies that are fed back into the platform through various channels, including Facebook and SMS. For those who don't have internet access, CMS has mobilized infomediaries to interact with stakeholders, and facilitate community involvement. CMS has also attracted a thousand plus volunteers, including students, to disseminate and validate information offline.

The platform uses Google Maps to map schools and allows users to report issues about textbooks, seats, toilets, teachers and computers. These issues are brought to the attention of the Department of Education's attention for action. Requests so far have been responded to fairly quickly.

- <http://wbi.worldbank.org/wbi/stories/check-my-school-not-just-website>
- <http://www.checkmyschool.org/>
- http://www.youtube.com/watch?feature=player_embedded&v=y2HAeePMKOl#t=12

Intermediate Step: Publish key public service performance data

Justification

Government departments have many systems for tracking and managing performance. Making these measurements public and accessible allows citizens (and authorities) to more effectively compare performance, assess value for money and exercise choice and accountability.

Often performance data is not standardized and quality can be variable. However the absence of perfect data should not prevent transparency. Measuring performance in key areas and making data public can be a first step to improving the quality of the data and performance management

Recommendations

1. **Provide information to the lowest disaggregated facility or community level** (e.g. school, health facility, village) so as to be meaningful and relevant to citizens, without undermining the privacy of service users.
2. **Present information about the same services and agencies from different sources** (e.g. administrative data, survey data, reports of the auditor general, reports of the public procurement authorities) side by side and using common institutional boundaries and standardized names
3. **Make available the information on user-friendly interactive online platforms** that allow users to tailor searches and queries, and in particular make comparisons across time, geographies, sectors and against policy commitments.
4. **Ensure that information is made available on public noticeboards and on popular mobile phone platforms** and foster synergies with other mass media (e.g. FM radio) and mass institutions (e.g. faith bodies, fast-moving consumer goods companies). This is particularly important in developing countries where computer-based internet access, while growing, is still constrained.
5. **Publish information in an open data format** to allow others to analyse and reuse it.

Standards & Guidance

- Civicus – Monitoring and Evaluating Public Services http://www.pgexchange.org/index.php?option=com_content&view=category&id=59&Itemid=135
- OECD: Focus on Citizens – Public Engagement for Better Policy and services <http://www.oecd.org/governance/regulatory-policy/focusoncitizenspublicengagementforbetterpolicyandservices.htm>
- OECD: Together for Better Public Services – Partnering with citizens and civil society: <http://browse.oecdbookshop.org/oecd/pdfs/product/4211131e.pdf>
- The World Bank: Citizens and service delivery <http://elibrary.worldbank.org/content/book/9780821389805>

Country Examples

In Korea city residents get up to date information on water quality

In Seoul, Korea citizens were previously suspicious of the quality of the tap water and avoided drinking it. There was no monitoring system to assess the quality of tap water. This resulted in a low rate of consumption of tap water, high sales volume of bottled water, reckless underground water development, and indiscriminate use of purifiers which led to pollution. There was waste of a precious resource and potential public health problems.

The new water monitoring system allows citizens to access real-time data on water quality via the Internet at the city's public engagement website oasis.seoul.go.kr. They can also obtain data from water quality inspectors who visit houses for free. They can participate in the online assessment of the water quality; this has helped build trust and confidence in the water system. This programme uses citizen monitoring as part of a drinking water campaign, to help conserve resources. As a result, citizens confidence levels have risen, with a 20% increase in tap water consumption and greater conservation of ground water.

[Source: United Nations Public Service Awards (2009)]

- http://unpan3.un.org/unpsa/Public_NominationProfile.aspx?id=584

In Peru the government introduced standardised tests in schools to improve school standards

In Peru in spite of high primary enrolments in education, many students were not able to read. Parents surveyed said they were satisfied with the quality of education their children received. This gap between true learning levels and perceptions of quality suggested a lack of awareness of quality standards and potentially weak accountability in school management. In 2006, the government of Peru established a universal standard system to test all children completing second grade and to inform each school, child, and parent about the results by issuing report cards through local education offices. Media campaigns encouraged parents to request their child's test scores from schools and discuss the results with the school authorities to plan improvement strategies. One of the products was a radio miniseries about education standards and parental empowerment, produced in Spanish and translated into the indigenous languages of Quechua, Aymara, and Asháninka. The government also linked teachers' pay to evaluation as part of the education sector reform process. In spite of opposition from teacher unions, the government was able to pass this law with support from the electorate.

Several countries in Africa are working with the World Bank to collect Service Delivery Indicators on health and education

Service Delivery Indicators (SDI) is an Africa wide initiative being undertaken by governments together with the World Bank. It collects actionable data on service delivery in schools and health facilities. The SDI data are used to assess the quality and performance of education and health services for decision makers to track progress over time, and for citizens to hold governments accountable for public spending.

The Service Delivery Indicators are a set of 20 indicators that examine the effort and ability of staff and the availability of key inputs and resources that contribute to a functioning School or health facility. They seek to assess service delivery performance and quality at frontline schools and health facilities from the citizens' perspective.

A standardized survey is used allowing for data comparison across countries as well as in country regions, Data will be collected and analyzed every two years from a sample of 200-300 schools and clinics in each country.

SDI results will be published. In Kenya, Hivos is working to support Civil Society Organisations (CSOs), media

organisations and journalists to present the information revealed by the data to the general public, in user friendly ways.

- <http://www.sdindicators.org/>
- <http://www.hivos.org/news/kenyan-launch-service-delivery-indicators-sdis-accountability-and-results>

Advanced Step: Systematically track and publish performance indicators across public services

Justification

Different countries manage their public services in different ways, in particular with regards to the degree to which services are centralised or decentralised, the involvement of private and voluntary sector delivery partners, and the extent to which users have choice between different providers. Whatever way services are delivered the state has a key role in defining outcomes, setting standards for public services and ensuring that all public service users are able to access the services they are entitled to.

Increasing focus is being put on transparency over how services are performing, both as a means for enabling service users to effectively exercise choice, and to allow them to influence the services they rely on and hold government accountable. At the heart of this are moves to systematically publish information on performance and user satisfaction.

Research into the impact of publishing performance information is limited, but it appears likely that publishing performance data encourages greater efficiency and effectiveness in public services. Beneficial effects are often due in the first instance to information by those professionally involved in providing the service than to feedback from the general public. However to be effective and gain the attention of providers, information should be meaningful and relevant and have the potential to arouse the interest of stakeholders (Mulgan, 2012).

Assessments of performance involve judgments about social value and political priorities. This must be taken into account both in the design of public service performance indicators and their interpretation. The simplest measures of the outcomes of a provider such as exam pass rates, or hospital mortality rates may need to be presented as value-added indicators to take into account factors such as the health and wealth of users. Composite indicators such as 'star ratings' can be easy to communicate, but opaque in what they assess. Any indicator can lead to gaming, for example with providers closing waiting lists to reduce the numbers waiting, or excluding children at risk of failure to increase average test scores.

Recommendations

1. **Develop performance indicators** in close consultation between politicians, users, officials and professionals involved in service delivery
2. **Take care in developing indicators to guard against distortion** by providers seeking to improve their score without improving underlying performance. Relying on a number of separate measures, rather than just one indicator
3. **Develop public performance indicators as part of a broader performance management regime** where data is taken into account by decision makers but is subject to discussion and open judgement.
4. **Sponsor research to assess the 'before-and-after' effects** before embarking on a new performance indicators framework .

5. **Publish information to the lowest disaggregated facility or community level** (e.g. school, health facility, village) so as to be meaningful and relevant to citizens, without undermining the privacy of service users.
6. **Present information about the same services and agencies from different sources** (e.g. administrative data, survey data, reports of the auditor general, reports of the public procurement authorities) side by side and using common institutional boundaries and standardized names
7. **Make available the information on user-friendly interactive online platforms** that allow users to tailor searches and queries, and in particular make comparisons across time, geographies, sectors and against policy commitments.
8. **Communicate indicators** in the media, through public displays, booklets and letters to parents and patients as well as online.
9. **Publish information in an open data format** to allow others to analyse and reuse it.

Standards & Guidance

- Civicus – Monitoring and Evaluating Public Services http://www.pgexchange.org/index.php?option=com_content&view=category&id=59&Itemid=135
- OECD: Focus on Citizens – Public Engagement for Better Policy and services <http://www.oecd.org/governance/regulatory-policy/focusoncitizenspublicengagementforbetterpolicyandservices.htm>
- OECD: Together for Better Public Services – Partnering with citizens and civil society: <http://browse.oecdbookshop.org/oecd/pdfs/product/4211131e.pdf>
- The World Bank: Citizens and service delivery <http://elibrary.worldbank.org/content/book/9780821389805>

Country Examples

 In Sweden the government publishes performance reports on social services, health and medical care

Public performance reports have been a core part of the Swedish government's strategy for public service improvement. The vision is to provide up-to-date knowledge when you want it, the way you want it in order to support: the ability of citizens and patients to choose care providers; policy decisions and independent examinations; and in-depth analyses and comparisons that encourage care providers and the social services to improve quality and efficiency. Areas covered include substance abuse and dependency care, dental care, cardiac care, elderly care, public health and primary care. In each area a set of indicators has been agreed and are regularly reported and that describe facilities with regard to quality and efficiency. Transparency has led to improvements in care. For example when mortality data for myocardial infarction patients prompted the lowest-performing hospitals to institute major improvement programs; within two years, they had cut their mortality rates in half.

- <http://www.government.se/sb/d/15660/a/182988>
- <http://>

 Mexico set up a digital platform to 'improve your school'

Mexico spends more per student than most industrialized nations but has the lowest levels of academic achievement in the OECD. As part of its OGP Action Plan the government-civil society working group set out to improve the information that parents have about schools, and enable them to 'improve your school'.

The Mexican Institute for Competitiveness (IMCO) cross referenced test results with basic data on all schools and made them accessible on a new website 'Mejora tu Escuela'. Users can search and compare schools, and provide their own

comments. Where problems are identified, like deteriorating infrastructure or principals that mismanage the school budget, they are linked to possible solutions that can be implemented by parents and local CSOs. “The more information you have on schools, the more likely you are to demand higher quality education”, says Gabriela Segovia of the Federal Institute on Access to Information and Data Protection (IFAI).

- <http://www.mejoratuescuela.org/>
- http://www.opengovpartnership.org/sites/default/files/Mexico_0.pdf

With 35% of rural people still lacking access to an improved drinking water supply, deciding where to invest, how to develop services and which policies and strategies actually work is critical for Uganda. It requires data, analysis and the joint reflection of different stakeholders.

Water sector performance measurement in Uganda has been established in Uganda over the past ten years. In 2003 through meetings with stakeholders, and consultative workshops eight ‘golden indicators’ were selected such as % of people within 1.5 km (rural) and 0.2km (urban) of an improved water source, and % of improved water sources that are functional at time of spot-check Sanitation Sector.


Based on reports from local government, surveys and spot checks each year, an annual Sector Performance Report is prepared, consolidating the status, investment, progress and challenges on rural water supplies for the entire country.

Summary information from the Sector Performance Report feeds into the Government Annual Performance Report and the full report is uploaded on the Ministry website (<http://www.mwe.go.ug>). A simple, summarized version of the report is also put in the national newspapers for information to the public.

- http://www.rural-water-supply.net/_ressources/documents/default/1-383-3-1354809704.pdf

No commitments for this level

Records management

 **Lead author:** [International Records Management Trust](#)

Introduction

Records management is the field of management responsible for the systematic control of the creation, receipt, maintenance, use and disposition of records, including the processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records (ISO 15489).

Record-keeping has traditionally been regarded as a routine clerical function. However, efficient records management is crucial for effective decision-making and for transparency and accountability.

Good records management ensures that accurate and reliable records are created and remain accessible, usable and authentic for as long as they are needed to provide the basis for improving services, controlling corruption and strengthening democracy. This benefits both those requesting information, by assuring that information is complete and reliable, and those holding information, by enabling them to locate and retrieve it easily to meet their operational needs and obligations for transparency and accountability.

In many countries, government records are not managed to meet international standards, and in some countries even the most basic records management controls are not in place. Furthermore, the adoption and use of digital technologies has often outpaced capacity to manage digital records, creating new challenges.

Poorly managed records are difficult to locate and hard to authenticate or preserve. This can result in misguided policy, inadequate or inappropriate services, misplaced funding and cover-up of fraud, with serious consequences for citizens' lives.

Successful open government policies, including Open Data and Right to Information (RTI), rest on sound records management, and countries are therefore beginning to orient their records management programmes to support the objectives of open government.

References

ISO 15489:2001 Information and Documentation – Records Management, http://www.iso.org/iso/catalogue_detail?csnumber=31908

Expert Organisations

International Records Management Trust <http://irmt.org/>

International Council on Archives <http://www.ica.org/>

Alliance for Permanent Access <http://www.alliancepermanentaccess.org/>

ARMA International <http://www.arma.org/>

Association for Information and Image Management <http://www.aiim.org/>

Summary of illustrative commitments

Initial

- Adopt a government-wide policy on records management in line with the right to information and open government goals
- Establish a public authority to lead on government records management
- Provide training on dealing with government records in line with RTI to all relevant officials

Intermediate

- Build the capacity of records management professionals
- Include records management requirements in the specification criteria for new IT systems and upgrades

Advanced

- Establish a central digital repository to provide permanent, lasting access to government records and data
- Establish standardised requirements for metadata across government

Innovative

- Develop a quality assurance strategy for open government datasets

Detailed Recommendations

Initial Step: Adopt a government-wide policy on records management in line with the right to information and open government goals

Justification

Government-wide records management policies identify requirements for all public authorities in creating, managing and preserving public sector records. This enables them to take a planned and consistent approach. The policy will have the greatest impact when it is harmonised with policies governing ICT, RTI and Open Data.

Normally, the central authority responsible for records management across the government should provide standards and guidance on establishing records management programmes, and requiring each government organisation to establish its own records management unit. In this way, records management can be developed as a critical organisational function similar to functions such as human resource and financial management.

Recommendations


A government wide records management policy should:

1. Be developed in consultation with stakeholders, including those responsible for managing Open Government, Open Data, and RTI initiatives.
2. Set out overall goals and expectations for records management.
3. Set out requirements for public authorities to assign authority for records management at a senior level, develop their own records management policies and establish professional units capable of managing records.
4. Include provisions for developing schedules on records retention and disposal, taking account of the legal and financial needs and obligations of government, and of the administrative and historical value of the records.
5. Establish overall responsibility to monitor compliance with the policy and the achievement of expected results.
6. Be aligned to policies supporting RTI, Open Government and Open Data.

Standards & Guidance


- ISO 15489:2001 Information and Documentation – Records Management http://www.iso.org/iso/catalogue_detail?csnumber=31908
- ISO 30300:2011 Information and Documentation – Management System for Records http://www.iso.org/iso/catalogue_detail?csnumber=53732

Country Examples

 In 2011, the US President established a government-wide effort to reform records management policies and practices

The Presidential Memorandum – Managing Government Records – was signed by President Obama in 2011, marking the beginning of an executive branch-wide effort to reform records management policies and practices in the U.S. This effort is expected to improve openness and accountability by better documenting agency actions and decisions, and help executive departments and agencies minimise costs and operating more efficiently.

- <http://www.whitehouse.gov/sites/default/files/omb/memoranda/2012/m-12-18.pdf>

 In Mexico the national archive and IFAI issued joint guidelines for the organisation of government archives


Mexico's Federal Law on Transparency and Access to Public Information from 2002 assigned jointly to the Mexican National Archive and the Federal Institute for Access to Public Information in Mexico (IFAI) the task of creating criteria to catalogue, characterise and handle administrative documents. The only guidance that the law provided these entities was that archiving and conservation criteria should be based on international standards and best practices. IFAI and the National Archive have since, for example, created the Automated and Integrated System of Request Tools and Archive Control, which allows users to easily access archiving guidelines and locate documents from all agencies.

- <http://inicio.ifai.org.mx/English/5%20IFAI%20and%20a%20culture%20of%20Transparency.pdf>

 The Government of Canada established a new policy on information management in 2007

The Canadian Policy on Information Management from 2007 offers a whole-of-government approach to records management. The policy states that using a whole-of-government approach to managing information and records supports managers' ability to transform organizations, programmes and services in response to the evolving needs of Canadians.

- <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?section=text&id=12742>

 The UK has created guidance for public authorities in establishing their own records management policies

In the United Kingdom, the Code of Practice on Records Management (under section 46 of the Freedom of Information Act 2000) constitutes a government-wide policy on records management. It gives guidance on good practice in records management as well as guidance on the review and transfer of public records to an archives office for permanent preservation. The National Archive has published a set of guidance notes to support the good practice recommendations in that Code.

- <http://www.nationalarchives.gov.uk/documents/information-management/rm-code-guide3.pdf>

Initial Step: Establish a public authority to lead on government records management

Justification

It is important to establish an agency with statutory responsibility for managing records across the public sector. This could be a national records authority, an archives body or a series of state or local bodies with equivalent authority. The agency needs a clear mandate for guiding the management of records and helping to ensure that government decisions, actions and transactions are documented in a trustworthy manner. It must also ensure that records are made available to citizens as the basis for public confidence and openness.

It is also important that the relationship between RTI, Open Data and records management is clear, and that inconsistent regimes for access to information are not created [Dokenia, 2013]. The International Council on Archives has endorsed the principle that national/ state archives should play a strong leadership role in facilitating the management of current government records, including those in digital form.

Recommendations

1. Enact a law to establish a records authority. The law should ensure:
 - The records authority is empowered to set records management policy for government, and define good practice standards and quality controls for managing government records in all formats.
 - The authority is positioned in a central cross-cutting position of authority rather than within the cultural sector.
 - The authority's role is not replicated by other agencies, for instance the ICT authority or the Office of the Information Commissioner, but strong working relationships with these and other relevant agencies are established.
 - The authority has high-level support, including budgetary support, for delivering its mandate, particularly in relation to Open Data, RTI and ICT/ e-government programmes.

Country Examples


In Sierra Leone the records authority has developed standards and guidelines for keeping civil servants' and teachers' records

After the conflict in Sierra Leone (1991-2002), the country's records management system needed to be almost entirely rebuilt. A Record Management Improvement Project was initiated in 2005 with funding from the UK Department for International Development to improve the country's records management system.

As a starting point, a Records Management Improvement Team was appointed to build the basis for sustainable improvement in records management. The Team tackled many issues but made pay and personnel records in the public sector its highest priority. Under the previous records management system it had, for example, been difficult to identify ghost workers or workers past statutory retirement age, leaving the system open to abuse. The previous system also undermined efficient personnel administration and planning for long-term staff development as it was difficult to determine skills, staffing requirements and vacancies.


The Team set about organising personnel files in payroll order, both in the Employment Secretary's Office (which managed the Civil Service) and in employing ministries, departments and agencies. The aim was to make it easier and faster to verify the payroll, staff lists and social security forms. Organising the files in relation to the payroll also would make it possible to determine the employees for whom no files existed, so that files could be created for all civil servants, including non-established employees. This strategy enabled a reduction in ghost workers from the civil service payroll, and subsequent public expenditure savings.

- http://www.irmt.org/documents/building_integrity/case_studies/IRMT_Case_Study_Sierra%20Leone.pdf

 In Tanzania modern legislation empowers the national archives to define standards for keeping government records

The Tanzanian Records and Archives Management Act, 2002 established a Records and Archives Management Department. The Department's role, which is set out in this Act, includes ensuring that public offices follow good record keeping practices; establishing and implementing procedures for the timely disposal of public records of no continuing value; advising on best practices and established standards in record keeping in the public service; and establishing and implementing procedures for the transfer of public records for preservation.

- <http://polis.parliament.go.tz/PAMS/docs/3-2002.pdf>

 In the United Kingdom the National Archives and the Information Commissioner cooperated to develop a code of practice on records management

In the United Kingdom, a code of practice on records management was developed by the National Archives and the Information Commissioner as a supplement to the provisions stated in the UK's Freedom of Information Act from 2000. Its purpose is to help authorities comply with the freedom of information requirements relating to the creation, management, disposal, use and re-use of records and information.

- <http://www.justice.gov.uk/downloads/information-access-rights/foi/foi-section-46-code-of-practice.pdf>

 Several countries have mandated their national archives to serve as records authorities

Governments in Canada, China, Ghana, India, Malaysia, Tanzania, the United Kingdom, and the United States, are among those that have mandated national archives to serve as records authorities.

Initial Step: Provide training on dealing with government records in line with RTI to all relevant officials

Justification

For officials to implement RTI laws properly, they must be aware of their responsibilities under the law.

It is important for public officials to have training in how to ensure that records are captured and held in reliable record-keeping systems, that they are properly controlled and scheduled for retention and disposition and that those that are exempt from access are protected in line with Official Secrets, Privacy, Copyright and other information-related laws.

For practical reasons, it may make sense to focus initial training activities on information officers and other key personnel. Over time, however, it is important to provide training to all officials. This is important to ensure that they understand their obligations under the law, and also to promote better cooperation with and support to information officers.

Over time, all officials should receive at least some training on records management and the RTI. This can be provided in different ways, depending on the way the civil service is run in the country, including through incorporating modules on RTI in ongoing training courses provided to officials, by having information officers provide training to other staff at the public authority and through incorporating RTI training into entry level courses for officials.


Recommendations

- Identify the training and guidance needed to enable public servants to assess records, datasets and other information assets for disclosure and to prepare and update information accessibility statements.
- Review existing records management training and guidance and identify components that would be relevant for inclusion in the training and guidance developed for RTI, Open Government, and Open Data.
- Provide basic but specialised training to all information officers and staff at the independent oversight body. Over time, expand this so that some training on RTI is provided to all officials (i.e. staff of public authorities).
- Conduct reviews of the training and guidance to ensure their continued relevance and effectiveness.

Standards & Guidance

- ARTICLE 19 Training course for public officials http://https://www.ip-rs.si/fileadmin/user_upload/Pdf/Publikacije_ostalih_pooblastencev/Article_19_foitainersmanual.pdf
- CLD Training course for public officials <http://www.law-democracy.org/live/wp-content/uploads/2012/08/Manual-Final.docx>

Country Examples

 The UK Information Commissioner's Office has developed a set of training materials for use in the public sector

The website of the UK Information Commissioner's Office includes a wide set of training materials, including short films on how to manage personal information, and how to comply with the UK Data Protection Act, Freedom of Information Act, and the Environmental Information Regulations.

- http://ico.org.uk/for_organisations/training

Intermediate Step: Build the capacity of records management professionals

Justification

Records management is a technical field that requires professional training and education. Records management theory and practice continue to develop rapidly, and records specialists are increasingly required to work with ICT professionals to design and implement new or enhanced systems that enable information to be made available to the public. Working in teams with Open Data/ RTI and ICT/ e-government experts, they should be capable of enabling governments and citizens to maximise the value of the information held in records.

Recommendations

1. Identify the challenges to records management presented by changing technologies, legislation and policy, work practices, theory and client expectations and the expertise needed to address these challenges.
2. Assess the gap between required and existing expertise.
3. Create a strategy for developing the required expertise through recruitment, training, education, continuing professional development programmes, technical projects, and local and international partnerships as well as partnerships with the private sector where appropriate.
4. Secure budgetary support for the strategy.
5. Review schemes of service, organisational structures, job descriptions, salary scales, etc, to ensure that the records management function is represented at senior levels and that a career path for records specialists is clearly defined.

Country Examples

National Archives Australia supports capability development in the Australian government

The National Archives of Australia supports capability development in the Australian government by offering a range of training programmes and resources, such as face-to-face training courses, e-learning, and professional events. The Archives also engages with information and records professionals and stakeholders across the Australian Government, industry and the education sector.

- <http://www.naa.gov.au/records-management/capability-development/index.aspx>

Intermediate Step: Include records management requirements in the specification criteria for new IT systems and upgrades

Justification

Many government operations that traditionally depended on information derived from paper records have become partially or wholly automated. As governments migrate to an on-line environment, records in digital form are providing the basis for conducting business, serving the public, managing state resources, measuring progress and outcomes, and protecting governments' and others' rights.

Technology is making significant contributions to improving government programmes and services, achieving development goals and advancing e-government strategies. However, in too many cases, ICT systems are introduced without the essential processes and controls for the capture, long-term safeguarding and accessibility of digital records.

It is important that the records authority works closely with Open Data/ RTI and ICT/ e-government experts to ensure that records and data management requirements are fully integrated in new or modified government systems. The system functionality necessary to ensure that records remain authentic and accessible over time needs to be defined in records management requirements. This also helps to ensure that responses to formal requests for information can be processed correctly and quickly in relation to requirements defined by law and policy.

Recommendations

1. Develop functional requirements for managing records through their life cycle in relation to international standards.

2. Consider open source systems and formats for records in the context of digital preservation and long-term access needs. [LINK to 11 – Establish A Government Digital Repository]
3. Identify existing and planned government systems that are generating records and datasets.
4. Ensure that the functional requirements are reflected in the design of existing and planned systems as well as in subsequent stages of the systems development life cycle (for instance, testing, implementation, production, evaluation).
5. Assign accountability for managing records and datasets generated in the systems.
6. Develop and apply standards and procedures for managing the records and datasets through their life cycle.
7. Provide training to technical staff, systems users and those making records and datasets available to the public to ensure that record-keeping requirements continue to be respected.
8. Undertake compliance audits, preferably within the context of systems audits, to ensure that the requirements are respected in the design of systems.
9. Conduct reviews of the functional requirements and update these as required.

Standards & Guidance

- Integrating Records Management in ICT Systems http://www.irmt.org/documents/educ_training/term_resources/IRMT_Good_Practice_Indicators.pdf
- MoReq2010 <http://www.moreq2.eu/home>
- Principles and functional requirements for records in electronic office environments (ISO 16175) http://www.iso.org/iso/catalogue_detail.htm?csnumber=55791

Country Examples

National Archives of Australia have developed guidelines on electronic records management


National Archives of Australia have developed a set of guidelines for Australian Government agency staff involved in considering an electronic records management system, planning and managing its implementation. These guidelines concern key considerations for implementing electronic document and records management system; lessons learned from Australian government agencies; an implementation checklist; information for senior management, and case studies from various agencies.

- <http://www.naa.gov.au/records-management/agency/digital/EDRMS/index.aspx>

National Archives of the Netherlands has developed a set of functional requirements for information and archives management in government organisations

The Dutch Archives School has developed a set of functional requirements for information and archives management in government organisations. This set of functional requirements establishes the mainstream condition with which archives must comply in the provision of information services, in observance of Dutch archival law, and in accordance with the Dutch [NEN-ISO 15489-1 standard](#).


- <http://en.nationaalarchief.nl/information-management-and-creation-of-archives/records-management/standards-for-records->



The New South Wales government has a strategy to ensure the protection and management of digital government records

Future Proof is a state records initiative for the New South Wales Government in Australia. In 2007, the [Future Proof strategy](#) was established to help ensure the protection and management of digital government records. Its website, futureproof.records.nsw.gov.au, has become a centralised information source on a range of record keeping issues relevant to the New South Wales public sector, and to digital record keeping more broadly. It also contains the Future Proof blog, which is a communication tool about digital record keeping issues.

- <http://futureproof.records.nsw.gov.au/our-top-10-tips-for-a-great-edrms-implementation>



The Queensland State Archives has developed guidelines to assist public authorities to plan for the introduction of an electronic document and records management system

The Queensland State Archives has developed guidelines to assist public authorities to plan for the introduction of an electronic document and records management system. The tool is particularly written for Chief Information Officers and other Senior Information Management and IT Managers implementing or considering the implementation of an electronic records management system.

- <http://www.archives.qld.gov.au/recordkeeping/grkdownloads/documents/edrms.pdf>

Advanced Step: Establish a central digital repository to provide permanent, lasting access to government records and data

Justification

Digital records of government decisions, actions and transactions need to be retained for their probative and evidentiary value, but they are difficult to capture and manage over time. They can include standard office documents, emails, images, videos and other formats. Digital preservation brings challenges such as format recognition, software preservation and compatibility and degradation of digital media.

Digital repositories are the means of ensuring long-term access to digital records, protecting their trustworthiness, demonstrating the traceability of data derived from them, and providing assurance that the records and data have not been compromised. National Archives, with their statutory responsibility for protecting and preserving government records, are the appropriate authority for developing digital repositories for government information.

Repositories should use open standards and formats to ensure that their contents remain accessible over time. There are internationally recognised standards that guide organisations on the establishment of Trusted Digital Repositories (TDRs) (ISO 14721) and their certification (ISO 16363) to assure the technical and organisational robustness of long-term preservation initiatives and the care of digital records.

Recommendations

1. Assess records creation in government, focusing on key transaction points where information is produced by processes or systems.
2. Examine digital records formats in government and the requirements for managing and preserving them.
3. Assess IT infrastructure and capacity in relation to current and projected digital information production.
4. Identify and develop a digital repository solution that meets government information needs and complies with the regulatory environment.
5. Develop processes for receiving digital records from government departments, including metadata and format requirements.
6. Develop policies and procedures to ensure that digital records are managed and preserved once they are accepted into the digital repository.
7. Define rules for identifying and authorising system users, allocating and administering access rights, and establishing log and audit trails.
8. Seek independent third-party certification of the digital repository as a TDR.
9. Establish a programme of monitoring and auditing to demonstrate compliance as a TDR.

Standards & Guidance

- Digital Repository Audit Method Based On Risk Assessment (DRAMBORA) <http://www.repositoryaudit.eu/>
- Nestor- Catalogue of Criteria for Trusted Digital Repository http://files.d-nb.de/nestor/materialien/nestor_mat_08-eng.pdf
- Open Archival Information System (OAIS) (ISO 14721) http://www.iso.org/iso/home/store/catalogue_tc/catalogue_detail.htm?csnumber=57284
- Repository Audit and Certification (ISO 16363) http://www.iso.org/iso/catalogue_detail.htm?csnumber=56510
- Trusted Digital Repository: Attributes and Responsibilities (2002) <http://www.oclc.org/content/dam/research/activities/trustedrep/repositories.pdf?urlm=161690>
- Trustworthy Repository Audit & Certification: Criteria and Checklist http://www.crl.edu/sites/default/files/attachments/pages/trac_0.pdf

Country Examples

New Zealand provides options for improving digital repository in its Digital Continuity Action Plan

Archives New Zealand has published a Digital Continuity Action Plan. The objective of the action plan, which applies to public sector digital information, is to ensure that public sector digital information is trusted and accessible when it is needed now and in the future. In terms of digital repository systems, the Action Plan sets out several action points for consideration: (1) Implementation of the National Digital Heritage Archive; (2) Leverage the public sector's investment in existing digital continuity initiatives; (3) Ensure New Zealand public sector has comprehensive digital archiving capacity; and (4) Investigate cross-agency infrastructure for storage and retrieval of digital information.

- <http://archives.govt.nz/advice/government-digital-archive-programme/digital-continuity-action-plan/html-version>

Norway has established a central digital repository through its Noark5 and digital archive initiatives

In Norway, the Ministry of Government Administration, Reform and Church Affairs offers an Electronic Public Records System as part of the Norwegian Government's commitment to transparency and democracy within the public sector. Central government agencies use this tool daily to publicise metadata about the records they create online so that users can identify documents relevant to their interests and submit requests to see them. When these documents are a few years old, the National Archives of Norway receives the records from the ministries through a digital repository structure. In 2011, National Archives developed a 'smartphone app' to enable public access to records and data direct from its repositories.

- <http://www.arkivverket.no/eng/Public-Sector/Noark/Noark-5-English>
- http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/mow/VC_Thurston_26_plenary1.pdf

Advanced Step: Establish standardised requirements for metadata across government

Justification

Digital records and datasets must be held with sufficient contextual information (metadata) to be uniquely identifiable and accessible over time and so that activity logs can be audited as a safeguard to trustworthiness. Standardised metadata requirements limit the amount of resources that will be needed to clean up or supplement records metadata when aggregating records or migrating records between systems. Many organisations have built their standardised metadata requirements into functional record-keeping requirements.

Recommendations

1. Evaluate the way records, data and metadata are created, captured and used in government.
2. Identify a basic set of metadata elements needed to document the original context and the function that the records are documenting.
3. Consult with stakeholders, including senior civil servants and technical staff, to ensure that appropriate metadata elements have been identified.
4. Develop metadata requirements and issue them as a standard and/ or incorporate them in existing records management standards.
5. Ensure that any procurement of systems includes the requirement to comply with the metadata standard, for instance by making compliance with the standard mandatory for government systems.
6. Work with audit and evaluation groups to ensure the proper enforcement of the metadata requirements.

Standards & Guidance


- ISO 23081-2:2009 Information and Documentation – Records Management Processes – Metadata for Records
http://www.iso.org/iso/iso_catalogue/catalogue_tc/catalogue_detail.htm?csnumber=50863

Country Examples

 In Norway software for government must meet the Norwegian Archive Standard

Noark, which stands for 'Norwegian Archive Standard', has been the mandatory standard across public bodies since 1999 when the Archives Regulation was introduced in Norway. Noark 5, which builds on previous Noark standards, sets out requirements concerning record structure, metadata and functionality, but does not contain any obligations concerning how these requirements should actually be met in system development. Noark 5 therefore does not define a system, but facilitates for different solutions.

- <http://arkivverket.no/arkivverket/Offentleg-forvaltning/Noark/Noark-5/English-version>
- http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/mow/VC_Thurston_26_plenary1.pdf

 The United States has developed discretionary record-keeping standards which include metadata schemas

Given the high-level endorsement of the Department of Defense Standard DOD 5015.2 standard by the Department of Defense, digital records management system vendors have voluntarily chosen to comply with the standard and use it as a marketing advantage when bidding to supply systems to the US Government.

- <http://www.archives.gov/records-mgmt/initiatives/dod-standard-5015-2.html>

Innovative Step: Develop a quality assurance strategy for open government datasets

Justification

Open Data initiatives depend largely upon the quality, trustworthiness and accessibility of the government records from which datasets are derived. If the source records lack integrity, then the data derived from the records will also lack integrity. Data quality and integrity can be difficult to determine where the procedures for managing and assessing the quality and integrity of the records are weak or incomplete. Where proper records and data management controls and effective quality assurance standards and procedures are in place, the public and government officials can have confidence that the data derived from the records can be trusted and that a comprehensive documentary record of government activities exists.

Recommendations

1. Identify government activities that are generating datasets that could be made available as part of Open Data initiatives.
2. Assess the quality and integrity of the datasets within the context of the quality and integrity of the source records (use risk assessment models and techniques where applicable).
3. Develop record-keeping quality control standards and procedures based on international standards and practices, and ensure a close relationship with quality control standards established for government datasets.
4. Develop and apply standards and procedures for managing the documentary relationship between the datasets and the other records documenting the given government activity or programme.
5. Ensure that personnel generating and making datasets available are trained in the application of standards and


procedures.

6. Establish a monitoring and compliance strategy to ensure that the integrity and quality of datasets and source records are monitored through time and the quality control standards and practices continue to be relevant and effective.

Standards & Guidance

- The Digital Curation Centre <http://www.dcc.ac.uk/>
- UK Data Archive directory to sources on the management of valuable datasets <http://data-archive.ac.uk/create-manage/document/resources>


Country Examples

 Archives New Zealand has developed a guide, "Managing Datasets", which provides some guidance for the management of datasets in public sector organisations

Archives New Zealand has published a factsheet, 'Managing Datasets', which provides some guidance for the management of datasets in public sector organisations. It explains why managing datasets is important, and offers guidance on how to plan for effective datasets management.

- <http://archives.govt.nz/advice/continuum-resource-kit/continuum-publications-html/f20-managing-datasets>

Right to information

 **Lead author:** [Access Info](#) and [Centre for Law and Democracy](#)

Introduction

Right to information legislation (RTI), also referred to as freedom of information or access to information laws, establishes a general presumption that all information held by government should be accessible and set out the mechanisms by which it can be accessed.

The case for ensuring access to information is that it supports good governance, effective and efficient public administration, compliance with laws and regulations, efforts to combat corruption and better investment climates. There is emerging evidence to support this, however there remains a lack of systematic assessments of RTI policies and whether and how they are translating into greater government transparency and participation in decision-making (Calland, 2010).

Open, participatory and accountable government is contingent on members of the public having access to information held by public bodies. The right to information is protected through the guarantees of freedom of expression found in the main international human rights treaties. This has been recognised by international human rights tribunals (Inter-American Court of Human Rights and the European Court of Human Rights) and leading international authorities (including all four special mandates on freedom of expression at the UN, OAS, OSCE and African Commission on Human and People's Rights, and the Inter-American Juridical Committee) as well as the UN Human Rights Committee (Mendel, 2008).

A key principle of Right to Information is that of 'maximum disclosure'. Information should only be withheld from the public where absolutely necessary to prevent harm to a legitimate interest and where there is no overriding public interest in knowing the information.

As of June 2013, 95 countries have adopted RTI laws, a massive increase from the 13 countries which had these laws in 1990. However, experience has shown that while the passage of the law is often a high-profile effort by its political champions, the key challenge is to maintain the political momentum needed for effective implementation (Dokenia, 2013).

References

Calland, R., (2010) Review of Impact and Effectiveness of Transparency and Accountability Initiatives: Freedom of Information, Institute of Development Studies, Brighton. <http://www.ids.ac.uk/files/dmfile/IETAAnnex3FreedomofInfoCallandFinal28Oct2010.pdf>

Mendel, T. (2008), Freedom of Information: A Comparative Legal Survey, 2nd Ed., UNESCO, Paris. http://portal.unesco.org/ci/en/ev.php-URL_ID=26159&URL_DO=DO_TOPIC&URL_SECTION=201.html

Dokenia, A. (2013) Right to Information; Lessons from experience, World Bank, Washington D.C. http://www.right2info.org/resources/publications/publications/wb_implementing-rti_lessons-from-experience_2013

Expert Organisations

Access Info <http://www.access-info.org/>

Article 19 <http://www.article19.org/>

The Freedom of Information Advocates Network <http://www.foiadvocates.net>

Right2INFO.org <http://right2info.org/>

freedominfo.org <http://www.freedominfo.org/>

Centre for Law and Democracy <http://www.law-democracy.org/live/>

Alianza Regional por la Libre Expresión e Información, (Alianza Regional) <http://www.alianzaregional.net/>

Africa Freedom of Information Centre <http://www.africafoicentre.org>

Summary of illustrative commitments

Initial

- Adopt a law which recognises the right to information, in line with international standards
- Establish institutional structures for implementing RTI
- Provide training to officials on record management and RTI implementation
- Publish core information about government on a proactive basis

Intermediate

- Ensure that each public authority puts in place core implementation systems on RTI
- Expand the scope of proactive publication
- Promote public awareness of the right to information

Advanced

- Align RTI law and practice with highest international standards on RTI
- Establish best practice monitoring and evaluation systems on RTI
- Review and amend secrecy laws

Innovative

- Use IT to enhance access to information

Detailed Recommendations

Initial Step: Adopt a law which recognises the right to information, in line with international standards

Justification

The basic building block for ensuring the right to information is the adoption of a law, which recognises the right to information as a fundamental right. The special international mandates for freedom of expression at the UN, OSCE, OAS and African Commission on Human and Peoples' Rights, among others, have called on States to adopt such laws. If neither the Constitution, jurisprudence nor the statutory law recognise a fundamental right, efforts should be made to do so: the strongest foundation for a RTI law is where right to information is recognised as a fundamental right in the Constitution.

For a law to be effective it must provide a robust framework that ensures that persons can access the information held by public bodies, which includes all branches of the State (executive, legislative and judicial) and other public or governmental authorities, at whatever level – national, regional or local, as well as all bodies exercising public power, performing public functions or operating primarily with public funds. International standards provide key minimum benchmarks for such laws.

Recommendations

Where no right to information law is in place, one which conforms to international standards should be adopted. Where a law is already in place, it should be reviewed and amended, as necessary, to bring it into line with international standards. The key criteria are that the law should establish:


1. Recognition of a human right to information, along with a broad presumption in favour of openness which applies to everyone, including non-citizens, and to all information, regardless of format, held by all public bodies, including State-owned enterprises and bodies, and private bodies undertaking public functions or operating with public funding;
2. An obligation to publish a wide range of information on a proactive basis;
3. Robust procedures for making and processing requests which are simple, free (to make requests and limited, centrally set fees for reproduction of information) and quick (maximum 20 day response time), and which involve the provision of assistance to requesters as needed (including in formats accessible to people with disabilities);
4. A limited regime of exceptions based on preventing harm to protected interests, a public interest override and severability where part of a record is exempt;
5. The principle that the right to information law prevails over other laws which place limits on the right, such as secrecy laws, in case of conflict;
6. A broad right of appeal for all failures to implement the law, including proactive publication failures, to an independent oversight body and the courts;
7. Protection for good faith disclosures and sanctions for wilful obstruction of access; and
8. A package of promotional measures, including obligations on all public bodies to report on requests received and how they were processed, backed up by sanctions for refusal to disclose information without reasonable cause.

Standards & Guidance

- ARTICLE 19 Principles <http://www.article19.org/data/files/pdfs/standards/righttoknow.pdf>
- OGP Eligibility Criteria: Access to Information <http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>

- RTI Rating <http://www.rti-rating.org/>
- Special Mandates 2004 Declaration <http://www.osce.org/fom/38632>
- Tshwane Principles on National Security and the Right to Information <http://www.right2info.org/exceptions-to-access/national-security>

Country Examples

 23 countries have recently adopted RTI laws which reflect the progress made in international standard setting

23 countries obtained scores of 100 points or more out of a possible 150 points on the RTI Rating. The average age of the laws in the top 20 countries is just 5 years. Features of the stronger laws include that they establish clear procedures for requesters and have strong oversight bodies.

- http://rti-rating.org/country_data.php

Initial Step: Establish institutional structures for implementing RTI

Justification

For an RTI law to be effective it needs to be supported by active implementation measures and supported by an institutional framework to undertake this task.

There are three key institutional mechanisms for implementing RTI laws. First, each public authority needs to appoint a dedicated official to receive and process requests. Often this official is also responsible for leading on the putting in place other systems as required by the law. Second, it is very useful to establish a focal point in the government to provide guidance and to monitor implementation. Finally, the law should provide for the establishment of an independent oversight body, such as an information commission or commissioner, which has the power to review complaints relating to requests and often also has a role in promoting awareness of the right (Neuman, 2011).

Recommendations

1. Each public authority which falls within the ambit of the RTI law should nominate one or more officials as information officer(s) to receive and process requests for information and to lead the authority in implementing the law.
2. The executive should designate a central focal point (a high-level unit or committee) with responsibility for supporting and monitoring implementation across the public body.
3. An independent oversight body, or information commission, should be established; it should have a dual function covering complaints and promotional measures, along with the necessary mandate, resources and powers to carry out its functions effectively, including to review documents, inspect premises, to make binding orders for the release of information and to impose structural measure on public bodies as necessary to ensure compliance with RTI rules.

Standards & Guidance

- Carter Center: The Access to Information legislation Implementation Assessment Tool

http://www.cartercenter.org/peace/americas/access_to_information/IAT/index.html

- World Bank's Public Accountability Mechanisms website
<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPUBLICSECTORANDGOVERNANCE/0,,contentMDK:23352107~pagePK:148956~piPK:216618~theSitePK:286305,00.html>

Country Examples

 In Canada rules on the right to information are overseen by the Department of Justice

This function for managing right to information, in Canada, served by the [Department of Justice](#)

 India has central and state level information commissions

India has a system of a central and state-level [information commissions](#), and the [Department of Personnel and Training](#) (DoPT) serves as the central focal point for right to information.

 Mexico has set up a federal institute for access to information (IFAI)

The institution supporting right to information legislation is, in the case of Mexico, the [Instituto Federal de Acceso a la Información y Protección de Datos](#) (Federal Institute for Access to Information and Data Protection or IFAI).

Initial Step: Provide training to officials on record management and RTI implementation

Justification

For officials to implement RTI laws properly, they must be aware of their responsibilities under the law.

It is important for public officials to have training in how to ensure that records are captured and held in reliable record-keeping systems, that they are properly controlled and scheduled for retention and disposition. It is also important to make sure that officials are trained on how to meet their obligations under an RTI law. This requires not only training in legal and technical dimensions, but often a process of culture change, to shift from a defensive, 'secrecy' mindset to one in which officials accept that public scrutiny of their actions is the norm.

For practical reasons, it may make sense to focus initial training activities on information officers and other key personnel. Over time, however, it is important to provide training to all officials. This is important to ensure that they understand their obligations under the law, and also to promote better cooperation with and support to information officers.

Over time, all officials should receive at least some training on RTI. This can be provided in different ways, depending on the

way the civil service is run in the country, including through incorporating modules on RTI in ongoing training courses provided to officials, by having information officers provide training to other staff at the public authority and through incorporating RTI training into entry level courses for officials.


Recommendations

1. Identify the training and guidance needed to enable public servants to assess records, datasets and other information assets for disclosure and to undertake their obligations under the RTI law.
2. Review any existing records management and RTI training and identify components that need to be updated.
3. Establish an adequate budget allocation to enable training to be undertaken.
4. Provide basic but specialised training to all information officers, members of the central focal point and staff at the independent oversight body. Over time, expand this so that some training on RTI is provided to all officials (i.e. staff of public bodies).
5. Provide specialised training for judges, and ensure that the right of access to information is included in curriculum for future judges.
6. Training should draw on civil society inputs which provide a view from the perspective of information seekers.
7. Conduct reviews of the training and guidance to ensure their continued relevance and effectiveness.

Standards & Guidance

- ARTICLE 19 Training course for public officials http://https://www.ip-rs.si/fileadmin/user_upload/Pdf/Publikacije_ostalih_pooblascencev/Article_19_foitrainersmanual.pdf

Country Examples

 The UK Information Commissioner's Office has developed a set of training materials for use in the public sector

The website of the UK Information Commissioner's Office includes a wide set of training materials, including short films on how to manage personal information, and how to comply with the UK Data Protection Act, Freedom of Information Act, and the Environmental Information Regulations.

- http://ico.org.uk/for_organisations/training

Initial Step: Publish core information about government on a proactive basis

Justification

For most people, the most important practical means of accessing information held by public bodies, government, and by organisations acting on behalf of government, is through accessing information which is made available on a proactive basis, rather than through making requests for information (Darbshire, 2011). Many of the other sections of this guide address the proactive publication of information relating to different sectors, such as the [budget](#), [aid](#), [extractive industries](#) and [assets of public officials](#). In addition to these sectoral commitments, it is very important for all public bodies to make available a minimum platform of information about what they do, how they function, how they spend public funds, and the

service and benefits they provide.

Every effort should be made to ensure that this proactively disclosed information is presented in a way which makes it easy to find and readily comprehensible to the average person.

Recommendations

Public bodies should publish on a proactive basis the following core categories of information:

- **Institutional:** Core legal documents, internal regulations, functions and powers.
- **Organisational:** Information on personnel, names and contacts of public officials.
- **Operational:** Strategy and plans, policies, activities, procedures, reports, and evaluations and reports from supervisory mechanisms and oversight bodies.
- **Decisions and Formal Acts:** Including the background documents.
- **Public Services:** Descriptions of services offered, guidance, booklets and leaflets, forms, information on fees and deadlines.
- **Budget:** Projected budget, actual income and expenditure, audit reports.
- **Open Meetings:** Including about which meetings are open and how to attend them.
- **Decision-making and Participation:** Decision-making procedures, and mechanisms for consultations and public participation in decision-making.
- **Subsidies:** Beneficiaries of subsidies, the objectives, amounts, and implementation.
- **Public Procurement:** Detailed information on public procurement processes, criteria, outcomes of tenders; copies of contracts, and reports on completion of contracts.
- **Lists, Registers, Databases:** Lists, registers and databases held and whether these are available online and/or for on-site access.
- **Publications:** Publications, including whether they are free of charge or the price.
- **Dispute Resolution:** Mechanisms available to the public for raising concerns, complaints and making appeals regarding the decisions or actions of the institution.
- **Information about RTI:** How to make requests, complaints and appeals, contact information for information officer.

In addition, the legislative branch should ensure that all records of parliamentary proceedings are published proactively and the courts should make decisions from courts of all levels available proactively.

Regular consultations should be held with members of the public about the information which they find to be most useful and how to ensure that this is published proactively as a priority. Information which is requested frequently should be made public proactively.

Country Examples

Chile's transparency portal brings together open datasets and information requests

Adopted in 2009, Chile's Public Information Access Law or Transparency Law, dictates that on a monthly basis, the government and all related bodies such as the Senate, Chambers of Congress, the Central Bank, the Judicial Powers, the armed forces and the municipalities, must publish key information including lists of staff, salaries and benefits, organisational structure, budget, expenses, revenue, details about trips, and about the businesses contracted by the government. Government bodies also have to respond to all citizen requests for information within a 20-day period.

In 2013 the Transparency Portal of the State of Chile was launched, through a joint effort between the General Secretariat of the Presidency and the Council for Transparency. Citizens are able to find proactively disclosed open datasets and make and track requests for information under the transparency law.

The portal makes it easier for citizens to ask for public information, encouraging people to use the transparency law in an active way. By bringing all the information requests together it enables statistical information to be collected, and provides a help desk to advance in the promotion of the right of access to public information in Chile.

- <http://www.portaltransparencia.cl/PortalPdT/>

Georgia issued a decree requiring proactive publication of government information

Civil society organisations in Georgia have long been concerned that the country's Freedom of Information act was not strongly implemented. Information requests had to be mailed in, and sometimes were ignored or responded to with incomplete information.

However, on 1 September, 2013, the government issued a decree on Electronic Request and Proactive Publication of Public Information. This Decree, which is based on the recommendations from a group of civil society organizations obliges all agencies under the supervision of the Executive to release information on their activities electronically, free of charge and in easy-to-use, open format. The decree sets out seven categories of information for proactive disclosure:

- General information on the public agency – its structure, functions, founding documents, annual reports, strategies, action plans, as well as biographies and contact details of the leadership and the staff;
- Names and contact details of FOI officers, relevant regulations, procedures and forms of appeal, FOI reports and statistics;
- Employment vacancy announcements, rules of competition, results of the competition and procedures for appealing these results, number and categories of the employed staff
- Procurement plans and tenders
- Budgets and details of staff remuneration, expenditures, grants and public assets
- Laws and official documents pertaining to the activities of the public agency
- Information on the services, taxes, fees and other revenues of the public agency

The list of information requirements was developed as a result of a series of consultations between civil society organizations and the government. An electronic request system is being developed for additional information.


The decree only applies to central government and its agencies. Parliament, the judiciary, elected local bodies – and the independent regulators do not have to comply but can choose to do so voluntarily.

- <http://blog.opengovpartnership.org/2013/09/proactive-publication-of-information-as-a-common-standard-in-georgia/>

 Mexico's access to information law provides for proactive disclosure of information


Mexico's [Federal Law on Transparency and Access to Public Information](#) (2002) establishes that frequent requests should result in proactive disclosure of information. It requires public bodies to publish "relevant and useful information," and specifies that one way to determine this category is that it "corresponds to the most frequent questions made by the public." The sophisticated electronic request-tracking system developed in Mexico helps to capture data on frequent requests.

- http://freedominfo.org/documents/mexico_ley.pdf

 The Indian Right to Information Act lists the types of information that must be published on a proactive basis

Section 4 of the Indian Right to Information Act from 2005 provides a long list of types of information that must be published on a proactive basis, as well as mechanisms to ensure that this is accessible to those who need to access it.

- <http://www.rti-rating.org/pdf/India.pdf>

 The Peruvian Law of Transparency and Access to Public Information contains extensive proactive publication obligations

Title IV of the Peruvian Law of Transparency and Access to Public Information contains extremely detailed and extensive proactive publication obligations, particularly in the area of public finances, upon which it focuses.

- <http://www.ccrinepal.org/files/documents/legislations/11.pdf>

Intermediate Step: Ensure that each public authority puts in place core implementation systems on RTI

Justification

For public bodies to be able to meet their various obligations under the RTI law consistently over time, systems need to be put in place. Such systems should ensure that requests can consistently be processed within the time limit set out in the law, and should make clear what role officials other than specifically nominated information officers play in this process (including that they must cooperate with the information officer). Where the law provides for an internal appeal, a system for managing this also needs to be put in place; the same holds for appeals before the oversight body.

Many countries that have enacted ambitious right to information laws have put in place annual reporting processes to track their progress and report back to parliament and to the public. For these to function effectively, systems need to be put in place for collecting and collating information about implementation.

Recommendations

1. Develop guidelines or model policies for public bodies to assist them to establish formal policies or systems for meeting their obligations under the RTI Law, including in relation to:
 - Ensuring requests for information are received and processed in accordance with the rules, including the timelines for responding to requests.
 - Ensuring that internal appeals are processed in accordance with the rules.
2. Establish a system collect and collate information to produce an annual report on implementation.
3. Use the annual report process to improve both implementation and to feed into law reform to bring the law more closely into line with international standards.
4. Incorporate provisions on compliance with the provisions of an RTI law as part of the general performance management systems for public sector organisations and managers.

Standards & Guidance

- Carter Center: The Access to Information legislation Implementation Assessment Tool
http://www.cartercenter.org/peace/americas/access_to_information/IAT/index.html
- World Bank's Public Accountability Mechanisms website
<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPUBLICSECTORANDGOVERNANCE/0,,contentMDK:23352107~pagePK:148956~piPK:216618~theSitePK:286305,00.html>

Intermediate Step: Expand the scope of proactive publication

Justification

Proactive publication of information is an effective RTI system from the perspective of both users and officials, since it is far more efficient for both parties than the piecemeal release of information pursuant to requests (while recognising that these will always be important to supplement proactive publication systems) (Darbishire, 2011).

Over time, as much information as possible should be made available proactively, as this both facilitates access for the public and reduces the cost of providing access for officials. Proactive publication is closely related to the '[Open Government Data](#)' approach in which governments make datasets available in machine readable and reusable formats to allow users and intermediaries analyse, visualise and use it in new ways.

Releasing new records and datasets proactively requires quality control, to ensure a high degree of quality and integrity and that information is kept up-to-date. Effort also needs to be put into ensuring that information is available in an accessible form to those who are likely to be interested in it. Paper based records may need to be digitised, and converted into machine-readable formats, and information covered by exceptions may need to be redacted.

Engaging the public actively in determining priorities for proactive publication can both help to prioritise the timetable for publication, and ensure that the information is made available in a form that is useful, which may also include making use of non-digital means of publishing and disseminating information.


Recommendations

1. Require government organisations to develop, produce, and disseminate indexes of the information they hold, and its

accessibility, and provide guidelines to assist go in providing user-friendly descriptions of records and datasets using a common format.


2. Hold consultations with public interest groups, representative organisations and the general public to enable them to recommend which categories and datasets should be priorities for release and to test and refine the relevance and format of proactively published information.
3. Publish all information released pursuant to RTI requests in a searchable database.
4. In addition to the initial set of information released, further categories include national companies' registers, laws, and documents on the full cycle of [public contracts](#), and comprehensive and searchable records of parliamentary proceedings and court jurisprudence.
5. Make data available in open, machine-readable formats ensuring that it is openly licenced and free of any restrictions on reuse, present it clearly in the major languages of user communities and ensure that it is regularly updated.
6. For countries where internet penetration is still low, this more substantial step should include making more extensive use of alternative means of proactive publication and ensuring that it reaches larger sectors of the public.

Country Examples


 A Canadian government website provides the public with information about the government's access to information and privacy programmes

In Canada, the Info Source website provides the public with information about the government's access to information and privacy programmes. The primary purpose of Info Source is to assist individuals exercise their rights under the Access to Information Act and the Privacy Act. Info Source also supports the federal government's commitment to facilitating access to information regarding its activities.

- <http://www.infosource.gc.ca/index-eng.asp>

 In Bulgaria all units of the Ministry of Interior must publish data on FOI requests

Under a special bylaw of the Minister of the Interior in implementation of the Freedom of Information Act, all units of the Ministry of Interior were obliged in March 21,2011 to publish annually aggregate numbers about the requests they receive under the FOI act and to how many of them they actually grant information. (Art.46 of Internal Rules and Procedures for the Activity of the Ministry of the Interior in Implementation of the FOI Act, Adopted with an Order of the Minister of the Interior No I-z-771 of March 21,2011.

 The US Federal Register website provides information on citizen rights and obligations and actions of federal agencies, and provides a forum for public participation in the democratic process

The website is administered jointly by the Office of the Federal Register of the National Archives and Records Administration and the U.S. Government Printing Office.

- <https://www.federalregister.gov>

Intermediate Step: Promote public awareness of the right to information

Justification

If citizens, civil society organisations, journalists and others are not aware of the RTI Law, their rights under it or how to use it, demand for information through the Law will be poor and the openness objectives it seeks to promote will be undermined. There is no standard approach towards promoting public awareness of RTI and in most countries this involves a range of different actors, including senior politicians, public bodies, the oversight body, civil society, the media and the education authorities. To ensure a locus of responsibility for these efforts, it is useful to allocate overall responsibility for publicity to a central body.

Public educational efforts are critical to ensure that all citizens are aware of this right. This should include incorporation of RTI as a subject in school curriculums (for example on civic education or citizenship), as well as in various university courses and programmes (for example in human rights courses, and journalism and law programmes), as well as particular efforts to reach disadvantaged segments of the population.

This effort should also include assessments of the effectiveness and appropriateness of public information systems, such as surveys on awareness of RTI and on the utility of the information which is disclosed publicly.

Recommendations

1. Give overall responsibility for training and promotion to a central body – such as the central focal point or the oversight body.
2. A range of official actors should be involved in promoting public awareness, including senior politicians and officials, public bodies, the oversight body and educational authorities; as well as regional and local bodies particularly in larger, federal and more decentralised countries.
3. Over time, public outreach efforts should be substantially enhanced and RTI should be incorporated into school curriculums and relevant university courses and programmes, as well as programmes aimed at CSOs, and public education campaigns to build people's skills to seek and use information under the RTI law.
4. Develop promotion strategy. Depending on the needs of the country, include high level events and statements by leading individuals, prominent highlighting of RTI, along with guidance materials, on public bodies' websites and in public spaces such as receptions, notice boards, waiting rooms, meeting rooms. Also include active outreach by public bodies through their regular communication with the public as well as through public service announcement and news stories disseminated via the media, including through media which reach large sectors of the population such as television and community radios.
5. RTI should be incorporated into educational programmes, such as a session on this in a civil education or citizenship course for schoolchildren, and inclusion in university courses on human rights issues, law and journalism.
6. RTI should be incorporated as a theme in professional training for officials, both at entry level and through ongoing professional development.

Country Examples

 In Nicaragua right to information is incorporated into school curricula by law

The Nicaraguan RTI law – Law of Access to Public Information from 2007 – provides for the incorporation of the right to information into school curricula at all levels and for the establishment of a national centre for research and teaching on the right to information.

- http://www.rti-rating.org/pdf/Nicaragua_Engl.pdf

Advanced Step: Align RTI law and practice with highest international standards on RTI

Justification

Stronger RTI laws can help promote greater access to information in many ways, such as by expanding the scope of the law, by reducing the scope of exceptions, by streamlining procedures for processing requests and/or by increasing the strength of promotional measures. Countries adopting an RTI Law for the first time are encouraged to build in these features right from the outset, and many of the strongest RTI laws are indeed recent ones. Countries which already have laws should assess and amend them to bring them into line with best international practice.

Recommendations

Governments should review the RTI Law and propose amendments to it with a view to bringing it into line with highest international standards.

Key Criteria

The highest international standards are evolving as better practices constantly emerge. Some key criteria are:

1. Proactive publication obligations include commitments to publish all information which may be of interest to the public, including information released in response to a request;
2. Extensive assistance is available; public bodies are required to undertake electronic redesign of information to provide it in requested formats;
3. Information that was traditionally sold, such as geo-spatial maps, meteorological data and company registers, is provided for free without limitations on or charges for reuse of information;
4. Most information is provided immediately or very rapidly and maximum timelines are reduced (for example to ten days);
5. Exceptions are progressively reduced in scope and applied rigorously and in a limited fashion;
6. In addition to the general public interest override, there is an explicit override for information relating to violations of human rights, crimes against humanity, corruption or abuse of power, or threats to public health or the natural environment;
7. The burden of proof rests on a public authority seeking to deny access to information; timelines for processing appeals are reduced, ideally to 30 days or less;
8. Protection for disclosing wrongdoing ([whistleblowers](#));
9. The right is extended to cover private bodies when the information requested is necessary for the protection of a fundamental right; and
10. Promotional measures include strong training requirements, public awareness raising obligations, record management systems and reporting rules.

Standards & Guidance

- African Commission on Human and Peoples' Rights: The Model Law on Access to Information for Africa http://www.achpr.org/files/news/2013/04/d84/model_law.pdf
- ARTICLE 19 Principles <http://www.article19.org/data/files/pdfs/standards/righttoknow.pdf>
- RTI Rating <http://www.rti-rating.org/>
- Special Mandates 2004 Declaration <http://www.osce.org/fom/38632>
- Tshwane Principles on National Security and the Right to Information <http://www.right2info.org/exceptions-to-access/national-security>

Country Examples

Serbia, India and Slovenia tops the RTI Rating

The top three scoring countries on the RTI Rating were [Serbia](#) (135 out of a possible total of 150 points), [India](#) and [Slovenia](#) (both with 130 points).

- http://rti-rating.org/country_data.php

South Africa's right to information law covers both public and private bodies

The South African right to information law, the [Promotion of Access to Information Act](#) from 2000, applies to both information held by public bodies and information held by private bodies in so far as the information is necessary for the exercise or protection of other rights.

- http://www.dfa.gov.za/department/accessinfo_act.pdf

Advanced Step: Establish best practice monitoring and evaluation systems on RTI

Justification

RTI systems, like all systems, may fail to deliver their intended benefits if they are not subject to robust monitoring and evaluation systems, leading to adjustments in either the law or the practice to address problems. This should include the regular and systematic collection, by all public bodies, of data on the number of requests, rates of response, exceptions relied upon and classes of information published proactively, as well as the central collation of this information. There should be a feedback loop, so that systems are in place for ensuring that remedial measures are taken to address problems. Civil society should be encouraged to input into how to improve implementation, and the government should consider setting up consultation processes with civil society and members of the public.


It is not possible to design an RTI system that is responsive to people's needs and interests without consulting them on the design and implementation of that system. Issues which are particularly sensitive to public input are what sorts of information are important to people (and which should then be disclosed proactively and, where necessary, presented in

more easily understandable formats), when search functions are not use-friendly (i.e. when people cannot find the information they are seeking even though it is available online) and problem areas and issues in the requesting process. To address this, mechanisms need to be put in place to foster public feedback and also participation in design of RTI systems.

Recommendations

1. Robust monitoring and evaluation systems should be put in place, which include extensive information collection components and mechanisms for ensuring that remedial measures are taken to address problems.
2. The promotion of public feedback and participation should be fostered through regular public awareness surveys and public consultations/focus groups to permit the public to participate directly in debates about how to improve government openness.
3. Civil society should be encouraged to play a major role in providing this feedback not only to governments but also to Information Commissions/Commissioners. This can be done by setting up civil society advisory committees.

Country Examples

 Mexico has a system to systematically track statistics on requests and responsiveness from federal agencies

In Mexico, the Federal Institute for Access to Information and Data Protection (IFAI) has set up a system to systematically track statistics on requests and responsiveness from federal agencies.

Federal agencies have incentives to comply with access to information legislation because their response to information requests is permanently monitored by the IFAI. Also, heads of agencies have an incentive to be well evaluated as the IFAI's evaluations are public. No agency wants to be listed as a poor performer.

The IFAI has developed monitoring indicators to assess the extent to which federal agencies fulfil the procedures established in the transparency law and provide responses to information requests. Different methodologies – quantitative, qualitative and the 'mystery shopper' methodology – are used to assess compliance and analyse the state of access to information in Mexico. Official figures on the extent to which public agencies provide information in response to individuals' requests show an overall positive response rate.

- <http://go.worldbank.org/FWFM9U5M90>

 The UK publishes quarterly and annual reports on the number of FOI requests, response and appeals

The UK government publishes quarterly and annual statistics covering approximately 40 departments of state and other monitored bodies with significant policy-making, regulatory or information-handling functions. Recent data suggest that between three-quarters and nine-tenths of all requests receive a response within the required time frame and that performance has improved in recent years.

- <http://go.worldbank.org/NBINTFKT90>

Advanced Step: Review and amend secrecy laws

Justification

In many countries, there are numerous secrecy provisions in different pieces of legislation, and sometimes even dedicated secrecy laws. In most cases, these laws were adopted prior to the RTI law, and their secrecy requirements do not conform to the standards of the RTI law. As an initial step, the RTI law should prevail over secrecy laws in case of conflict. However, this will not fully resolve the potential for conflict of laws situations, and civil servants faced with apparently conflicting rules cannot be expected to navigate complex legal issues. It is important to create a fully consistent and coherent legal framework for exceptions to give officials clear guidance as to their duties, to prevent legal uncertainty from being used to keep information secret and to reduce the number of administrative and legal appeals.

Recommendations

Governments should review secrecy provisions in other laws and propose amendments to them with a view to creating a coherent and consistent regime of exceptions based on the three-part test under international law, namely that exceptions should: only protect recognised interests; be based on harm; and be subject to a public interest override.

Standards & Guidance

- African Commission on Human and Peoples' Rights: Declaration of Principles on Freedom of Expression in Africa <http://www1.umn.edu/humanrts/achpr/expressionfreedomdec.html>
- Special Mandates 2004 Declaration <http://www.osce.org/fom/38632>
- Tshwane Principles on National Security and the Right to Information <http://www.right2info.org/exceptions-to-access/national-security>

Country Examples

 In Slovenia, all secrecy provisions are laid out in the Classified Information Act

The [Slovenian Classified Information Act](#) from 2006 covers all secrecy provisions in Slovenia. The Information Commissioner of Slovenia has also provided [extensive interpretation](#) of the exemption on 'secret information', namely that it can only be information that complies with the definition and standards in the secrecy law.

- <https://www.ip-rs.si/index.php?id=505>

 In Sweden, all secrecy provisions are concentrated in one law: the Secrecy Act

In Sweden, the updated Public Access to Information and Secrecy Act from 2009 replaced the old access to information act from 1980. All secrecy provisions are stated in this Act.

- <http://www.government.se/sb/d/11929/a/131397>

Innovative Step: Use IT to enhance access to information

Justification

IT can be used to enable both proactive and reactive disclosure of information, reducing burdens on public bodies and significantly enhancing access to information by individuals and others.

Recommendations

The scope of action here will continue to evolve with new technologies. Some key areas of potential include:

Substantive improvements to information accessibility:

- Enabling real time updates of documents and data, including financial data.
- Requiring government agencies to keep a register of metadata, including about requests and how they are being processed, and to publish it daily to the online access portal.
- Improving the granularity of data.
- Tagging to enable relevant searches.
- Customised and powerful search facilities.
- Adopting interoperable formats and systems for government websites and information.

Procedural improvements to information accessibility:

- Developing a citizen access portal to provide a central access point for government information that enables users to search for information across all public bodies, to make requests for information easily and rapidly, with processes for routing requests to the agency that holds the information and handling appeals.
- Ensuring that information is published in a format that is accessible for users with disabilities.
- Making information and datasets produced, collected or owned by public bodies available for free in accordance with open licences (thereby ensuring elimination of all fees and copyright/reuse restrictions).
- Requiring RTI to be designed into IT systems and the production of records, for example by building in systems for the segregation of exempt information (for example, private data).
- Fully enabling the electronic processing of appeals.

Country Examples

Chile's transparency portal brings together open datasets and information requests

Adopted in 2009, Chile's Public Information Access Law or Transparency Law, dictates that on a monthly basis, the government and all related bodies such as the Senate, Chambers of Congress, the Central Bank, the Judicial Powers, the armed forces and the municipalities, must publish key information including lists of staff, salaries and benefits, organisational structure, budget, expenses, revenue, details about trips, and about the businesses contracted by the government. Government bodies also have to respond to all citizen requests for information within a 20-day period.

In 2013 the Transparency Portal of the State of Chile was launched, through a joint effort between the General Secretariat of the Presidency and the Council for Transparency. Citizens are able to find proactively disclosed open datasets and make and track requests for information under the transparency law.

The portal makes it easier for citizens to ask for public information, encouraging people to use the transparency law in an active way. By bringing all the information requests together it enables statistical information to be collected, and

provides a help desk to advance in the promotion of the right of access to public information in Chile.

- <http://www.portaltransparencia.cl/PortalPdT/>

Mexico has put in place electronic systems to facilitate RTI

Mexico has put in place three key electronic systems to facilitate RTI:

- **Infomex**: an electronic platform for making information requests and submitting complaints and appeals. When requests are presented in writing and in person, they are transferred into the e-platform by a staff member so that they can be registered by the system. According to IFAI, 97 percent of all requests were received electronically.
- **ZOOM**: a tool for searching the database of requests that have been made and answers provided. Each government agency is required to set a link to the ZOOM on their websites.
- **POT**: a standardised system for accessing the information which is published proactively by public bodies. Users can search through this data by keyword or by type of transparency obligation, thereby providing easy comparison of the data across different public bodies.
- <https://www.infomex.org.mx/gobiernofederal/home.action>; <http://buscador.ifai.org.mx/buscador/bienvenido.do>
- <http://portaltransparencia.gob.mx/buscador/search/search.do?method=begin>

Norway has developed an electronic public records tool, which is used by central government agencies to publicise their public records online, and which is open for everyone to use

Norway's Electronic Public Records (Offentlig Elektronisk Postjournal or OEP) was developed in the late 1990s by the agency that later evolved into the Agency for Public Management and eGovernment. Originally a password-protected database, the OEP was developed to enable journalists to access public information. Its creation was made possible by the launch of the Noark 3 standard in 1994, which established a standard method of generating and uploading metadata through Electronic Document and Records Management Systems (EDRMS).


The OEP was updated in May 2010 as part of the Norwegian government's commitment to transparency and democracy under the Freedom of Information Act. While the previous OEP enabled public information to be sought by journalists and scientists, the new OEP can be used by any person with internet access.

The OEP is a collaborative tool which central government agencies, approximately 100 of them, use to publicise their public records online. Public records data is stored in a searchable database from which the public can locate case documents and send requests to the agency responsible for that particular case. The agencies themselves then process the requests sent to them via OEP, and reply to users directly.

The OEP only contains documents from the period after May 2010 and the old, password protected, version is still running parallel to the new OEP. By the end of 2012, the new OEP contained over five million registry entries published by 105 government agencies, processing about 20,000 information requests a month. The greatest number of requests comes from journalists (50%). Citizens and businesses make 22% of requests, public employees 21% and researchers 3%.

- <http://www.oep.no/nettsted/fad/OM-OEP.html>
 - http://www.conferpapers.co.nz/wcioi_papers/Arne_Flifet_Paper.pdf
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Tax and Illicit flows

 **Lead author:** [Center for Global Development](#)

Introduction

Taxation provides funds to invest in development, relieve poverty, deliver public services and build the physical and social infrastructure for long-term growth. Taxation is also a crucial part of the social contract that binds citizens and states, ensuring government is accountable. Fair and efficient tax systems can contribute to good governance by establishing a bargaining process between states and citizens. States that rely on their citizens for income also have to take their demands into account (Corbacho *et al*, 2013).

Most OECD members have a broad base for direct and indirect taxes, with tax liability covering the vast majority of citizens and firms. Countries at lower incomes often face more severe social, political and administrative obstacles and so can be especially vulnerable to tax evasion and avoidance efforts of individual and corporate taxpayers. In addition, many of the same instruments and channels used to defeat tax systems – from opaque company ownership and accounts, to mispriced trade through secrecy jurisdictions ('tax havens') – are used for a range of other flows that undermine both public finances and governance. These include laundering the proceeds of crime, theft of state assets and bribery of public officials (van der Does de Willebois *et al*, 2011).

International flows of investment and trade mean that policy decisions in one country can have far reaching impacts. A lack of financial transparency in one jurisdiction can allow assets and income streams to be moved around, and hidden in ways that undermine regulation and taxation in other jurisdictions. International rules and institutions are critical, but each country has a responsibility to raise its own standards – which will limit abuses and support improved corporate governance both domestically, and for trading partners.

Financial transparency concerns the disclosure of all financial information that allows governments to effectively regulate and tax economic and financial activity, private sectors actors including investors to be confident others are operating by the same rules, and for civil society to hold all actors – public and private – accountable for their role in this (Murphy *et al*, 2009). It is crucial for well-functioning states and markets in several ways, it enables action against fraud and corruption, enables public confidence in, the effectiveness and fairness of taxation, it improves market efficiency by facilitating price discovery, uncovering hidden costs, improving data quality and, more generally, by ensuring a level playing field and fairer market conditions and allowing better analysis of the risks to investment.

States provide companies with their legal standing, mandate disclosures and collect information about those companies. A major, common benefit of incorporation is limited personal liability; and this requires effective financial transparency about company performance to ensure confidence of business partners, customers and tax authorities; and effective transparency about ownership to guard against fraud, market manipulation and other criminal misuse of corporate vehicles. In this way, businesses and society benefit from states ensuring effective transparency, with compliance at the heart of the virtual circle. However, in many countries, it is not even possible to confirm the existence of a company without payment of a fee. Furthermore, data about companies acting in multiple jurisdictions is even more challenging to obtain and at times may only present a partial or highly limited view of the company. The limited access and availability of data about companies and their work facilitates money laundering, tax evasion, bribery, the theft of public assets, financing of terrorism, and excessive risk-taking which can lead to systemic vulnerability.

References

Corbacho, A., V. Fretes Ciblis & E. Lora (Eds.), 2013, *More than Revenue: Taxation as a development tool*, IADB, <http://www.iadb.org/en/research-and-data/dia-publication-details%2C3185.html>

van der Does de Willebois, E., E. M. Halter, R. A. Harrison, J. Won Park & J.C. Sharman, 2011, The Puppet Masters: How the Corrupt Use Legal Structures to Hide Stolen Assets and What to Do About It, World Bank/UNODC Stolen Asset Recovery Initiative, <http://star.worldbank.org/star/sites/star/files/puppetmastersv1.pdf>

Murphy, R. & P. Sagar, 2009, 'What is Financial Transparency?', Mapping the Faultlines Series, Tax Justice Network, <http://www.secrecyjurisdictions.com/PDF/FinancialTransparency.pdf>

Expert Organisations

International Centre for Tax and Development <http://www.ictd.ac>

International Tax Compact <http://www.taxcompact.net>

Stolen Asset Recovery Initiative (StAR) (World Bank/UNODC) <http://star.worldbank.org/star>

OECD Centre for Tax Policy and Administration <http://www.oecd.org/ctp>

Financial Transparency Coalition <http://www.financialtransparency.org>

Financial Action Task Force (FATF) <http://www.fatf-gafi.org>

Global Financial Integrity <http://www.gfintegrity.org>

Tax Justice Network <http://www.taxjustice.net>

Center for Global Development <http://international.cgdev.org>

Summary of illustrative commitments

Initial

- Require minimum standards for company filing and disclosure, and publish data online

Intermediate

- Establish a system to exchange information automatically with tax authorities
- Establish robust registers of beneficial ownership
- Require combined and country-by-country reporting by multinational companies operating in the jurisdiction

Advanced

- Publish combined and country-by-country reporting of multinational companies in open, machine-readable format
- Publish information on tax expenditures
- Publish registers of company beneficial ownership, and of parties to trusts and foundations as open, machine-readable data

Innovative

- Establish a system for monitoring customs declarations in real time to detect abuse
- Establish 'follow the money' partnerships to curtail trade mispricing

Detailed Recommendations

Initial Step: Require minimum standards for company filing and disclosure, and publish data online

Justification

Basic company disclosure underpins markets by providing a level playing field and ensuring confidence in business relationships. It also supports public confidence in the fair and effective application of tax and regulation. Some countries lack basic filing requirements. In many cases, however, the problem is that existing filing requirements are not well enforced or that public disclosure is not required, or simply not effective. The opportunities for fraud and other criminal behaviour, in the absence of effective, basic company regulation, are substantial.

Research by Tax Justice Network suggests that a wide range of jurisdictions are providing public data on companies, for below USD/Euro10, for all legal entities with limited liability: Aruba, Australia, Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Guernsey, Hong Kong, India, Ireland, Isle of Man, Israel, Italy, Jersey, Luxembourg, Malta, Netherlands, New Zealand, Norway, Singapore, Slovakia, Spain, Sweden, UK.

Recommendations

1. **Require basic disclosure from companies**, including of directors and minimum corporate data.
2. **Assign globally unique identifiers to all legal entities** incorporated within the jurisdiction, through the national corporate registry.
3. **Ensure corporate registries have the appropriate resources** (e.g. from charges for filing), capacities and legal mandate to carry out verification and apply sanctions.
4. **Publish the information disclosed**, online, in a timely fashion and for no, or minimal, payment.

Standards & Guidance

- Financial Stability Board: Global LEI (Legal Entity Identifier) Initiative http://www.financialstabilityboard.org/list/fsb_publications/tid_156/index.htm
- Open Data Index <http://https://index.okfn.org/>

Country Examples

 The UK Companies House makes company information available to the public

The UK Companies House examines and stores company information for all registered companies in the UK, and makes this information available to the public. Its WebCheck service offers a searchable Company Names and Address Index which is free of charge and which allows anyone to search for information on more than 2 million companies. The searches can be carried out on a company either by using its name or by using its unique company registration number. The WebCheck service also allows users to view a company's filing history and purchase copies of document images, as well as a selection of company reports, all online.

- <http://www.companieshouse.gov.uk/>

 The US EDGAR system allows anyone to access and download company information for free

In the United States, all companies, foreign and domestic, are required to file registration statements, periodic reports, and other forms electronically through EDGAR (the Electronic Data Gathering, Analysis, and Retrieval system). Anyone can access and download this information for free. EDGAR performs automated collection, validation, indexing, acceptance, and forwarding of submissions by companies and others who are required by law to file forms with the US Securities and Exchange Commission.

- <http://www.sec.gov/edgar.shtml>

Intermediate Step: Establish a system to exchange information automatically with tax authorities

Justification

The G20, OECD and G8 have established automatic exchange of tax information as the global standard, recognising that information exchange 'on request' has not proven a sufficiently powerful tool against tax evasion and related abuses.

Automatic exchange of information (AEI), as practiced between Mexico and Canada, for example, or among all members of the European Union and some associated jurisdictions under the Savings Tax Directive, involves the automatic provision from one jurisdiction to others of information relating to defined assets or income streams held or received in the first jurisdiction by residents of the second. Without this, direct taxation of income can be increasingly difficult since tax authorities are impeded from uncovering income accruing to their residents.

The OECD will deliver a full technical standard by 2015, which gives countries an opportunity to prepare their national systems where necessary. In addition, there are already multilateral instruments available which make automatic exchange possible, notably the Convention on Mutual Administrative Assistance in Tax Matters and the pilot of a 'global FATCA' based on the US tool. Countries should ready themselves to join the global mechanism that will provide the platform for the new standard as of 2015.

Recommendations

1. **Establish mechanisms to aggregate information received from financial institutions on the income received by non-residents**, and/or their financial interest in (domestic) structures.
2. **Require that financial institutions provide this information to tax authorities**, on a regular and timely basis.
3. **Sign up to the Convention on Mutual Administrative Assistance in Tax Matters**, and negotiate automatic information exchange where possible, recognising that full reciprocity need not be an *immediate* requirement from developing countries.

Standards & Guidance

- OECD and Council of Europe: Multilateral Convention on Mutual Administrative Assistance in Tax Matters <http://www.oecd.org/tax/exchange-of-tax-information/conventiononmutualadministrativeassistanceintaxmatters.htm>
- OECD model tax agreements <http://www.oecd.org/ctp/treaties/oecdmtcavailableproducts.htm>
- The Global Forum on Transparency and Exchange of Information for Tax Purposes

<http://www.oecd.org/tax/transparency/>

Country Examples

EU member states exchange tax information under the Savings Directive

The EU Savings Directive came into force in 2005 and was further revised in 2011. The ultimate aim of the Savings Directive is to enable savings income in the form of interest payments made in one Member State to beneficial owners who are individuals resident in another Member State to be made subject to effective taxation in accordance with the laws of the latter Member State. It includes agreement on automatic exchange on several types of income in the form of interest payments.

- http://www.hmrc.gov.uk/esd/council_directive.htm

The US FACTA legislation is laying the groundwork for an international system of automatic information exchange

The US Foreign Account Tax Compliance Act (FATCA), effective from 2013, includes measures designed to achieve full financial information exchange on all offshore financial activities globally and is laying the groundwork for an international system of automatic information exchange. FATCA is designed to achieve three objectives: 1) report both US and foreign source income for US taxpayers, 2) determine if US taxpayers are the ultimate beneficial owners of foreign entities (shell companies, trusts, foundations) and 3) review of all customer accounts within an extended foreign financial institution group to identify US taxpayers globally.

- [http://www.irs.gov/Businesses/Corporations/Foreign-Account-Tax-Compliance-Act-\(FATCA\)](http://www.irs.gov/Businesses/Corporations/Foreign-Account-Tax-Compliance-Act-(FATCA))

Intermediate Step: Establish robust registers of beneficial ownership

Justification

Corporate and legal vehicles such as companies, trusts and foundations serve a range of complex needs for business, enabling entrepreneurs and investors to share and limit risks and allowing complex contracting relationships to be managed across borders. However corporate vehicles can also be used to hide tax evasion, money laundering, and other illegal or abusive transactions through complex and opaque structures which disguise ownership (van der Does de Willebois *et al*, 2011).

The root of the problem of the misuse of legal entities is that individuals can use a myriad of techniques to hide their ownership and control over a company, including by forming them in foreign jurisdictions. This compels authorities to engage in the complicated and often difficult process of a cross-border investigation. The legal title to companies is not always the same as the name of the people who actually control it (the 'beneficial owners'). For example companies can be listed under the name of 'Nominee' shareholders, or be held in the name of another company (or trust or foundation), or anonymous 'bearer shares' may be used, making it impossible to trace relationships.

The Financial Action Task Force (FATF) recommends that countries ensure that information on the real, beneficial owners of companies, trusts and foundations are available to the authorities in an adequate, accurate and timely manner

(Recommendations 24 and 25). However, corporate registries around the world very rarely collect information on beneficial ownership, instead countries rely on the due diligence carried out by banks and other professions such as lawyers and company service providers., and on the investigative powers of law enforcement This has proved ineffective, and companies are still being registered in the name of nominees, trusts and even dead people, with cases of grand corruption often involving anonymous shell companies (Global Witness, 2013).

Stronger efforts are needed to ensure that information is collected and verified on the true owners of companies, trusts and other corporate vehicles and is made available in corporate registries and to the public (Open Societies Foundation, 2013).

Recommendations

1. **Require that the national corporate registry obtains identification documents of the beneficial owners of all types of company**, and of all parties to trusts and foundations that they create, including prohibiting the issue of bearer shares.
2. **Require that the national corporate registry (or a third party) should carry out due diligence** to verify that the beneficial ownership information provided to them is correct. They should do this on a risk based approach using AML systems.
3. **Impose serious penalties, such as the removal of limited liability**, for provision of false information or failure to provide legally-required information.
4. **Regulate company service providers under anti-money laundering laws**, with significant efforts to ensure that these standards are enforced.
5. **Give appropriate resources, capacities and legal mandate to corporate registries** to carry out verification and apply sanctions.

Standards & Guidance

- Financial Action Task Force (FATF) Recommendations http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF_Recommendations.pdf
- United Nations Convention against Corruption (UNCAC), Article 52 http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf

Country Examples

Jersey requires beneficial owners to be identified and recorded by the JFSC Company Registry

Jersey requires the beneficial owner to be identified and recorded by a government body, the [JFSC Companies Registry](#) within the Financial Services Commission, which is responsible for the regulation and supervision of the financial services industry. Beneficial ownership information provided at the time of application is checked against an [external database](#) and an internal regulatory database, and applicants often need to be (and in practice frequently are) asked to provide additional information.

- <http://star.worldbank.org/star/sites/star/files/puppetmastersv1.pdf>

The UK has committed to establish a central registry of information on beneficial ownership

The G8 [Action Plan Principles to prevent the misuse of companies and legal arrangements](#) from 2013 state that

“Beneficial ownership information on companies should be accessible onshore to law enforcement, tax administrations and other relevant authorities including, as appropriate, financial intelligence units. This could be achieved through central registries of company beneficial ownership and basic information at national or state level.”

To ensure adherence to the Principles, G8 countries have committed to publish national Action Plans based on these principles.

UK's Action Plan includes a commitment to “Amend the Companies Act 2006 to require that information on companies' beneficial ownership is accurate and readily available to the authorities through a central registry of information on companies' beneficial ownership, maintained by Companies House. Consult on whether information in the registry should be publicly accessible.”

- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/207520/UK-Action-Plan.pdf

Intermediate Step: Require combined and country-by-country reporting by multinational companies operating in the jurisdiction

Justification

The years since the financial crisis have seen a notable loss of confidence in the international tax system for multinational companies, with growing public and political pressure in countries at all income levels. A major issue is the apparent ease with which profits can be shifted from the location of the underlying, real economic activity, to an alternative jurisdiction (with a lower tax implication).

Tax authorities in a number of countries, for example the United States, require companies to provide a consolidated report on their global activity, alongside their tax return in the one jurisdiction, as a handy check on potential distortions to profit declaration and tax liability. Both the OECD Transfer Pricing Guidelines and the UN Manual on Transfer Pricing identify the possibility for tax authorities.

There is broad agreement that multinational companies should be publicly accountable through transparency about where they operate, and in the form of at least some limited data on the scale and nature of their activities in each jurisdiction. The United States and the European Union are in the process of requiring such information (or information of greater granularity) to be published for the extractive sector, and in the EU the financial sector.


The idea of country-by-country reporting for all multinational companies, across sectors which would require them to provide details of their profits, cash tax paid, turnover and employment on a country-by-country basis has been discussed for over a decade (Murphy, 2012). The OECD has been mandated by the G8 group of countries to develop a country-by-country reporting tool, to provide the information to tax authorities consistently around the world (see discussion in OECD, 2013). A major advantage of a common standard will be that countries will not need to develop individual, bespoke tools to manage data, or to flag potentially anomalous disclosures.

Recommendations

1. **Establish legislation requiring that multinational company groups provide a combined and country-by-country report of their global group activities, upon filing a tax return.**
2. **Support the creation of a system of tax accounting and reporting standards on how country-by-country reporting data must be prepared and presented, to parallel the existing International Financial Reporting Standards (which have**

a different purpose)

Country Examples

 The Dodd-Frank Act in the US requires companies to report on how much they pay governments for access to oil, gas and minerals

In July 2010, the U.S. Congress passed Section 1504 of the Dodd-Frank Act, a measure requiring companies registered with the Securities and Exchange Commission (SEC) to publicly report how much they pay governments for access to oil, gas and minerals.


Dodd-Frank 1504 adds to existing stock listing requirements in the US by obliging all extractive companies to publish the payments they make to the US and foreign governments in the countries where they operate. This information is to be disclosed in an annual document to the US Securities and Exchange Commission.

All companies that are listed in the US and engage in the commercial development of oil, gas and other minerals (defined in Dodd-Frank 1504 as exploration, extraction, processing, export and other significant actions) will be covered. This includes eight of the ten largest mining companies and 29 of the 32 largest internationally active oil companies.

Companies that engage in the commercial development of oil, natural gas or minerals will have to report – The type and total amount of payments made for each project, and, – The type and total amounts of payments made to each government.

These payments cover report taxes, royalties, fees (including license fees), production entitlements and bonuses.

- <http://www.revenuewatch.org/issues/dodd-frank>
- <http://publishwhatyoupay.org/about/stock-listings/cardin-lugar-amendment-dodd-frank-1504>

 The EU requires extractive companies to publish their payments on a country-by-country and project-by-project basis

In July 2013 European Parliament approved the EU Transparency and Accounting Directives, which will oblige all extractive listed companies (and large non-listed) to publish their payments on a country-by-country and project-by-project basis. The European Commission Accounting Directive, introduces a new obligation for large extractive and logging companies to report the payments they make to governments. Reporting would also be carried out on a project basis, where payments have been attributed to specific projects.

The Directive introduces a new obligation for listed and large non-listed extractive and logging companies to report all material payments to governments broken down by country and by project, when these payments have been attributed to a specific project. Production entitlements, taxes, royalties, dividends, bonuses, licence fees and payments for infrastructure improvements must be reported.

- http://europa.eu/rapid/press-release_MEMO-13-541_en.htm
- <http://publishwhatyoupay.org/about/advocacy/eu-country-country-and-project-project-reporting-proposals-qa>

Advanced Step: Publish combined and country-by-country reporting of multinational companies in open, machine-readable format

Justification

The requirement for combined and country-by-country reporting by multinational companies is now well established on the international policy agenda. There is also growing pressure for such information to be made public, and not only held privately by tax authorities, since openness in this regard is seen as important for public confidence in both tax authorities and companies (Murphy, 2012).

As noted, there is broad agreement that multinational companies should be publicly accountable through transparency about where they operate, and in the form of at least some limited data on the scale and nature of their activities in each jurisdiction. One important feature of publishing this data, rather than keeping it private for tax authorities, is that it would demonstrate appropriate tax being paid, and help to restore public confidence that large companies are paying their share. In addition, the principle of ‘many eyes’ would help both to reduce errors and, potentially, to highlight anomalous reporting.

Recommendations

1. **Publish combined and country-by-country reporting information** provided by multinational companies online in a fully machine-readable format.
2. **Where possible, join up reporting facilities with other countries** to provide a single data access point (or, failing that, multiple sources with a consistent reporting structure and format).
3. **Cooperate internationally to create a single, harmonised system of unique corporate identifiers.**

Standards & Guidance

- G8 Open Data Charter and Technical Annex <http://https://www.gov.uk/government/publications/open-data-charter>

Advanced Step: Publish information on tax expenditures

Justification

Tax expenditures are a financial measure that is generally less well understood and often hidden from public scrutiny. Tax expenditures are usually defined as a government’s estimated revenue loss that results from giving tax concessions or preferences to a particular class of taxpayer or activity. The revenue loss, or “expenditure”, is calculated as the difference between whatever tax would have been paid under a defined benchmark tax law (which identifies what tax structure should normally apply to taxpayers) and the lower amount that was actually paid after the tax break.

All these issues should be adequately disclosed so that they receive the same level of oversight that the national budget receives.

Recommendations

1. **Publish timely, regular, comprehensive, accessible, and accurate information on tax expenditures** as part of overall budget transparency. Budget documentation should include statements on the purpose, duration, and intended beneficiaries of tax expenditures.

Advanced Step: Publish registers of company beneficial ownership, and of parties to trusts and foundations as open, machine-readable data

Justification

There are several benefits to putting company registers, including beneficial ownership information, in the public domain, as opposed to only being accessible to the police or other law enforcement authorities. Firstly it enables law enforcement authorities in other countries to access information without having to resort to the cumbersome, expensive and time-consuming process of mutual legal assistance. Having beneficial ownership information in the public domain also allows citizens, journalists and civil society to hold companies (and their owners) to account for their actions and provides useful information for banks, customers and suppliers in assessing potential business partner (Open Societies Foundation).

As well as improving regulation and guarding against market abuse, providing full openness of such information will hinder multiple types of illicit financial flows, most obviously those associated with money laundering; corrupt payments; the theft of public assets; and tax evasion. As the UK's Institute of Directors (2013) has stated, "So-called 'anonymous companies', in which the corporate veil is used to conceal illegal activities, have no place in a modern economy and bring the entire business sector into disrepute."

Requiring beneficial ownership information to be put in the public domain is not expensive. Cost/benefit analyses have concluded public registries are more cost effective than closed registers, as they save significant police time. Neither does it involve much red tape. For example, in the UK it is estimated that only 1% of companies have beneficial owners who are distinct from their legal shareholders (Global Witness, 2013).

Recommendations

1. **Publish the full national company register online** and make it available to search without charge or registration.
2. **Data should be published with an explicit open licence** (e.g. CC-0, Open Government Licence) and should be available as downloadable data.
3. **Company registers should include a list of company directors and significant shareholders** for each company.
4. **Statutory filings** (e.g. Annual Reports and accounts) should be available.
5. **Accounts must be available** and include a minimum data standard that must incorporate a profit and loss account, balance sheet, report of the directors and notes to explain all key items.

Standards & Guidance

- G8 Common Principles on Misuse of Companies and Legal Arrangements <http://www.gov.uk/government/publications/common-principles-on-misuse-of-companies-and-legal-arrangements>
- G8 Open Data Charter and Technical Annex <http://https://www.gov.uk/government/publications/open-data-charter>
- Open Data Index <http://https://index.okfn.org/>
- OpenCorporates: Open Company Data Index <http://registries.opencorporates.com/>

Innovative Step: Establish a system for monitoring customs declarations in real time to detect abuse

Justification

Most estimates of illicit financial flows, for most countries and regions and in most periods, find that trade mispricing is the largest component. Currently available international data allow the detection of abnormal patterns, but not the specific abusive transactions which can be revealed through access to disaggregated data (Pak and Zdanowicz, 1994; Pak and Zdanowicz; Cobham *et al*, 2013). Technological advances have made real-time monitoring straightforward, with simple filters allowing the querying of abnormally priced transactions as they are declared. Greater transparency of trading patterns and prices would assist detection and provide further incentive for compliance.

Recommendations

1. **Carry out a detailed study of recent transaction-level customs data**, to estimate the likely scale of abnormal pricing (and to uncover evidence of specific abuse).
 2. **Initiate real-time monitoring**, to identify abnormally priced transactions as they are declared – not only to detect abuses but with preventative aspect likely to be significant also.
 3. **Publish customs data in timely fashion**, partially aggregated where necessary to protect commercial confidentiality.
-

Innovative Step: Establish 'follow the money' partnerships to curtail trade mispricing

Justification

Most estimates of illicit financial flows, for most countries and regions and in most periods, find that trade mispricing is the largest component. Currently available international data allow the detection of abnormal patterns, but not the specific abusive transactions which can be revealed through access to disaggregated data (Pak and Zdanowicz, 1994; Pak and Zdanowicz; Cobham *et al*, 2013). Technological advances have made real-time monitoring straightforward, with simple filters allowing the querying of abnormally priced transactions as they are declared. Cooperating with trading partners would allow detection of a greater range of abuses, protecting the integrity of trade at both ends of the transaction.

Recommendations

1. **Establish trade data-matching arrangements ('follow the money' partnerships)** with major trading partners or regional blocs, and in the case of aid donor countries with development partner countries, to allow full tracking of transactions and pricing, allowing detection of further types of abusive behaviour.
 2. **Cooperate administratively and judicially to pursue criminal and civil cases** on the basis of evidence obtained in this way.
 3. **Cooperate to ensure harmonisation for ease of use of data published by each partner government.**
-

Whistleblower protection

 **Lead author:** [Whistleblowing International Network](#)

Introduction

Those working in or with an organisation are often the first to see misconduct, dishonest or illegal activity or a serious risk to the public interest in areas ranging from consumer safety and environmental damage, professional misconduct and child abuse, to financial embezzlement and corruption. However they can be discouraged from reporting their concerns by fear of reprisals and by the perceived lack of follow-up to address such warnings.

Responsible organisations should encourage those working for them to communicate actual or potential problems. Yet too many individuals face retaliation if they report their concern, this can include threats to their physical well-being as well as detriments in the workplace such as harassment, lack of promotion, demotion or dismissal. When lines of communication within organisations are blocked or not trusted, or the organisation itself is involved in the wrongdoing or its cover-up, it is vital that individuals can safely report such concerns to a competent external authority or more widely, where necessary.

Alerting organisations, external competent authorities or the public about risk, misconduct, dishonest or illegal activity, or matters of important public interest is termed whistleblowing. Whistleblowing covers the spectrum of such communications. It is a democratic right closely linked to freedom of speech and the right to petition; a public interest safety net which supports openness in government and democratic accountability.

Whistleblower protection is relatively new to the open government agenda, and while laws are becoming increasingly popular, it is crucial that they can be enforced. If the rights they offer are only symbolic this puts workers and others at greater risk; as they invite individuals to make disclosures while offering no genuine protection or any commitment to any appropriate follow-up of the issue raised.

Governments have a responsibility to facilitate whistleblowing and in so doing protect public interest whistleblowers. Laws which recognise the right of those who act in the public interest not to suffer harm or threats of harm and which build on the democratic principles of free speech and freedom of information are critical. They provide individuals a safe alternative to the silence that allows negligence and wrongdoing to take root. Whistleblower protection also offers an important alternative to anonymous leaks - a form of self-preservation which can compromise both the public interest and the whistleblower.

International instruments on whistleblower protection have, for the most part, recognised the importance of having whistleblower protection laws in place as part of an effective anti-corruption framework. (See for example the whistleblower protection requirements in the United Nations Convention against Corruption (2003), the 2009 OECD Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions (Anti-Bribery Recommendation), the 1998 OECD Recommendation on Improving Ethical Conduct in Public Service , the Council of Europe Civil and Criminal Law Conventions on Corruption (1999), the 1996 Inter-American Convention against Corruption and the African Union Convention on Preventing and Combating Corruption (2003))

These provide a good foundation on which to develop legal and institutional frameworks to facilitate whistleblowing and protect whistleblowers for a wider category of public interest information. Governments also need to protect whistleblowing at the international level, to enhance support and protection where it falls short particularly across multinational production chains or regulatory and legal frameworks.

While it is incumbent on governments to facilitate safe and effective channels for whistleblowing and to protect whistleblowers, civil society has a complementary role in advocating for the protection of those who come forward to safeguard the public interest, particularly when it challenges government authority. An engaged civil society can ensure

that the legal and practical responses to whistleblowing are effective and appropriately applied over the long term.

NB: This topic is focused primarily on whistleblowing that arises out of a working relationship. However, there are important overlaps with the protections needed for those understood to be 'human rights defenders', and for the protection of journalists and their sources and for witness protection for those physically at risk.

Expert Organisations

Whistleblowing International Network (WIN) <http://whistleblowingnetwork.org>

OECD <http://www.oecd.org/governance>

Council of Europe: Group of States Against Corruption http://www.coe.int/t/dghl/monitoring/greco/default_en.asp

Federal Accountability Initiative for Reform (FAIR) <http://fairwhistleblower.ca/>

Government Accountability Project (GAP) <http://www.whistleblower.org/>

Open Democracy and Advice Centre (ODAC) <http://www.opendemocracy.org.za/>

Public Concern at Work (PCaW) <http://www.pcaw.org.uk>

Whistleblowers Network (Germany) <http://www.whistleblower-net.de>

Transparency International <http://www.transparency.org/topic/detail/whistleblowing>

Transparency International (Ireland) <http://www.transparency.ie/>

Open Society Justice Initiative (OSJI) <http://www.justiceinitiative.org>

Summary of illustrative commitments

Initial

- Review and strengthen laws and policies on whistleblowing

Intermediate

- Establish a public awareness campaign on the value of whistleblowing
- Set up or support independent confidential advice services for whistleblowers

Advanced

- Ensure competent authorities have the mandate, powers and resources to facilitate whistleblowing and protect whistleblowers
- Extend whistleblower protection to those working with sensitive or classified information

Innovative

- Establish a public fund to support whistleblowers

Detailed Recommendations

Initial Step: Review and strengthen laws and policies on whistleblowing

Justification

It is important that governments actively review their domestic laws and policies in order to ensure that a comprehensive framework to facilitate whistleblowing and protect whistleblowers not only builds on international best practices but is properly embedded in the national system. Such a review should identify existing protections, legal principles, good practice and custom (e.g., incident reporting in civil aviation, and common law principle that there is 'no confidence in iniquity') and any laws or policies which contradict or undermine whistleblower protection (e.g., restrictive confidentiality, data protection, libel or secrecy laws).

Enshrining whistleblower protection in law is important. It sends a strong message of the value and importance of whistleblowing in a democracy. Legislation clarifies what is expected of employers and competent authorities whether in the public or private sector, informs individuals of their right to report or disclose, and enforces the remedies available to those who suffer unfairly for blowing the whistle.

Whistleblowing regulations seek to protect the interests of society by helping to ensure that information about wrongdoing or serious risk gets to the right people at the right time. In so doing, it must effectively balance three main sets of rights: the public's right to information and to know when their interests are at risk; the right of whistleblowers to freedom of expression and fair treatment; and the right of organisations to manage their operation and their reputation. In particular, the legal and institutional frameworks protecting whistleblowers must be comprehensive and strong enough to address the power imbalance between whistleblowers and organisations - particularly if the organisation itself is involved in wrongdoing or its cover-up - and to protect those who might be wrongly accused of committing wrongdoing.

It should be understood that such laws should not oblige individuals to report on wrongdoing except in the very limited specific cases where there may be a professional duty to do so (e.g., doctors and police officers). Instead, whistleblower protection laws build on the democratic principles of free speech and freedom of information and ensure that where a disclosure is made in the public domain, any interference with the right to impart that information is only that which is necessary in a democratic society.

Recommendations

1. Map existing laws and policies to facilitate whistleblowing and protect whistleblowers, this can include dedicated laws on protection of whistleblowers, information and criminal laws (e.g., right to information, privacy and data protection, laws on confidence and libel laws, official secrets) sectoral laws such as health and safety and competition laws, and laws regulating public servants.
2. Consult with stakeholders including trade unions, civil society groups (e.g., human rights and whistleblower advocacy or campaigning groups), the legal profession and the judiciary, ombudspersons and other independent regulators, private sector representatives, etc., on how to facilitate whistleblowing and protect whistleblowers in the public good.
3. Assess the adequacy of existing laws in protecting whistleblowers and reinforcing openness and democratic accountability. Key best practices^[1] include ensuring:
 - whistleblowers protection rights are enforceable
 - protection extends to all who carry out activities relevant to an employer's mission
 - a reverse burden of proof on the employer to show that any employment detriment was fair and not in retaliation for having blown the whistle
 - full relief is available to whistleblowers : e.g., workplace remedies, compensation for losses, physical protection

- all staff and working partners are informed of their whistleblowing rights and how to seek confidential advice
- safe internal arrangements for staff and working partners to report or disclose information and an obligation on organisations to publicly report on the effectiveness of such arrangements

[1] See in particular GAP's *International Best Practices* under Relevant Standards and Guidance for this Step.

Standards & Guidance

- Council of Europe: (Draft) Recommendation and Explanatory Memorandum on the Protection of Whistleblowers <http://www.coe.int/t/dghl/standardsetting/cdcj/whistleblowers/Whistleblowers%20meeting%20-%20Explanatory%20notes%20.pdf>
- Council of Europe's Parliamentary Assembly (PACE): Resolution 1729 <http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=17851&=en>
- Council of Europe's Parliamentary Assembly (PACE): Recommendation 1916 <http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=17852&=en>
- Government Accountability Project: International Best Practices for Whistleblower Policies http://www.whistleblower.org/storage/documents/Best_Practices_Document_for_website_March_13_2013.pdf
- OECD: G20, Whistleblower Protection Frameworks, Compendium of Best Practices and Guiding Principles for Legislation <http://www.oecd.org/general/48972967.pdf>
- Organisation of American States: Draft Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses http://www.oas.org/juridico/english/draft_model_reporting.pdf

Country Examples

 Ireland is developing a new law to provide comprehensive whistleblowing protection

The Irish government announced in early 2012 that it would consult on a new draft law which will provide a comprehensive whistleblower protection across all sectors. The Protected Disclosures in the Public Interest Bill is due to become law by the end of 2013. The Bill lists the existing sector-based whistleblower laws and provisions in Schedule 1. Schedule 2 deals with the repeals necessary to achieve the legal aims of the Bill and Schedule 3 lists the amendments that will be made to 15 separate laws to ensure that they are fully compatible with the new law.

- <http://per.gov.ie/wp-content/uploads/Protected-Disclosures-Bill-2013-Regulatory-Impact-Assessment.pdf>

Intermediate Step: Establish a public awareness campaign on the value of whistleblowing

Justification

In order to ensure that whistleblower protection is properly embedded as a democratic accountability mechanism, it needs to be promoted and understood.

Whistleblower protection legislation should be supported by effective awareness-raising, communication, training and evaluation efforts. Communicating to public or private sector employees their rights when exposing wrongdoing or serious risk to the public interest is essential. They need to know what arrangements are in place internally, their right to report directly to a competent authority, how to get confidential advice and what protection will be available to them.

A public awareness campaign is also important to tackle the cultural perceptions of whistleblowers as traitors or informers rather than as people acting for the public good, and out of loyalty to their organisation, profession and the interests of the society. It must be recalled that informers are individuals paid or compelled to help the state control its citizens. Such perceptions are understandably even more difficult to shift in countries where such control was imposed under dictatorship or foreign domination. This is why it is critical that whistleblower protection builds on democratic values of openness and freedom of expression rights and that the power to disclose information in the public domain is protected. Whistleblowers are those who voluntarily put themselves at risk to try to protect the public from harm from actual or potential wrongdoing or risk, or its cover-up.


Recommendations

1. Establish a public awareness campaign that extends to schools and professional training on the value of whistleblowing in protecting the public good, the health and safety of people, their environment and their human rights. Distinguish whistleblowing from informing by ensuring laws to protect whistleblowers emphasise open or confidential reporting and build on freedom of expression rights.
2. Provide clear statements and advice on whistleblowing procedures and protections.
3. Establish requirements for public sector employers and encourage private sectors employers to put in place internal arrangements to facilitate whistleblowing and to report on these regularly and publicly.
4. Provide training within organisations to ensure managers are adequately trained to receive reports, and to recognise and prevent occurrences of discriminatory and disciplinary action taken against whistleblowers.

Standards & Guidance

- British Standards Institute: Whistleblowing Arrangements Code of Practice <http://www.pcaw.org.uk/bsi>
- Brown, A.J., P. Roberts and J. Olsen (2011) Whistling While They Work: A good-practice guide for managing internal reporting of wrongdoing in public sector organisations <http://epress.anu.edu.au?p=144611>
- Sticing Van De Arbeid (Labour Foundation): Statement on Dealing with Suspected Malpractices in Companies http://www.stvda.nl/en/~media/Files/Stvda/Talen/Engels/2012/20120829_EN.ashx

Country Examples

 In the US, OSHA requires federal agencies to post information about whistleblower protection

In the United States, the Occupational Safety and Health Administration Act (OSHA) is responsible for enforcing whistleblower provisions of 21 statutes. Most recently, the US Congress designated OSHA as the agency responsible for enforcing the whistleblower provisions of the [Dodd-Frank Wall Street Reform and Consumer Protection Act](#).

- <http://www.whistleblowers.gov/>

Intermediate Step: Set up or support independent confidential advice services for whistleblowers

Justification

While whistleblower protection laws will go a long way towards reassuring those who come across wrongdoing or malpractice that it is safe and acceptable for them to report it, questions about how such rules apply in individual circumstances will remain. At times people will be unsure about whether, how or to whom to raise their concern. They may be unsure as to the nature of what they have witnessed or how such information will be received by managers, or they may be aware of how others were treated when they raised similar concerns and be worried about their own position. Such doubts can easily lead to silence and an opportunity missed to protect the public interest before any serious damage or harm is caused.

Further, early advice and information helps ensure that whistleblowers do not suffer unnecessarily, that they are able to report or disclose information clearly and responsibly and that, should they nonetheless be treated unfairly, they are fully protected under law and are in a strong position to seek an appropriate remedy.

Access to independent confidential advice is important to help ensure information is reported or disclosed in a way that will best allow the information to be assessed and addressed, and to make the legal rules a practical reality for those involved whether it is the whistleblower, the organisation, regulators or the public.

Currently advice, where available, is often limited and provided by voluntary sector organisations, for example Public Concern at Work in the United Kingdom, the Government Accountability Project in the United States of America, and Transparency International Ireland.

Recommendations

1. Set up or support services to provide independent, legally protected, confidential advice and information for whistleblowers.

Standards & Guidance

- The Hague Institute for the Internationalisation of Law: Towards basic justice care for everyone: Challenges and promising approaches
http://www.hiil.org/data/sitemanagement/media/TrendReport_Part1_020412_DEF%20%282%29.pdf

Country Examples

 The Dutch government has set up an independent, confidential advice service for whistleblowers

While there is no comprehensive national law in the Netherlands protecting whistleblowers in all sectors, there are regulations in local and central government, the police and defence. In order to assist and facilitate potential whistleblowers in making reports of malpractice or wrongdoing, the Dutch Government and social partners (including employer and employee representative organisations) decided that advice and support free of charge was needed for potential whistleblowers – along the lines of the independent non-governmental body and charity Public Concern at Work in the United Kingdom. In October 2012, the 'Adviespunt Klokkeluiders' (Advice Centre for Whistleblowers) opened with a view to reviewing its effectiveness by the end of 2014.

The Advice Centre is incorporated and funded by the Ministry of Interior Relations and the Ministry for Social Affairs and Employment but is independent of them. It consists of a three-member committee – representing the private sector, the public sector and the trade unions – and a small staff team including four senior legal counsels, a

communication consultant and an office manager.

The Advice Centre is a confidential advice service available free of charge to anyone in work in the Netherlands and aims to advise and support individual whistleblowers in specific cases; provide general information to whistleblowers and employers on whistleblowing and procedures; and report regularly on patterns and developments in the field of whistleblowing and integrity.

- <http://www.adviespuntklokkeluiders.nl/international>

Advanced Step: Ensure competent authorities have the mandate, powers and resources to facilitate whistleblowing and protect whistleblowers

Justification

The role of ombudspersons, independent regulators and enforcement bodies is vital as they have an oversight remit that rises above the working relations within and between organisations and are experts in their field. Their capacity to ensure that the organisations they regulate are accountable for their conduct depends on the information they receive from many sources, including the organisations themselves. However, information received from inside sources - whistleblowers - can often allow regulators to effectively and efficiently focus their energies and resources on the problem. At the same time regulators and enforcement bodies will not want to undermine good local governance and accountability arrangements. Thus having the power to receive information from a whistleblower as well as take enforcement action against an organisation that fails to facilitate internal whistleblowing, tries to block, or retaliates against a whistleblower is part of maintaining oversight and reinforcing local accountability.

Experience of protecting whistleblowers around the world has demonstrated time and again that whistleblowers report or disclose information in order for a problem to be addressed and in so doing they need to be able to enforce their rights in a meaningful way. These include, among other things, being able to seek advice, to petition their employer, ombudspersons, independent authorities, and the courts.

Whistleblower legislation should ensure that regulators, ombudspersons and independent enforcement bodies are empowered to receive and investigate complaints of retaliatory, discriminatory or disciplinary action taken against whistleblowers. The right to appeal to court in the event that these bodies do not act properly or fairly should also be safeguarded.

Recommendations

1. The whistleblowing mandate of competent authorities should include:
 - promoting the law and receiving disclosures;
 - investigating or overseeing investigations of the issues;
 - action or requiring action to suspend or stop the conduct alleged to be wrong or causing harm;
 - measures or requiring measures to protect a whistleblower and any other individual affected by the report (e.g., protecting confidentiality of third parties, or the rights of an accused);
 - sanctions against an employer or organisation for failing to reasonably investigate or remedy the issue, or for failing to protect a whistleblower.

2. Competent authorities in this regard are existing regulators, ombudsmen or enforcement bodies or a new independent body charged with overseeing whistleblowing and whistleblower protection.
3. Such bodies must have the remit, powers and resources to carry out their role effectively.
4. Such bodies should be mandated to regularly publish reports on their activities.
5. Appeals from the decisions of such bodies to a court of law should be allowed.

Standards & Guidance

- Asia Pacific Forum: A Guide for National Human Rights Institutions: Undertaking Effective Investigations
<http://www.asiapacificforum.net/support/files/investigations-manual-for-nhris>

Country Examples


 In the US the Office of the Special Counsel oversees whistleblower protection for federal employees

The US Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Its basic authorities come from four federal statutes: the Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA).

The OSC receives, investigates, and prosecutes allegations of prohibited personnel practices, with an emphasis on protecting federal government whistleblowers. It seeks corrective action remedies (such as back pay and reinstatement) for injuries suffered by whistleblowers and other complainants and is authorised to file complaints at the Merit Systems Protection Board (MSPB) to seek disciplinary action against individuals who commit prohibited personnel practices.

OSC also provides a secure channel through its Disclosure Unit for federal workers to disclose information about various workplace improprieties, including a violation of law, rule or regulation, gross mismanagement and waste of funds, abuse of authority, or a substantial danger to public health or safety.

- <http://www.osc.gov/>

 The Slovenian independent Anti-Corruption Commission has enhanced power to protect whistleblowers

Established in 2004, Slovenian Commission on the Prevention of Corruption (CPC) is an independent anti-corruption agency with a broad mandate in the field of preventing and investigating corruption, breaches of ethics and integrity of public office. While the CPC is not part of the law enforcement or prosecution system of Slovenia, it gained new powers in 2010 to enhance its ability to regulate anti-corruption efforts including new powers in relation to the protection of whistleblowers.

The CPC now has broad legal powers to access and subpoena financial and other documents (notwithstanding the confidentiality level), question public servants and officials, conduct administrative investigations and proceedings and instruct different law enforcement bodies (e.g. Anti-Money Laundering Office, Tax Administration, etc.) to gather additional information and evidence within the limits of their authority. The CPC can also issue fines for different violations (sanctions can be appealed to the Court).

- <https://www.kpk-rs.si/en>

Advanced Step: Extend whistleblower protection to those working with sensitive or classified information

Justification

As a rule all government information should be accessible and open to the public for scrutiny as this enables democratic participation and the development of sound public policies even in sensitive areas such as national security. However, history has shown that governments or parts of government can use overly broad exceptions to open information which prevents effective public scrutiny and debate about government decision-making and activities, and thus there must be safeguards to ensure against such practices.

Whistleblower protection is one such important safeguard and should therefore be extended to all those working with sensitive or classified information whether in public administration, the armed services, national security, defence or intelligence services, or the private sector. Clearly whistleblower protection in such circumstances needs to allow for the proper consideration and protection, where necessary, of other important interests such as national security, international relations, personal privacy, provision of free and open advice, commercial confidentiality, etc.

The Global Principles on National Security and Right to Information (Tshwane Principles), based on international and national law, standards and good practices, provide guidance to legislators and relevant officials throughout the world - they set out a proportionate approach to facilitating internal whistleblowing for those working with sensitive information, and the protection that should be available to those who publicly disclose wrongdoing or other information of public interest. Importantly, the Tshwane Principles include a public interest defence for public servants, whether or not they meet the conditions for whistleblower protection as laid out in the Principles, if the public interest in the disclosure outweighs the public interest in keeping it secret.

Recommendations

1. Adopt the principle that all those who work with sensitive information should be protected from retaliation for whistleblowing on public interest matters including wrongdoing, risk or government abuse.
2. Consult with stakeholders including trade unions, civil society groups (e.g., human rights and whistleblower advocacy or campaigning), legal profession and the judiciary, ombudsperson and other independent regulators on how to facilitate whistleblowing and protect whistleblowers in relation to sensitive information.
3. Review existing laws and policies to facilitate whistleblowing and protect whistleblowers against the Tshwane Principles.

Standards & Guidance

- Council of Europe's Parliamentary Assembly (PACE): Recommendation 2024, Provisional Version <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20194&=en>
- Tshwane Principles on National Security and the Right to Information <http://www.right2info.org/exceptions-to-access/national-security>

Country Examples

 Canada provides a public interest defence for those who would otherwise be bound by secrecy laws

Canada's Security of Information Act provides that no person is guilty of an offence under sections 13 or 14 (which make it an offence for anyone "permanently bound to secrecy" to intentionally and without authority communicate or confirm "special operational information") if they can establish that they "acted in the public interest". This means that they must show they acted in order to disclose an offence and that the "the public interest in the disclosure outweighed the public interest in non-disclosure".

- <http://laws-lois.justice.gc.ca/eng/acts/O-5/page-7.html#docCont>

Danish criminal law provides a public interest defence for publication of state secrets

The Danish Criminal Code from 2008 provides a public defence for publication of state secrets, stating that "where the person ... is acting in the legitimate exercise of obvious public interest or for his own or others' best interests".

- <https://www.retsinformation.dk/Forms/R0710.aspx?id=142912#Kap13>

Ghana's Whistleblower Act applies to the security sector

Ghana's Whistleblower Act from 2006 applies to the security sector (police and intelligence agencies). The Act also protects whistleblowing with regard to other public bodies, including elders and religious leaders, where the information concerns economic or other crimes; miscarriage of justice; waste, misappropriation or mismanagement of public resources; environmental degradation; or a danger to health or safety.

- <http://www.parliament.gh/assets/file/Acts/Whitsleblwer%20Act%20720.pdf>

South African law covers all whistleblowers from the public and private sectors

South Africa's Protected Disclosures Act, 2000 covers all whistleblowers from the public and private sectors including all those working in the police, the armed forces and in security, intelligence and communications.

- http://www.nacf.org.za/guide_to_the_whistle_blowing_act/section_two.html

Innovative Step: Establish a public fund to support whistleblowers

Justification

While much attention is given to the protections in law for public interest whistleblowers, less attention is given to how these protections are implemented in practice. Whistleblowers often need advice and support in raising their concern, preserving their position at work, and seeking redress for unfair or detrimental treatment. In extreme circumstances, the detrimental treatment extends beyond the workplace, affecting their families as well as their physical and mental well-being. A fund to support whistleblowers to seek advice, to get advocacy support and where necessary take a legal claim is

lacking in all jurisdictions. Such a fund would help ensure that whistleblower protection becomes a reality and could also include relief for those for whom other forms of protection fail (e.g., insolvency of their employer) and emergency relief for those who find themselves with no means to support themselves.

The vast majority of people report wrongdoing, risk or illegality in order for it to be stopped, often at great personal cost, and very few are ever thanked for their efforts. While whistleblowing is most often associated with disclosures made in the public domain, this guidance demonstrates that it can cover a range of communications that will help governments and organisations in the public and private sectors to address problems early enough to avoid damage and harm. National governments around the world confer honours to individuals whose actions have contributed significantly to the common good of the country; some courts and law enforcement bodies also honour or reward individuals who put themselves at risk to protect or serve the interests of others. Whistleblowers should be considered amongst those deserving public honour.

A public fund could also honour those who reported or disclosed wrongdoing or risk that contributed to protecting the public interest and would help normalise whistleblowing as an act of good citizenship.

NB. Honouring and acknowledging a whistleblower who has reported or disclosed information either to an employer, a competent authority, or to the public is not the same as offering a reward. A distinct regulatory model such as that employed by the Securities Exchange Commissions under the Dodd-Frank Act in the USA -which offers monetary compensation in exchange for information on violations of securities law in order to encourage whistleblowers to come forward - has caused some controversy on the basis that it shifts the motivation away from the public interest to the personal gain of the whistleblower. In any event, this should only be seen as a complementary measure to full whistleblower protection in law.

Recommendations

1. Establish a public fund or separate public funds to help whistleblowers a) cover legal costs b) provide other relief as necessary and c) honour those who make important contributions to protecting the public interest.

Country Examples

Korea's Anticorruption Commission can provide relief for whistleblowers' losses

Korea's Anti-Corruption and Civil Rights Commission (ACRC) can provide relief if a whistleblowing report causes damage or for expenses related to medical treatment, residential relocation, litigation, wage loss or for other reasons. The ACRC has also recommended that the Korean Act on the Protection of Public Interest Whistleblowers be amended to allow for awards to whistleblowers if their reports protected the public interest.

- <http://www.acrc.go.kr/eng/index.do>

The US False Claims Act puts resources in the hands of the whistleblower

The US False Claims Act is one of the rare examples of a law that puts resources directly in the hands of the whistleblower who can then take the initiative to prosecute powerful wrongdoers, rather than waiting for a government agency to do so. It also levels the playing field to some degree by providing an incentive for skilled lawyers to take on whistleblower cases as these can be highly lucrative if successful. It should be noted that the False Claims Act focuses attention on cases that involve loss of money to the government rather than any other type of harm.

The basis of the 'US False Claims Act' is a branch of law called 'Qui tam' – a Latin phrase meaning 'private attorney general' rights which in common law refers to someone acting on behalf of the king and dates back to the Magna Carta

(1299). The False Claims Act was first introduced in the US in 1863 during the Civil War as a means of curbing profiteering. Unscrupulous contractors were selling the government lame mules, defective weapons, and rancid provisions – at inflated prices. The law empowers any citizen to sue a contractor on behalf of the government in return for a portion of the penalties to be repaid to the government if the suit is successful. ‘Qui tam’ legislation represents a distinct and separate branch of whistleblowing law, which has enabled policing of US government expenditures that involves the private sector. It should not be confused with other regulatory models or, so-called ‘bounty’ or reward systems, which offer monetary compensation for information but which leave the whistleblower a passive observer in the process.

Text extracted from: Hutton, David (2011) *Shooting the Messenger*. Canada: Parkland Institute.

http://parklandinstitute.ca/research/summary/shooting_the_messenger

- <http://www.whistleblowers.org/index.php?Itemid=64&id=3>

Annex: Standards and Guidance

Aid

Aid Transparency Tracker

CIVIL SOCIETY RATING

Based on Publish What You Fund's 2013 Aid Transparency Index, the Aid Transparency Tracker has been developed to monitor progress made by organisations in making their aid information more transparent.

<http://tracker.publishwhatyoufund.org/>

AidInfo Labs

MULTI-STAKEHOLDER COMMUNITY OF PRACTICE

AidInfo Labs provides a space for sharing ideas, tools, prototypes and applications that take aid data and turn it into useful aid information.

<http://www.aidinfolabs.org/>

Busan outcome document

INTER-GOVERNMENT GENERAL REFERENCE

The Busan outcome document includes the provision for donors to develop an implementation schedule of the common standard. These documents should encourage donors to be ambitious in their publication and strive to make more and better information available. Specifically donors committed "to implement a global Action Plan to enhance capacity for statistics to monitor progress, evaluate impact, ensure sound, results focused public sector management, and highlight strategic issues for policy decisions."

<http://www.publishwhatyoufund.org/files/Second-draft-busan-outcome-document.pdf>

CABRI Position on Aid Transparency

EXPERT / OTHER GENERAL REFERENCE

The CABRI [Position on Aid Transparency](#) from 2011 is intended to make explicit what CABRI sees as sufficient levels of aid transparency for aid to work better at the country level in Africa. It puts forth a set of prerequisites for donor countries as well as recipient governments on their roles in furthering aid transparency.

<http://www.cabri-sbo.org/en>

G8: Lough Erne Declaration

INTER-GOVERNMENT PRINCIPLES

The Lough Erne Declaration was formulated by the G8 countries in June 2013. It promotes enhanced transparency in business and government. Among other things, it states that governments should publish information on laws, budgets, spending, national statistics, elections and government contracts in a way that is easy to read and re-use, so that citizens can hold them to account.

<http://www.whitehouse.gov/the-press-office/2013/06/18/lough-erne-declaration>

G8: Open Data Charter

INTER-GOVERNMENT PRINCIPLES

In June 2013 G8 leaders signed up to the Open Data Charter, calling for government datasets to be 'open data by default'. For example, the charter recognises that transparent data on development assistance are essential for accountability. Global development is also among the categories of high value data that should be released. The charter's annex sets out how best practice is to be promoted and describes the G8 collective actions. It also sets out a requirement for reporting back on progress.

<http://www.publishwhatyoufund.org/index/2012-index/>

IATI 'budget identifier'

MULTI-STAKEHOLDER DATA STANDARD

The IATI 'recipient budget identifier' is under development and is set to become part of the IATI Standard. The budget identifier aims to align aid information with the budget classifications used by partner countries to enable more accurate budgeting, accounting and auditing and to increase the proportion of aid that is recorded in budget documents.

http://www.aidtransparency.net/wp-content/uploads/2011/05/Paper_5_-_Budget_Identifier_Nov_2012.doc

IATI Standard

MULTI-STAKEHOLDER DETAILED GUIDANCE DATA STANDARD

IATI is a voluntary, multi-stakeholder initiative that seeks to improve the transparency of aid in order to increase its effectiveness in tackling poverty. It brings together donors and developing countries, civil society organisations and other experts in aid information who are committed to make information about aid easier to access, use and understand. IATI also aims to ease the burden of multiple reporting requirements from donors, address criticisms over project duplication and meet partner country planning demands. It can be used to publish information on aid and other official flows, including climate finance.

The IATI Standard sets guidelines for publishing information about aid spending. It does not create a new database but

builds on, and goes beyond the standards and definitions that have already been agreed. The IATI Organisational Standard is designed for reporting the total future budgets of organisations and forward planning budget data for recipient institutions and countries, and the IATI Activity Standard is designed for reporting the details of individual aid activities and is the most widely used part of IATI. The IATI Website contains a collection of guides and technical material aimed at addressing and detailing specific requirements and needs of the IATI community.

<http://iatistandard.org/>

IATI: Template for IATI implementation schedules

MULTI-STAKEHOLDER DATA STANDARD

At the 4th High Level Forum on Aid Effectiveness in Busan in 2011, countries and organisations committed to publishing a first IATI implementation schedule. The implementation schedule is intended for countries and organisations to specify what information they already report and publish and to present a timetable, based on their specific situation, of the feasibility of publishing more information. Thus far, a total of 40 Busan supporters (countries and other organisations) have published their implementation schedules.

<http://www.oecd.org/dac/aid-architecture/acommonstandard.htm>

Open Knowledge Foundation: Open Data Hackathon How To Guide

EXPERT / OTHER DETAILED GUIDANCE

This How To Guide explains how to best to organise a Hackathon, which is an event in which computer programmers and others involved in software development collaborate intensively on software projects.

<http://blog.okfn.org/2012/10/26/hackathons-the-how-to-guide/>

PWYF: 2012 Aid Transparency Index

MULTI-STAKEHOLDER RATING

The Aid Transparency Index by Publish What You Fund provides an annual rating of aid agencies and other organisations. For the 2012 Aid Transparency Index, 72 organisations were selected, including bilateral and multilateral agencies, selected climate finance funds, humanitarian agencies, development finance institutions and private foundations.

<http://www.publishwhatyoufund.org/index/2012-index/>

Assets disclosure and conflicts of interest

Guidelines for Managing Conflicts of Interest in the Public Service

INTER-GOVERNMENT DETAILED GUIDANCE

The OECD Guidelines for Managing Conflict of Interest in the Public Service from 2003 provide a comprehensive international benchmark to help governments and public organisations review existing conflict of interest policy and practice for public officials working in national public administrations. The Guidelines set four core principles for public officials to follow in dealing with conflict of interest situations in order to maintain trust in public institutions: serving the public interest; supporting transparency; promoting individual responsibility; and creating an organisational culture that does not tolerate conflict of interest.

<http://www.oecd.org/gov/ethics/48994419.pdf>

Income and assets declarations: Issues to consider in developing a disclosure regime

EXPERT / OTHER GENERAL REFERENCE

This Issue paper by the U4 Anti-Corruption Resource Centre from 2009 describes the issues policy-makers should consider when deciding whether to adopt a financial disclosure law, and what provisions it should contain.

<http://www.cmi.no/publications/file/3396-income-and-assets-declarations.pdf>

OGP Eligibility Criteria: Assets disclosure

OGP ELIGIBILITY CRITERIA RATING

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government in four key areas, as measured by objective indicators and validated by independent experts. Any government that achieves a score of at least 75% of the total possible points available to them can join OGP at any time once they have demonstrated that they meet these minimum criteria.

Rules that require public disclosure of income and assets for elected and senior public officials are one of the four eligibility criteria. Four points are awarded to countries with a law requiring disclosures for politicians and senior public officials to the public, three points awarded to countries with either a law requiring disclosures for politicians OR senior public officials to the public, and two points awarded for a law requiring non-public disclosures for elected or senior officials.

This assessment is based on studies by the world bank, and the World Bank's Public Officials Financial Disclosure database, which is updated on a rolling basis.

<http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>

Post-Public Employment: Good Practices for Preventing Conflict of Interest

INTER-GOVERNMENT DETAILED GUIDANCE

This OECD report from 2010 provides, in line with identified good practice, guidance to policy makers and managers on how to review and modernise rules, policies and practices for preventing and managing conflict of interest in post-public employment.

http://www.keepeek.com/Digital-Asset-Management/oecd/governance/post-public-employment_9789264056701-en

Public Office, Private Interests: Accountability through Income and Asset Disclosure

INTER-GOVERNMENT

DETAILED GUIDANCE

GENERAL REFERENCE

This is a Stolen Asset Recovery Initiative publication from 2012. It focuses on income and asset disclosure requirements for the executive and legislative branches of government and is intended (together with its companion, [Income and Asset Disclosure: Case Study Illustrations](#)) to be a guide for practitioners and policy-makers and for others with an interest in anti-corruption tools and procedures. It sets out the basic elements of asset disclosure systems and key considerations that can influence the design, implementation, and enforcement of an asset disclosure framework in different contexts.

[http://star.worldbank.org/star/sites/star/files/Public Office Private Interests.pdf](http://star.worldbank.org/star/sites/star/files/Public%20Office%20Private%20Interests.pdf)

Revolving Doors, Accountability and Transparency – Emerging Regulatory Concerns and Policy Solutions in the Financial Crisis

INTER-GOVERNMENT

GENERAL REFERENCE

This OECD report from 2009 examines the phenomenon of the ‘revolving door’ in the financial sector (e.g. banking, insurance, securities, etc.) following the 2008 financial crisis. It examines the ‘revolving door’ both at the individual level (in respect to the appointment of advisers and regulators) as well as at the institutional level (focusing on the bail outs and nationalisations of banks). The report aims to help policy makers and decision makers understand the extent of the problem caused by ‘revolving door’ in regulators, in particular in the financial sector, and support informed policy debate on alternative options for solutions.

[http://search.oecd.org/officialdocuments/displaydocumentpdf/?cote=GOV/PGC/ETH\(2009\)2&docLanguage=En](http://search.oecd.org/officialdocuments/displaydocumentpdf/?cote=GOV/PGC/ETH(2009)2&docLanguage=En)

United Nations Convention against Corruption

INTER-GOVERNMENT

PRINCIPLES

The United Nations Convention against Corruption, adopted by the UN General Assembly in 2003, includes provisions for asset disclosure and conflict of interest regulations as a way of combating corruption.

Article 8(5) of the Convention states that “Each State Party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.” And Article 52(5) states that “Each State Party shall consider establishing, in accordance with its domestic law, effective financial disclosure systems for appropriate public officials and shall provide for appropriate sanctions for non-compliance.”

http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf

 World Bank Financial Disclosure Law Library

INTER-GOVERNMENT GENERAL REFERENCE

The World Bank Financial Disclosure Law Library is a collection of laws and regulations on income and asset disclosure. It offers access to over 1,000 laws and regulations across 176 jurisdictions worldwide. The Library also provides information on closely-related topics such as restrictions on public officials' activities. The Library is intended as an unbiased legal source for practitioners, policy-makers, and researchers within national governments; international organizations; development agencies; the media; academia and the private sector engaged in the fields of asset disclosure.

<http://publicofficialsfinancialdisclosure.worldbank.org>

Budgets

 GIFT High Level Principles on Financial Transparency

MULTI-STAKEHOLDER PRINCIPLES

The GIFT High Level Principles on Financial Transparency is a set of principles and global norms on fiscal transparency formulated in 2012 by the multi-stakeholder action network. The Principles are intended to guide policy makers and all other stakeholders in fiscal policy in their efforts to improve fiscal transparency, participation and accountability, and to help promote improvements in the coverage, consistency and coherence of the existing standards and norms for fiscal transparency. An [Expanded Version of the High-Level Principles](#) explains each of the ten Principles in more detail, and provides additional information and sources of guidance for those applying the Principles in practice.

<http://fiscaltransparency.net/wp-content/uploads/2012/09/GIFT-High-Level-Principles-2012-08-ENG.pdf>

 IBP guide to participatory budgeting

CIVIL SOCIETY GENERAL REFERENCE

The Guide to Participatory Budgeting from 2000 examines Brazilian participatory budgeting programmes designed to incorporate citizens into the policy making process, spur administrative reform, and distribute public resources to low income neighbourhoods. The paper explores the mechanisms of participatory budgeting, the results of this approach, and its potential applicability elsewhere.

<http://internationalbudget.org/wp-content/uploads/A-Guide-to-Participatory-Budgeting.pdf>

 IBP guide to transparency in government budget reports

EXPERT / OTHER DETAILED GUIDANCE

The Guide to Transparency in Government Budget Reports was designed to support governments in their efforts to meet international good practice standards on budget transparency. It provides guidance on what reports and

documents governments should be producing and making available throughout the budget process, what information should be in those reports, and links to model documents from other countries.

http://internationalbudget.org/wp-content/uploads/Government_Transparency_Guide1.pdf

IBP Looking beyond the budget

CIVIL SOCIETY GENERAL REFERENCE

Moving beyond the eight key budget documents on which budget transparency is measured, this document deals with five areas of public finance that are less well understood and especially vulnerable to efforts to shield them from public scrutiny. The five areas are: extra-budgetary funds, tax expenditures, quasi-fiscal activities, contingent liabilities, and future liabilities.

<http://internationalbudget.org/wp-content/uploads/Looking-Beyond-the-Budget.pdf>

IBP open budget survey

EXPERT / OTHER RATING

The Open Budget Survey measures the state of budget transparency, participation, and oversight in countries around the world and is completed by independent researchers in the countries assessed. The Open Budget Index assigns countries covered by the Survey a transparency score on a 100-point scale based on whether the government provides the public with timely access to comprehensive information contained in eight key budget documents.

<http://internationalbudget.org/what-we-do/open-budget-survey/full-report/>

IMF fiscal transparency code

INTER-GOVERNMENT PRINCIPLES

The IMF Code of Good Practices on Fiscal Transparency was developed in 1998 and updated in 2007. It identifies a set of principles and practices to help governments provide a clear picture of the structure and finances of government.

The IMF is updating its code in 2013 through a process of public consultation that will be finalized in 2014.

The structure and content of the revised *Fiscal Transparency Code* differ from the 2007 version in a number of important respects. In particular:

- Greater focus on the quality of fiscal reports.
- Updated fiscal transparency principles.
- Graduated practices: basic, good and advanced
Quantitative fiscal transparency indicators

- Coverage and complementarity with Public Expenditure and Financial Accountability (PEFA) assessment framework.

In addition to providing an updated standard for fiscal disclosure, the revised *Code*, once finalized, also provides the basis for a new Fiscal Transparency Assessment (FTA). These assessments are being piloted in a number of low-income, emerging and advanced countries.

<http://www.imf.org/external/np/fad/trans/code.htm>

INTOSAI Basic Principles in Government Auditing

EXPERT / OTHER PRINCIPLES

The International Organization of Supreme Audit Institutions (INTOSAI) Basic Principles in Government Auditing provide a framework for the establishment of procedures and practices to be followed in the conduct of an audit. The purpose of the Principles is to help developing auditing standards and serve the auditors in forming their opinion and reports, particularly in cases where no specific standards apply.

http://www.issai.org/media/12943/issai_100_e.pdf

INTOSAI's Lima and Mexico Declarations on Supreme Audit Institutions independence

EXPERT / OTHER PRINCIPLES

The Lima Declaration from 1977 points out the necessary aspects of audits and audit institutions for achieving independent and objective results. The chief aim of the declaration is to call for independent government auditing. A Supreme Audit Institution which cannot live up to this demand does not come up to standard. The Mexico Declaration from 2007 sets up eight core principles on Supreme Audit Institution Independence, which flow from the Lima Declaration.

<http://www.intosai.org/issai-executive-summaries/view/article/issai-10-the-mexico-declaration-on-sai-independence-eger.html>

OECD best practice guidelines on budget transparency

INTER-GOVERNMENT DETAILED GUIDANCE

The OECD Best Practices for Budget Transparency from 2002 are designed as a reference tool for governments to use in order to increase the degree of budget transparency in their respective countries. The Best Practices are based on different OECD Member countries' experiences and are not meant to constitute a formal standard for budget transparency.

<http://www.oecd.org/gov/budgeting/best-practices-budget-transparency.htm>

OECD Guidelines on Corporate Governance of State-owned Enterprises

INTER-GOVERNMENT PRINCIPLES

Non-binding guidelines and best practices developed by the OECD Working Group on Privatisation and Corporate Governance of State-Owned Assets. The Guidelines are intended to provide general advice that will assist governments in improving the performance of State-owned enterprises. The Guidelines are also supported by more detailed guidance; [OECD: Accountability and transparency - A Guide for State Ownership](#).

<http://www.oecd.org/daf/ca/corporategovernanceofstate-ownedenterprises/34803211.pdf>

OGP Eligibility Criteria: Fiscal Transparency

MULTI-STAKEHOLDER RATING

In order to participate in the Open Government Partnership (OGP), governments must exhibit a demonstrated commitment to open government in four key areas, as measured by objective indicators and validated by independent experts.

Countries can earn a total of 16 points. In order to participate in OGP, countries must score at least 75% of the total possible points available to them.

The fiscal transparency indicator is based on the 2012 Open Budget Index, conducted by the International Budget Partnership, which covers 100 countries (countries that are not included in the Index are not assessed on this measure)

Two points are awarded for publication of each of two essential documents:

- Executive's Budget Proposal
- Audit Report

<http://www.opengovpartnership.org/eligibility>

OGP Eligibility Criteria: Fiscal Transparency

OGP ELIGIBILITY CRITERIA RATING

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government in four key areas, as measured by objective indicators and validated by independent experts. Any government that achieves a score of at least 75% of the total possible points available to them can join OGP at any time once they have demonstrated that they meet these minimum criteria.

Fiscal transparency is one of the four eligibility criteria. Two points are awarded for publication of each of two essential documents the Executive's Budget Proposal and Audit Report.

This is assessed using a sub-set indicators from the 2012 Open Budget Index, conducted by the International Budget Partnership, which covers 100 countries. As the Open Budget Index covers only 100 countries, some countries are not assessed on this criteria.

<http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>

Open Data Index

CIVIL SOCIETY RATING

The Open Data Index was developed in 2013 to provide a global reference for the state of open data release by national governments. It provides an independent peer-reviewed assessment of openness in a range of key areas, reflecting the realities of public information release and practice in over 60 countries. 80 datasets are assessed, covering ten areas including transport, government budgets and spending, election results, company registers, national maps and statistics, legislation, postcodes and pollutant emissions.

<https://index.okfn.org/>

Public Expenditure and Financial Accountability Field Guide

EXPERT / OTHER DETAILED GUIDANCE COMMUNITY OF PRACTICE

The PEFA 'Fieldguide' from 2012 is the result of the compilation of all existing and updated guidance and technical notes produced by the PEFA Secretariat. The field guide aims to support the technical work of the assessors in the field.

<http://siteresources.worldbank.org/PEFA/Resources/PEFAFieldguide.pdf>

The Power Of Making It Simple: A Government Guide To Developing Citizens Budgets

CIVIL SOCIETY DETAILED GUIDANCE

The International Budget Partnership's (IBP) report 'The Power of Making It Simple' draws on the experiences of governments that have produced Citizens Budgets, as well as on the IBP's experience of mentoring governments. It provides step-by-step guidance to governments on producing a Citizens Budget and includes suggestions on how to meet challenges that often arise in the process.

<http://internationalbudget.org/publications/the-power-of-making-it-simple-a-government-guide-to-developing-citizens-budgets/>

World Bank participatory budgeting book

INTER-GOVERNMENT GENERAL REFERENCE

Participatory Budgeting is a book published in the World Bank's Public Sector Governance and Accountability Series in 2007. It provides an overview of the principles underlying participatory budgeting and analyses the merits and demerits of participatory budgeting practices around the world with a view to guiding policy makers and practitioners on improving such practices in the interest of inclusive governance.

<http://siteresources.worldbank.org/PSGLP/Resources/ParticipatoryBudgeting.pdf>

World Bank: Financial Management Information Systems and Open Budget Data

INTER-GOVERNMENT

PRINCIPLES

GENERAL REFERENCE

A study of presenting open budget data from public Financial Management Information Systems. This study summarises around 100 cases from various government web sites in 53 countries and draws out good practices and lessons learned. The study outlines seven guiding principles to publish open budget data through FMIS platforms:

1. Availability of timely and comprehensive budget information
2. Disclosure of details about underlying information systems
3. Availability of user defined (dynamic) query and reporting capabilities
4. Publishing reliable and interlinked open budget data
5. Authentication of the sources of public finance data
6. Improving the quality of presentation
7. Promoting the effective use of open budget data

<http://www.worldbank.org/publicfinance/FMIS>

World Bank: Fiscal Transparency Tools and Resources

INTER-GOVERNMENT

GENERAL REFERENCE

The World Bank's **Open Budgets Portal** is the first effort to create a one-stop shop for budget data worldwide with the hope of bringing visibility to countries' efforts in this field, facilitating access and promoting use of spending data, and motivating other countries into action. The Tools and Resources section presents a wide range of materials and information on budget analysis and open budgets.

<http://wbi.worldbank.org/boost/about>

Citizen engagement

Assessing the Quality of Democracy: A Practical Guide

EXPERT / OTHER

DETAILED GUIDANCE

GENERAL REFERENCE

This Practical Guide presents International IDEA's State of Democracy (SoD) assessment Framework. Developed for public use around the world, the SoD Framework has been applied in some 20 countries worldwide since its first launch in 2000.

The Framework provides for comprehensive assessment led and owned by local actors. It combines a commitment to the principles of democracy with dialogue, and looks beyond the formal existence of democratic institutions and focuses on their performance.

An overview of this Practical Guide is also available (in English, Spanish and French)

<http://www.idea.int/publications/aqd/>

Center for Technology in Government – Designing Social Media Policy for Government: Eight essential elements

EXPERT / OTHER GENERAL REFERENCE

Review of government social media policies in the US. Analysis identifies eight essential elements for a social media policy:

1. employee access
2. account management
3. acceptable use,
4. employee conduct
5. content
6. security
7. legal issues
8. citizen conduct.

http://www.ctg.albany.edu/publications/guides/social_media_policy/social_media_policy.pdf

Civicus – Participatory Policy Making

CIVIL SOCIETY GENERAL REFERENCE COMMUNITY OF PRACTICE

PG Exchange is an initiative of CIVICUS: World Alliance for Citizen Participation. The website is a part of CIVICUS' work on increasing the influence of citizens and civil society organisations in governance processes. The Participatory Governance Project of CIVICUS works to enhance the capacity of targeted southern-based civil society and government actors to promote participatory and accountable governance of public institutions at local and national levels.

http://www.pgexchange.org/index.php?option=com_content&view=article&id=140&Itemid=132


Civicus Enabling Environment Index

CIVIL SOCIETY RATING

The Enabling Environment Index (EEI) developed by the global civil society network, CIVICUS, is the first rigorous attempt to measure and compare the conditions that affect the potential of citizens to participate in civil society and ranks the governance, socio-cultural and socio-economic environments for civil society in 109 countries.


The index looks at long-term factors that create the conditions for healthy citizen engagement. It is a global composite index developed using secondary data that seeks to understand the propensity of citizens to participate in civil society.

<http://civicus.org/what-we-do-126/2013-05-06-10-38-39/1886-download-the-2013-enabling-environment-index-eei-report>

 Delib: How and When to Use Social Media Channels to Strategically Support Government GoalsEXPERT / OTHER DETAILED GUIDANCE

This guide provides a basic introductory overview of a number of social media channels available to government and how they may be best used to support government and agency goals.

http://www.delib.net/delib_shared_assets/shared_documents/Delib_Social_Media_for_Government_2012.pdf

 ECNL: Improving Cooperation Between Public Institutions and Civil Society in the Western Balkans and TurkeyEXPERT / OTHER GENERAL REFERENCE


Report on the state of cooperation between civil society organisations (CSOs) and public authorities in the countries of the Western Balkans and Turkey, developed for the Technical Assistance for Civil Society in Europe (TACSO) project in 2012 and researched and written by the European Centre for Not-for-Profit Law (ECNL). The report covers the following countries: Albania, Bosnia and Herzegovina, Croatia, Kosovo*, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Turkey, and focuses on national policies and mechanisms for cooperation between the two sectors.

<http://www.gamn.org/files/Report%20-%20Keeping%20Up%20the%20Momentum.pdf>

 IBM Centre for the Business of Government: A Manager's Guide to Evaluating Citizen ParticipationEXPERT / OTHER DETAILED GUIDANCE

A practical guide for program managers who want to assess whether their efforts to increase citizen participation in their programs are making a difference. Lays out evaluation steps for both the implementation and management of citizen participation initiatives, as well as how to assess the impact of a particular citizen participation initiative.

<http://www.businessofgovernment.org/report/manager%E2%80%99s-guide-evaluating-citizen-participation>

 IBM Centre for The Business of Government: Using Online Tools to Engage – and be Engaged by – The PublicEXPERT / OTHER DETAILED GUIDANCE

This report describes common scenarios where public managers may find themselves needing, or using, public input. It describes a mix of ten different tactics managers may find useful for engaging the public online and highlights over 40 different technologies in use today to support those kinds of engagements.

<http://www.businessofgovernment.org/report/using-online-tools-engage-public>

 ICNL: Guidelines on the Preparation of CompactsEXPERT / OTHER DETAILED GUIDANCE

Featured in The International Journal of Not-for-Profit Law, Volume 3, Issue 4, March 2001. Provides guidance on

organizational aspects and content of the agreement

http://www.icnl.org/research/journal/vol3iss4/special_5.htm

International Principles Protecting Civil Society

CIVIL SOCIETY PRINCIPLES DETAILED GUIDANCE COMMUNITY OF PRACTICE

The International Principles Protecting Civil Society articulates international principles protecting civil society and underscoring proper government-civil society relations, embedded in international law:

1. The Right to Entry (Freedom of Association)
2. The Right to Operate Free from Unwarranted State Interference
3. The Right to Free Expression
4. The Right to Communication and Cooperation
5. Right to Freedom of Peaceful Assembly
6. The Right to Seek and Secure Resources
7. State Duty to Protect

The Principles were jointly developed by the International Center for Not-for-Profit Law (ICNL) and World Movement for Democracy Secretariat at the National Endowment for Democracy, as part of the "Defending Civil Society" project. The project seeks to develop strategies and build solidarity among activists and groups pushing back against restrictive laws and regulations. The principles are backed up with detailed guidance and a toolkit.

Available in English, Spanish, French, Russian and Arabic

<http://www.defendingcivilsociety.org>

Involve: People and Participation – How to put citizens at the heart of decision-making

EXPERT / OTHER DETAILED GUIDANCE GENERAL REFERENCE

This publication provides practical detail, drawing on the experiences of over a hundred practitioners who have used new methods to involve the public in issues ranging from local planning to nanotechnology. Its starting point is that deepening and strengthening democracy depends on success in learning lessons about why some kinds of participation lead to better and more legitimate decisions, while others do not.

The guidance offers some basic parameters for describing participatory methods, and applies them to some well-known methods. The aim is both to provide useful descriptions of the methods, and to enable others to use the frameworks to collect their own evidence about 'what works' for them in different circumstances.

<http://www.involve.org.uk/wp-content/uploads/2011/03/People-and-Participation.pdf>

IPU: Social Media Guidelines for Parliaments

INTER-GOVERNMENT DETAILED GUIDANCE

Developed by the Inter Parliamentary Union, the Guidelines draw on lessons learned by parliaments so far and on good practice in the social media sphere. The objective is to encourage more widespread, more efficient and more effective use of social media by parliaments. The Guidelines cover governance and oversight, compliance and legal issues and planning and strategies for engagement.

<http://www.ipu.org/PDF/publications/SMG2013EN.pdf>

NCDD: Legal Frameworks for Citizen Participation

EXPERT / OTHER GENERAL REFERENCE

Conducted in 2003 this was a comprehensive, comparative survey of legal and policy frameworks for citizen participation in local governance in four regions (East Africa, Latin America, South Asia, South-East Asia). It aimed to synthesize existing knowledge about how these frameworks work in practice and to draw lessons about the effectiveness of particular kinds of legal and policy framework for promoting citizen participation.

<http://ncdd.org/rc/wp-content/uploads/2010/09/LogoLink-LegalFrameworks2003.pdf>

NCDD: Resource Guide on Public Engagement

EXPERT / OTHER GENERAL REFERENCE

The US National Coalition for Dialogue & Deliberation (NCDD) is an active network and community of practice centered around conflict resolution and public engagement practices. In 2010 NCDD compiled this Guidebook on Public Engagement to showcase some of the best resources developed collaboratively by the NCDD community and others.

http://www.ncdd.org/files/NCDD2010_Resource_Guide.pdf

OECD: Focus on Citizens – Public Engagement for Better Policy and services

INTER-GOVERNMENT PRINCIPLES GENERAL REFERENCE

This book published in 2009 is based on a survey of governments in 25 countries, 14 in-depth country case studies and 18 opinion pieces from leading civil society and government practitioners. It looks at how OECD governments putting the principles of open and inclusive policy making into practice and how they can they ensure broader, more inclusive, participation. It includes includes 10 guiding principles to support open and inclusive policy making and service delivery in practice.

The OECD report presents ten Guiding Principles that were designed to help governments strengthen open and inclusive policy making as a means to improving their policy performance and service delivery:

1. Commitment
2. Rights

3. Clarity
4. Time
5. Inclusion
6. Resources
7. Co-ordination
8. Accountability
9. Evaluation
10. Active citizenship

<http://www.oecd.org/governance/regulatory-policy/focusoncitizenspublicengagementforbetterpolicyandservices.htm>

OGP Eligibility Criteria: Citizen Engagement

OGP ELIGIBILITY CRITERIA RATING

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government in four key areas, as measured by objective indicators and validated by independent experts. Any government that achieves a score of at least 75% of the total possible points available to them can join OGP at any time once they have demonstrated that they meet these minimum criteria.

Openness to citizen participation, including basic protections for civil liberties is one of the four criteria for eligibility. This is measured using the 2012 EIU Democracy Index's Civil Liberties sub-indicator where 10 is the highest and 0 is the lowest score, 4 points for countries scoring above 7.5, 3 points for countries scoring above 5, 2 points for countries scoring above 2.5, and 0 points otherwise. The 2012 Economist Intelligence Unit Democracy Index covers 167 countries.

<http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>

Participation compass

EXPERT / OTHER DETAILED GUIDANCE GENERAL REFERENCE COMMUNITY OF PRACTICE

Participationcompass.org helps people in the public, private and not-for-profit sectors who need to involve a wider group of people in their work. The site and app provides information, advice, case studies and opportunities to share experiences with others. The site is mainly aimed at people who are directly involved in planning, running or commissioning participation activities. The Participation Compass contains information on methods of participation, case studies of participation in action, written resources and guides about participation, organisations that provide expertise around participation and news about participation.

<http://participationcompass.org/>

Participedia

EXPERT / OTHER GENERAL REFERENCE COMMUNITY OF PRACTICE

Participedia is an open global knowledge community for researchers and practitioners in the field of democratic innovation and public engagement. It provides a searchable database of cases, methods, and organizations,

<http://participedia.net>

Public Deliberation: A manager's guide to citizen engagement

EXPERT / OTHER GENERAL REFERENCE

Developed by the IBM Center for Business and Government in 2006, this report documents a spectrum of tools largely developed in the non-profit world to increase citizens' involvement with their governments. It highlights for example, the use of online surveys and peer-to-peer communication tools such as blogs and wikis.

It also highlights ways in which public managers can develop an active approach to increasing citizens' involvement in government at all levels.

<http://www.businessofgovernment.org/report/public-deliberation-managers-guide-citizen-engagement>

UN Human Rights Council Resolution on Protecting Human Rights Defenders

INTER-GOVERNMENT PRINCIPLES

The UN Human Rights Council Resolution on Protecting Human Rights Defenders (A/HRC/22/L.13) was adopted in March 2013. It calls on all states to support the work of human rights defenders (HRDs) and to protect them from harassment, threats and attacks.

The resolution:

- Strongly calls upon States to end impunity for acts of intimidation or reprisals against HRDs, and to avoid criminalisation and other impediments to their work
- Recognises the importance of new forms of communication, online and offline, for the work of HRDs in promoting and striving for the protection of human rights
- Calls upon States to not impose discriminatory restrictions on potential sources of funding aimed at supporting the work of HRDs
- Recognises access to information as a human right, and calls upon public authorities to proactively disclose information on human rights abuses

The resolution supports the obligation upon States to:

- Create a safe and enabling environment in which HRDs can operate free from hindrance and insecurity, including the duty to end impunity;
- Ensure laws do not prevent public officials from being held accountable and that penalties for defamation are proportionate;
- Ensure laws to protect national security are not misused to target HRDs and that counter-terrorism measures comply with international human rights standards;
- Ensure HRDs can perform their important role in the context of peaceful protests;
- Ensure that reporting requirements for civil society do not inhibit functional autonomy, and that no law criminalises or places discriminatory restrictions on funding sources;
- Ensure access to information as a human right, and requires public authorities to proactively disclose

information, including on grave violations of human rights;

- Protect the expression of dissenting views;
- Protect the right of all people to access and use the Internet.

http://ap.ohchr.org/documents/alldocs.aspx?doc_id=21380

UNICEF: Child and youth participation resource guide

INTER-GOVERNMENT DETAILED GUIDANCE

This guide presents resources on child and youth participation from Asia, Europe, North America, Latin America, Africa, Australia and the Pacific. The main audiences for this resource guide are practitioners and managers involved in promoting child and youth participation in government, community-based organizations, child-led organizations, NGOs and UN and donor agencies.

http://www.unicef.org/adolescence/cypguide/index_intro.html

Youth participation in development guide

EXPERT / OTHER DETAILED GUIDANCE GENERAL REFERENCE

Developed by the DFID / CSO Youth Working Group, this guide has been developed to assist donor agencies (multilateral and bilateral) and policy advisors in a range of organisations working with and for youth, as well as for government and civil society partners. This guide aims to increase understanding of the growing importance of, and greater potential for, youth participation in development practice and to explore key issues and approaches.

<http://ygproject.org/>

Construction

Civicus – Monitoring and Evaluating Public Services

CIVIL SOCIETY DETAILED GUIDANCE COMMUNITY OF PRACTICE

PG Exchange is an initiative of CIVICUS: World Alliance for Citizen Participation. The website is a part of CIVICUS' work on increasing the influence of citizens and civil society organisations in governance processes. The Participatory Governance Project of CIVICUS works to enhance the capacity of targeted southern-based civil society and government actors to promote participatory and accountable governance of public institutions at local and national levels.

The section on monitoring and evaluation public services includes details of stakeholder surveys, citizen report cards, community score cards, community monitoring and evaluation and social audits.

http://www.pgexchange.org/index.php?option=com_content&view=category&id=59&Itemid=135

CoST Guidance Notes

MULTI-STAKEHOLDER

DETAILED GUIDANCE

This Guidance Note is aimed at those who are interested in the possibility of their country joining the Construction Sector Transparency Initiative (CoST). It explains the benefits of CoST and the purpose of the national and international programmes. It also describes how interested parties can learn more about CoST before making a commitment and how they can make a formal application to join.

http://www.constructiontransparency.org/_db/_documents/CoST_Guidance_Note_2_Joining_CoST.pdf

CoST Pilot Results

MULTI-STAKEHOLDER

GENERAL REFERENCE

The results from the pilot phase of the Construction Sector Transparency Initiative (CoST) have been disseminated on its website. These resources provide lessons for applying the CoST approach in different contexts. Two international comparison reports have been produced by CoST's International Secretariat and are among these resources. The first report examines the process of information disclosure from 84 construction projects in the eight pilot countries and the analysis of the assurance team findings. The second report examines the baseline studies from each pilot country and reports on the common themes and differences.

http://www.constructiontransparency.org/resources/pilot_results.cfm

CoST project information standard

MULTI-STAKEHOLDER

DATA STANDARD

The Construction Sector Transparency Initiative (CoST) has put together a list of project information for proactive and reactive disclosure.

http://www.constructiontransparency.org/_db/_documents/List_of_CoST_Project_Information.pdf

CoST resources- one-stop-shop

MULTI-STAKEHOLDER

GENERAL REFERENCE

The Construction Sector Transparency Initiative (CoST) has set up a one-stop shop for information and resources useful to those interested in learning about CoST, its design, content, implementation and results. These resources are of relevance to donors, government, private sector and civil society stakeholders; as well as researchers, the media and those interested in bringing CoST to their own country.

<http://www.constructiontransparency.org/resources.cfm>

Consumer Protection

CGAP: Implementing Consumer Protection in Emerging Markets and Developing Economies: A Technical Guide for Bank Supervisors

INTER-GOVERNMENT DETAILED GUIDANCE

This technical guide for bank supervisors was published by the Consultative Group to Assist the Poor (CGAP)/World Bank in 2013. It highlights key areas of opportunity for bank supervisors to improve consumer protection in emerging markets and developing economies. The Guide is divided into two major sections, the first providing guidance points in eight areas of interest for supervisory staff and agencies, and the second suggesting a prioritization framework for supervisors, particularly those in low-income countries with resource and capacity constraints.

<http://www.cgap.org/sites/default/files/Technical-Guide-Implementing-Consumer-Protection-August-2013.pdf>

Consumers International: Charter of Consumer Rights

MULTI-STAKEHOLDER PRINCIPLES

Consumer International's Charter of Consumer Rights from 1997 sets out best business practice in areas of interest to consumers such as ethical standards, competition, product standards, marketing, labelling, disclosure of information and consumer redress. It is based on the eight consumer rights: the right to basic needs, safety, information, choice, a fair hearing, redress, consumer education and a healthy environment. The Charter also provides a focus for consumer education campaigns, and highlights how different corporate activities can affect consumer rights. The accompanying Charter Assessment Form helps assess companies' progress in attaining the standards set by the Charter.

<http://www.consumersinternational.org/media/321878/a%20consumer%20charter%20for%20global%20business.pdf>

ISO: Code of Good Practice for Standardization (ISO/IEC: Guide 59:1994)

CIVIL SOCIETY DETAILED GUIDANCE

The Code of Good Practice for Standardization from 1994 provides a guide to the development of standards, advancement of international trade, participation in the standards development process, coordination and information.

http://www.iso.org/iso/catalogue_detail.htm?csnumber=23390

ISO: The Consumer and Standards: Guidance and principles for consumer participation in standards development

EXPERT / OTHER DETAILED GUIDANCE

This report, published in 2003 by the International Organization for Standardization (ISO), gives guidance to those who represent consumer interests in the technical committees of the ISO and the International Electrotechnical

Commission (IEC). After specifying how International Standards affect consumers and presenting several key definitions, the publication explains in some detail both the principles and procedures of consumer participation in standardization work and concludes with guidance on consumer expectations from certification.

<http://www.iso.org/iso/standardsandconsumer.pdf>

OECD: Consumer Policy Toolkit

INTER-GOVERNMENT DETAILED GUIDANCE

The purpose of the OECD Consumer Policy Toolkit, published in 2010, is to assist consumer policy makers in developing new consumer policy and in applying existing policy instruments effectively. The focus of the different chapters of the Toolkit include the benefits and risks to consumers of technological advances; the economics of consumer policy; techniques available to detect consumer problems; and policy tools to address problems, including information disclosure. The last chapter provides a guide to the development of consumer policy.

http://www.keepeek.com/Digital-Asset-Management/oecd/governance/consumer-policy-toolkit_9789264079663-en#page1

OECD: Guidelines for Consumer Protection in the Context of Electronic Commerce

INTER-GOVERNMENT DETAILED GUIDANCE

The OECD Guidelines for Consumer Protection in the Context of Electronic Commerce, agreed in 1999, are designed to help ensure that consumers are no less protected when shopping on line than they are when they buy from their local store or order from a catalogue. The Guidelines set out the core characteristics of effective consumer protection for online business-to-consumer transactions. In terms of Open Government, the Guidelines deal with transparency and disclosure of information pertaining to the online business, its goods and services, and its transactions.

<http://www.oecd.org/fr/sti/consommateurs/oecdguidelinesforconsumerprotectioninthecontextofelectroniccommerce1999.htm>

United Nations: Guidelines for Consumer Protection

INTER-GOVERNMENT PRINCIPLES DETAILED GUIDANCE

The United Nations Guidelines for Consumer Protection from 2001 were developed to assist countries in developing and maintaining good standards for consumer protection. The Guidelines focus particularly on the areas of physical safety, promotion and protection of consumers' economic interests, safety and quality standards of goods and services, distribution facilities, redress measures, consumer education, sustainable consumption, and special measures related to food, water and pharmaceuticals. The Guidelines also touch upon the development of independent consumer groups and international cooperation in the field of consumer protection.

<http://unctad.org/en/docs/poditccclpm21.en.pdf>

Elections

ACE Electoral Knowledge Network

MULTI-STAKEHOLDER GENERAL REFERENCE

ACE was established in 1998 (and changed name to ACE Electoral Knowledge Network in 2006). It is a collaborative effort between nine organisations and offers a wide range of services related to electoral knowledge, assistance and capacity development. Among other things, the ACE website is an online knowledge repository providing comprehensive information and customised advice on electoral processes.

<http://www.aceproject.org>

African Union's Convention on Preventing and Combating Corruption

INTER-GOVERNMENT PRINCIPLES

The African Union's Convention on Preventing and Combating Corruption was adopted in 2003 to fight corruption on the African continent. Of particular relevance to safeguarding confidence in the election process are articles 7 (fight against corruption and related offences in the public service); 9 (access to information); 10 (funding of political parties); and 12 (civil society and media).

http://www.africa-union.org/Official_documents/Treaties_%20Conventions_%20Protocols/Convention%20on%20Combating%20Corruption.pdf

American Convention on Human Rights

INTER-GOVERNMENT PRINCIPLES

The American Convention on Human Rights was adopted in 1969. Article 23 of the Convention – Right to Participate in Government – includes the right to take part in the conduct of public affairs, and the right to vote and to be elected in genuine periodic and universal elections.

<http://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm>

Article 19 of the International Covenant on Civil and Political Rights

INTER-GOVERNMENT PRINCIPLES

Article 19 of the International Covenant on Civil and Political Rights, adopted in 1966, contains provisions on the right to holding opinions and freedom of expression.

<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

Code of Conduct for the Ethical and Professional Administration of Elections

INTER-GOVERNMENT DETAILED GUIDANCE

This Code of Conduct was published by the International Institute for Democracy and Electoral Assistance (IDEA) in 1997. It aims to assist election administrators by providing general guidelines for their work. The report has two parts: part one contains a summary of the purpose, functions, objectives and fundamental ethical principles of election administration; and part two contains detailed guidelines.

http://www.idea.int/publications/conduct_admin/

Council of Europe Recommendation on Legal, Operational and Technical Standards for E-voting (2004)

INTER-GOVERNMENT PRINCIPLES

The Council of Europe made a series of recommendations on e-voting in 2004. The recommendations stress, among other things, that e-voting must be made as reliable and secure as democratic elections and referendums which do not involve the use of electronic means, and that member states should consider reviewing their relevant domestic legislation concerning e-voting.

<https://wcd.coe.int/ViewDoc.jsp?id=778189>

Council of Europe's Code of Good Practice in Electoral Matters

INTER-GOVERNMENT PRINCIPLES GENERAL REFERENCE

Noting the absence of a formal code of practice in Europe in electoral matters, this Code of Good Practice in Electoral Matters from 2001 calls on the European Commission for Democracy through Law (Venice Commission) to devise a code of practice in electoral matters.

<http://assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileID=9544&Language=en>

Council of Europe's e-voting project

INTER-GOVERNMENT COMMUNITY OF PRACTICE

The Council of Europe's e-voting project was initiated to help member states use e-voting as a response to falling participation rates in elections and referenda; especially to deal with the potential risks to security and secrecy posed by e-voting. The main focus of the project is to follow up on the Council's [recommendation made in 2004](#) on e-voting.

<http://www.coe.int/t/dgap/democracy/activities/ggis/E-voting/>

Deepening Democracy: A Strategy for Improving the Integrity of Elections Worldwide

INTER-GOVERNMENT GENERAL REFERENCE

This report, published by the Global Commission on Elections, Democracy & Security in 2012, makes the case for enhancing integrity in elections and provides recommendations for different actors and stakeholders at the national and international level; and a recommendation to enhance national action through citizen empowerment and transnational partnerships.

<http://www.global-commission.org/report>

Document of the 1990 Copenhagen Meeting of the Conference [now the Organisation] for Security and Cooperation in Europe

INTER-GOVERNMENT PRINCIPLES

In this OSCE document from 1990, participating countries declared that among other human rights is the right to free elections held at reasonable intervals by secret ballot. In addition, the document contains a provision on electoral observers, stating that the presence of observers, both foreign and domestic, can enhance the electoral process for states in which elections are taking place.

<http://www.osce.org/odihr/elections/14304>

Electoral Justice: The International IDEA Handbook

INTER-GOVERNMENT DETAILED GUIDANCE

This Handbook on electoral justice was published by the International Institute for Democracy and Electoral Assistance (IDEA) in 2010. It examines the concept of electoral justice and how to prevent electoral disputes. Using examples from countries such as Afghanistan, Argentina, Bhutan, Bosnia and Herzegovina, Brazil, Burkina Faso, France, Indonesia, Japan, Mexico, the United Kingdom and the United States, it aims to assist countries with the design and implementation of an electoral justice system that best suits their situation.

http://www.idea.int/publications/electoral_justice/

Electoral Management Design: The International IDEA Handbook

INTER-GOVERNMENT DETAILED GUIDANCE

This Handbook on electoral management design was published by the International Institute for Democracy and Electoral Assistance (IDEA) in 2006. It is written for electoral administrators, electoral administration designers and other practitioners involved in building electoral administrations which can deliver legitimate and credible free and fair elections. It is a comparative study that shares best practices and know-how from around the world on financing, structuring and evaluation of Electoral Management Bodies.

<http://www.idea.int/publications/emd/>

Electoral System Design: The New International IDEA Handbook

INTER-GOVERNMENT DETAILED GUIDANCE

This Handbook from 2005, published by the International Institute for Democracy and Electoral Assistance (IDEA), builds on and updates the IDEA Handbook of Electoral System Design from 1997. The Handbook is created for policy-makers, politicians and election administrators, and gives practical information explaining why certain countries choose different systems, and how other countries have modified inherited systems. It describes which electoral systems have proven advantageous for specific cultural, social and economic conditions, and how electoral systems can increase participation, reach-out to minorities and help instil faith in a sceptical electorate.

<http://www.idea.int/publications/esd/index.cfm>

European Union's Compendium of International Standards for Elections

INTER-GOVERNMENT DETAILED GUIDANCE

The Compendium of International Standards for Elections was published by the European Commission in 2007 with the purpose to assist EU Election Observation Missions and other interested stakeholders in assessing the conduct of elections in line with international standards and ensure coherence among EU Election Observation Missions. The Compendium contains a practical guide to facilitate such assessment.

http://eeas.europa.eu/eueom/pdf/compendium-of-int-standards-for-elections_en.pdf

Existing Commitments for Democratic Elections in OSCE Participating States

INTER-GOVERNMENT PRINCIPLES GENERAL REFERENCE

This report was published by the Organization for Security and Co-operation in Europe (OSCE) in 2003. It is a progress report on a project initiated by the OSCE's Office for Democratic Institutions and Human Rights to establish an inventory of existing election-related norms, commitments, principles, and 'good practices'. The report contains the existing universal norms related to elections found in UN documents etc., including explanatory comments.

<http://www.osce.org/odihr/elections/13957>

Inter-American Democratic Charter

INTER-GOVERNMENT PRINCIPLES

An Inter-American Democratic Charter was adopted in 2001. It includes statements about democracy and its relation to human rights, development and poverty alleviation. It also includes provisions about the strengthening and preservation of democratic institutions, and the promotion of a democratic culture. Articles 23-25 concern electoral processes and include provisions on using electoral observation missions. It states, for example, that electoral observation missions from the Organisation of American States can be requested by member states.

http://www.oas.org/charter/docs/resolution1_en_p4.htm

Inter-Parliamentary Union's Tools for Parliamentary Oversight

INTER-GOVERNMENT DETAILED GUIDANCE

This report on parliamentary oversight was published by the Inter-Parliamentary Union in 2007. Based on data from 88 parliaments worldwide, it offers concrete examples of the tools used by different parliaments to oversee their governments. The report aims to provide practical guidance to people in the legislative branch and to those working to strengthen parliaments in order to improve parliament's oversight capacity.

<http://www.ipu.org/PDF/publications/oversight08-e.pdf>

Managing Conflict of Interests: Frameworks, Tools, and Instruments for Preventing, Detecting, and Managing Conflict of Interest

INTER-GOVERNMENT

DETAILED GUIDANCE

This report is part of the Asia Development Bank (ADB)/OECD Anti-Corruption Initiative for Asia and the Pacific, which was launched in 1999. The report focuses on conflict of interest in the Asia/Pacific region. It is based on a regional seminar on conflict of interest which was held in Jakarta in 2007 and which brought together more than 150 experts from 23 of the Initiative's member countries and jurisdictions.

<http://www.oecd.org/site/adboecdanti-corruptioninitiative/40838870.pdf>

Open Contracting: A New Frontier for Transparency and Accountability

EXPERT / OTHER

GENERAL REFERENCE

This report produced by the World Bank Institute, on behalf of the Open Contracting Partnership provides an overview of emerging practices and methodologies of disclosure and participation in public contracting . It outlines the practical actions that are already being taken by governments, civil society, private sector, and donors to support open contracting with reference to concrete examples from around the world as well as the rationales behind them.

<http://pro-act.org/profiles/blogs/research-highlights-open-contracting-practices-from-around-the-wo>

Open Data Index

CIVIL SOCIETY

RATING

The Open Data Index was developed in 2013 to provide a global reference for the state of open data release by national governments. It provides an independent peer-reviewed assessment of openness in a range of key areas, reflecting the realities of public information release and practice in over 60 countries. 80 datasets are assessed, covering ten areas including transport, government budgets and spending, election results, company registers, national maps and statistics, legislation, postcodes and pollutant emissions.

<https://index.okfn.org/>

Promoting Legal Frameworks for Democratic Elections- An NDI Guide for Developing Election Laws and Law Commentaries

CIVIL SOCIETY

DETAILED GUIDANCE

This report on election laws was published in 2008 by the National Democratic Institute for International Affairs (NDI). It provides a variety of tools and is designed to assist political parties, candidate support groups, civil society organisations and legal activists in assessing electoral related laws and developing commentaries, recommendations and advocacy for advancing legal frameworks for democratic elections. The Guide reflects nearly 25 years of NDI experience in more than 90 countries around the globe in their efforts to ensure electoral integrity, popular participation and democratic governance.

<http://www.ndi.org/node/14905>

The African Charter on Elections, Democracy and Governance

INTER-GOVERNMENT PRINCIPLES

An African Charter on Elections, Democracy and Governance was adopted by the African Union in 2007. The objectives of the Charter include promoting adherence to the principles of democracy, respect for human rights and the rule of law, and promoting the holding of regular free and fair elections and condemning unconstitutional change of government.

<http://www.africa-union.org/root/au/Documents/Treaties/text/Charter%20on%20Democracy.pdf>

The Carter Center's Database of Obligations for Democratic Elections

EXPERT / OTHER GENERAL REFERENCE

The Carter Center's Database of Obligations for Democratic Elections provides a catalogue of source quotes from treaties and other legal instruments; judicial decisions; decisions/recommendations from treaty supervisory committees; and handbooks and manuals. Its purpose is to assist election assistance providers, election observers and others in their efforts to utilise human rights obligations for assessing the quality of electoral processes. The material is arranged into an electronic database, searchable by a number of criteria.

<http://www.cartercenter.org/des-search/des/Introduction.aspx>

The Inter-American Convention against Corruption

INTER-GOVERNMENT PRINCIPLES

The Inter-American Convention against Corruption, adopted in 1996, was the first international convention to address the question of corruption. Of particular relevance to safeguarding confidence in the election process are articles 5-7 and 11, which make provisions for establishing, in domestic law, various forms of corruption as criminal offences.

<http://www.oas.org/juridico/english/Treaties/b-58.html>

The Parliamentary Assembly of the Council of Europe's Draft Resolution on the protection of 'whistle-blowers'

INTER-GOVERNMENT PRINCIPLES

In this Draft Resolution on whistleblowing from 2009, the Committee on Legal Affairs and Human Rights stresses the importance of whistleblowing as an opportunity to strengthen accountability and fight corruption and mismanagement, both in the public and private sectors, and invites member states to review their legislation concerning the protection of whistleblowers.

http://fairwhistleblower.ca/files/fair/docs/ti/Council_of_Europe_Draft_WB_Resolution.pdf

United Nations Convention against Corruption

INTER-GOVERNMENT PRINCIPLES

The United Nations Convention against Corruption (UNCAC), adopted in 2003, contains a range of measures for State Parties to the Convention to take in order to prevent and combat corruption. Of particular relevance to safeguarding confidence in the election process are articles 8 (codes of conduct for public officials); 9 (public procurement and management of public finances); 10 (public reporting); 12 (private sector); 13 (participation of society); and 33 (protection of reporting persons).

http://www.unodc.org/pdf/crime/convention_corruption/signing/Convention-e.pdf

United Nations Human Rights Committee General Comment No. 25

INTER-GOVERNMENT PRINCIPLES GENERAL REFERENCE

This document, from 1996, provides comments by the UN Human Rights Committee on Article 25: The right to participate in public affairs, voting rights and the right of equal access to public service of the International Covenant on Civil and Political Rights – adopted by the United Nations General Assembly in 1966.

<http://www.unhchr.ch/tbs/doc.nsf/0/d0b7f023e8d6d9898025651e004bc0eb>

United Nations Human Rights Committee General Comment No. 34

INTER-GOVERNMENT PRINCIPLES GENERAL REFERENCE

This document, from 2011, provides comments by the UN Human Rights Committee on Article 19: Freedoms of opinion and expression of the International Covenant on Civil and Political Rights – adopted by the United Nations General Assembly in 1966.

<http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>

Environment

IAIA: Public Participation Best Practice Principles

MULTI-STAKEHOLDER PRINCIPLES

These best practice principles, developed by the International Association for Impact Assessment (IAIA) in 2006, aim to promote a meaningful practice of public participation amongst impact assessment practitioners. The broad, generic and non-prescriptive principles are primarily designed for reference and use by those involved in public participation in impact assessment and are intended to be applicable at all levels and types of planned interventions.

The principles touch upon the issue of public hearings, stating that “People who are affected by the proposal and are interested in participating, whatever their ethnic origin, gender and income, should have access to all relevant

information. Laypersons should be able to participate in relevant workshops, meetings and hearing related to the impact assessment process. Information and facilitation for such participation should be provided.”

<http://www.iaia.org/publicdocuments/special-publications/SP4%20web.pdf>

IMF Guide on Resource Revenue Transparency

INTER-GOVERNMENT

DETAILED GUIDANCE

The International Monetary Fund’s Guide on Resource Revenue Transparency from 2005 (updated in 2007) provides detailed transparency guidelines accompanied by explanatory text and examples of good practice in producing countries. The Guide aims to help steer resource-rich countries through the special issues arising from the technical complexity and volatility of resource revenue flows and from the sheer magnitude of such transactions. The Guide makes available to providers of technical support and civil society a set of authoritative references of good and best practices of resource revenue transparency.

<http://www.imf.org/external/np/pp/2007/eng/101907g.pdf>

Jakarta Declaration for Strengthening the Right to Environmental Information for People and the Environment

MULTI-STAKEHOLDER

PRINCIPLES

DETAILED GUIDANCE

The Jakarta Declaration was developed at a regional meeting in April/May 2013 attended by representatives of governments, international organisations, civil society organisations, and academia from China, Indonesia, Japan, Mongolia, Philippines, and Thailand. The Declaration urges governments to improve access to information on air and water quality pollution in Asia—and offers a detailed road map on how to do so. The Declaration also outlines ways that Asian nations can improve transparency, and public participation with regard to the environment.

<http://insights.wri.org/news/2013/05/new-jakarta-declaration-aims-strengthen-rights-environmental-information-asia>

Open Data Index

CIVIL SOCIETY

RATING

The Open Data Index was developed in 2013 to provide a global reference for the state of open data release by national governments. It provides an independent peer-reviewed assessment of openness in a range of key areas, reflecting the realities of public information release and practice in over 60 countries. 80 datasets are assessed, covering ten areas including transport, government budgets and spending, election results, company registers, national maps and statistics, legislation, postcodes and pollutant emissions.

<https://index.okfn.org/>

UN Environment Programme: Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters

INTER-GOVERNMENT

PRINCIPLES

These Guidelines, also called the Bali Guidelines, from 2010 were developed in order to accelerate implementation of

Principle 10 of the [Rio Declaration](#) of 1992 which state “Environmental issues are best handled with the participation of all concerned citizens...”

The Guidelines though voluntary, demonstrate a willingness by Governments to more thoroughly engage the public at all levels to protect and manage the environment and related resources. They also underline recognition of the need to fill gaps in legal norms and practices so as to encourage broad access to information, public participation and access to justice in environmental matters within the framework of national legislation and processes.

http://www.unep.org/civil-society/Portals/24105/documents/Guidelines/GUIDELINES_TO_ACCESS_TO_ENV_INFO_2.pdf

UN Environment Programme: Johannesburg Principles on the Role of Law and Sustainable Development

INTER-GOVERNMENT PRINCIPLES

The Johannesburg Principles on the Role of Law and Sustainable Development were adopted in Johannesburg, South Africa, in 2002. The Principles focus on tackling environmental challenges through improving countries' legal systems. Signatories to the Principles resolve to improve the level of public participation in environmental decision-making, access to justice for the settlement of environmental disputes and the defence and enforcement of environmental rights, and public access to relevant information. They also resolve to improve the capacity of those involved in the process of promoting, implementing, developing and enforcing environmental law, such as judges, prosecutors, and legislators.

<http://www.unep.org/Documents.Multilingual/Default.asp?ArticleID=3115&DocumentID=259>

UN/ECE: Aarhus Convention

INTER-GOVERNMENT PRINCIPLES

The United Nations Economic Commission for Europe's (UN/ECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, also known as the Aarhus Convention, was signed Aarhus, Denmark, in June 1998. It has been ratified by 45 states and the European Union. The Convention grants the public rights regarding access to information, public participation and access to justice, in governmental decision-making processes on matters concerning the local, national and transboundary environment. It focuses on interactions between the public and public authorities.

<http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>

UN/ECE: Aarhus Convention: An Implementation Guide

INTER-GOVERNMENT DETAILED GUIDANCE

This is an implementation guide to the United Nations Economic Commission for Europe's (UN/ECE) [Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters](#) from 1998, also known as the Aarhus Convention. The guide provides both a general overview and a detailed article-by-article analysis of the Aarhus Convention. It is aimed at policy makers and politicians responsible for translating the Aarhus Convention into national legislation, as well as at public authorities faced with carrying out the Convention's obligations.

<http://www.unece.org/fileadmin/DAM/env/pp/acig.pdf>

UN: Convention on the Elimination of All Forms of Discrimination against Women

INTER-GOVERNMENT PRINCIPLES

Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women from 1979 obliges state parties to the Convention to take all appropriate measures to eliminate discrimination against women in the political and public life of the country.

<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

UN: Declaration on the Right to Development

INTER-GOVERNMENT PRINCIPLES

Article 8.2 of the Declaration on the Right to Development from 1986 recognises the importance of public participation, stating that “states should encourage popular participation in all spheres as an important factor in development and in the full realisation of all human rights.”

<http://www.un.org/documents/ga/res/41/a41r128.htm>

UN: Declaration on the Rights of Indigenous Peoples

INTER-GOVERNMENT PRINCIPLES

The Declaration on the Rights of Indigenous Peoples was adopted by the UN General Assembly in 2007. It states that indigenous peoples have the right to participate fully in the political, economic, social and cultural life of the State (Article 5); that indigenous peoples have the right to participate in decision-making in matters which would affect their rights (Article 18); that States shall consult and cooperate in good faith with the indigenous peoples concerned before adopting and implementing legislative or administrative measures that may affect them (Article 19); and that ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established (Article 41).

http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

UN: International Covenant on Civil and Political Rights

INTER-GOVERNMENT PRINCIPLES

Article 25 of the International Covenant on Civil and Political Rights from 1966 grants every citizen the right to take part in the conduct of public affairs, directly or through freely chosen representatives.

<http://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf>

UN: Millennium Declaration

INTER-GOVERNMENT PRINCIPLES

Paragraph 25 of the UN Millennium Declaration includes a provision to work collectively for more inclusive political

processes, and allowing genuine participation by all citizens.

<http://www.un.org/millennium/declaration/ares552e.htm>

UNITR: PRTR: Learn

INTER-GOVERNMENT COMMUNITY OF PRACTICE

PRTR:Learn is an interactive site of the United Nations Institute of Training and Research (UNITR) on Pollutant Release and Transfer Registers (PRTR). Its main objective is to share insights, information, knowledge and resources on PRTRs. The platform provides the space for countries implementing and designing PRTRs to share their experiences on reporting pollutants in their territories, enhancing the exchange of lessons learned and facilitating the provision of knowledge to countries that will develop PRTRs in the future. It also provides a space for public to obtain information on the latest news on PRTRs and to increase its participation on environmental issues.

<http://prtr.unitar.org/en>

World Resources Institute: Administrative Procedure Principles

EXPERT / OTHER PRINCIPLES

The World Resources Institute, through its Public Administrative Fairness project, has identified a set of broadly applicable general principles for ensuring procedural justice in environmental decision making. The project aims at creating an annotated set of principles that illustrate their application using good practice examples.

<http://www.wri.org/events/administrative-fairness-environmental-decision-making-stakeholder-workshop>

WRI: A Seat at the Table

EXPERT / OTHER GENERAL REFERENCE

This report from 2010 by the World Resources Institute examines access rights and practices through four case studies: Cameroon, Paraguay, Philippines, and Sri Lanka. The case studies cover a range of environmental concerns including water quality, land use, data availability, and the use or absence of environmental impact assessments. They present examples where civil society organisations, community groups and governments have taken steps to overcome various barriers to access, including low literacy rates, high costs, exposure to risk from participation, lack of documentation of legal identity or right to a resource that is necessary to influence decisions, and adverse cultural norms. The report proposes a set of policy responses to overcome these barriers.

http://pdf.wri.org/a_seat_at_the_table.pdf

Extractive industry

Extractive Industries Transparency Initiative Standard

MULTI-STAKEHOLDER PRINCIPLES DETAILED GUIDANCE DATA STANDARD

The Extractive Industries Transparency Initiative (EITI) Standard is a global transparency standard whose purpose is to ensure disclosure of government revenues from natural resources in countries signing up to the EITI. Building on the EITI Principles from 2003, the EITI Standard was launched in 2013 after two years of stakeholder consultation. Compared to the earlier Principles, the Standard aims to produce more relevant, reliable and usable information, as well as better linkages to wider reforms.

http://eiti.org/files/EITI_STANDARD-screen-version.pdf

Guidelines for Good Governance in Emerging Oil and Gas Producers

EXPERT / OTHER GENERAL REFERENCE

These Guidelines for Emerging Oil and Gas Producers are drawn from a Chatham House project that gathers petroleum producers and governance experts. Their focus is not on best-practice standards established in successful petroleum-producing countries but in the most appropriate steps for emerging producers to take in establishing their industry, often the context of weak institutional capacity, low knowledge of the petroleum sector, and pressing socio-economic challenges.

<http://www.chathamhouse.org/publications/papers/view/194059>

IMF Guide on Resource Revenue Transparency

INTER-GOVERNMENT DETAILED GUIDANCE

The International Monetary Fund's Guide on Resource Revenue Transparency from 2005 (updated in 2007) provides detailed transparency guidelines accompanied by explanatory text and examples of good practice in producing countries. The Guide aims to help steer resource-rich countries through the special issues arising from the technical complexity and volatility of resource revenue flows and from the sheer magnitude of such transactions. The Guide makes available to providers of technical support and civil society a set of authoritative references of good and best practices of resource revenue transparency.

<http://www.imf.org/external/np/pp/2007/eng/101907g.pdf>

Mining Contracts – how to read and understand them

EXPERT / OTHER GENERAL REFERENCE

A book created to support legislators, negotiators and civil society organisations to understand key issues in contract negotiation.

<http://www.resourcecontracts.org/blog/guides-to-contract-terminology.html>

Natural Resource Charter

MULTI-STAKEHOLDER PRINCIPLES DETAILED GUIDANCE

The Natural Resource Charter is a set of principles to guide governments and societies in their use of natural resources

so that these economic opportunities result in maximum and sustained returns for citizens. It provides a framework for addressing the challenges of natural resource management and is directed primarily at policy makers and citizens in resource-rich countries. The drafters of the Charter are an independent group of the world's foremost experts in economically sustainable resource extraction.

http://naturalresourcecharter.org/sites/default/files/NRC_Eng_2011.pdf

Open Contracting Principles

MULTI-STAKEHOLDER PRINCIPLES

The Contracting Principles reflect norms and best practices from around the world related to disclosure and participation in public contracting. The Principles are intended to guide governments and other stakeholders to affirmatively disclose documents and information related to public contracting in a manner that enables meaningful understanding, effective monitoring, efficient performance, and accountability for outcomes.

http://www.open-contracting.org/global_principles

Open Contracting: A New Frontier for Transparency and Accountability

EXPERT / OTHER GENERAL REFERENCE

This report produced by the World Bank Institute, on behalf of the Open Contracting Partnership provides an overview of emerging practices and methodologies of disclosure and participation in public contracting . It outlines the practical actions that are already being taken by governments, civil society, private sector, and donors to support open contracting with reference to concrete examples from around the world as well as the rationales behind them.

<http://pro-act.org/profiles/blogs/research-highlights-open-contracting-practices-from-around-the-wo>

Resource Revenue Transparency Working Group: Recommendations on Mandatory Disclosure of Payments from Canadian Mining Companies to Governments

MULTI-STAKEHOLDER GENERAL REFERENCE

These recommendations were jointly drawn up by the Mining Association of Canada, the Prospectors & Developers Association of Canada, Publish What You Pay Canada, and the Revenue Watch Institute and released in January 2014. They outline a reporting framework for public disclosure of the payments made by extractive industry companies to governments in every country in which they operate, disaggregated by project. They recommend that these disclosure requirements be made mandatory for listed companies through securities regulation. The framework is aimed at Canadian legislators and companies raising funds in Canada, but highlights the need for equivalency with other jurisdictions.

http://www.pwyp.ca/images/M_images/Working_Group_Transparency_Recommendations_Eng.pdf

Revenue Development Foundation tools

EXPERT / OTHER DATA STANDARD

The Revenue Development Foundation (RDF) is a development organisation seeking to assist governments to increase their revenues. The foundation advises and supports governments in developing countries to mobilise revenue from legitimate sources such as through licenses and property taxation.

RDF develops and operates software systems for government management of licenses (including minerals concessions, forestry rights, fisheries rights).

<http://www.revenuedevelopment.org>

Revenue Watch: Resource Governance Index

EXPERT / OTHER RATING

The Resource Governance Index measures the quality of governance in the oil; gas and mining sector in 58 countries. It evaluates four key components of resource governance in each country: institutional and legal setting; reporting practices; safeguards and quality controls; and enabling environment. In addition, the report provides a diagnostic tool to help identify good practices as well as governance shortcomings, and offers a set of policy recommendations.

http://www.revenuewatch.org/sites/default/files/rgi_2013_Eng.pdf

RWI: Contract Confidential Report

CIVIL SOCIETY GENERAL REFERENCE

This report 'Contracts Confidential: Ending Secret Deals in the Extractive Industries' , published by the Revenue Watch Institute in 2009 includes a global survey of confidentiality clauses and a model 'best practice' confidentiality clause.

<http://www.revenuewatch.org/sites/default/files/RWI-Contracts-Confidential.pdf>

Santiago principles

INTER-GOVERNMENT PRINCIPLES

The Santiago Principles established by the International Working Group of Sovereign Wealth Funds (IWG) are a set of 24 voluntary guidelines that assign best practices for the operations of Sovereign Wealth Funds. They provide a common framework of accepted principles and practices regarding governance and accountability arrangements. The Principles monitor three areas: legal framework, institutional framework and governance framework, and investment policies and risk management. So far 25 nations have signed onto the Principles.

<http://www.iwg-swf.org/pubs/eng/santiagoprinciples.pdf>

Spatial Dimension: Flexicadastre

EXPERT / OTHER DATA STANDARD

The Flexicadastre system designed by Spatial Dimension is one solution used to implement Mining Cadastre Systems to

facilitate all aspects of the application, evaluation, granting and compliance monitoring of mineral rights and related permits. As well as using the system to facilitate application and concession management a number of countries have also used the system to develop Public Mining Cadastre Portals.

<http://www.spatialdimension.com/Solutions/EITI-Compliance>

Fisheries

FAO Technical: Guidelines for Responsible Fisheries

INTER-GOVERNMENT PRINCIPLES DETAILED GUIDANCE

The Guidelines for Responsible Fisheries from 2009 aim to foster a better understanding of the issues involved in supporting implementation of the Code of Conduct for Responsible Fisheries. The purpose is to ensure that stakeholders obtain the essential information that they need and that they make available their own information and knowledge for the public good.

<ftp://ftp.fao.org/docrep/fao/011/i0587e/i0587e00.pdf>

FAO: Global Record for fishing vessels

INTER-GOVERNMENT DATA STANDARD

The Global Record of Fishing Vessels Refrigerated Transport Vessels and Supply Vessels (Global Record) is a voluntary, phased and collaborative global initiative intending to make information available on vessel identification and other relevant data with the aim of providing a reliable and rapid way to contrast data with other sources. Fishing vessels are included but also other vessels involved in fishing operations are included.

<http://www.fao.org/fishery/global-record/en>

Land

Global Land Tool Network (GLTN): Global Land Tools Guidance

MULTI-STAKEHOLDER DETAILED GUIDANCE GENERAL REFERENCE

A land tool is a practical way to solve a problem in land administration and management. It is a way to put principles, policies and legislation into effect. The term covers a wide range of methods: from a simple checklist to use when conducting a survey, a set of software and accompanying protocols, or a broad set of guidelines and approaches. The emphasis is on practicality: users should be able to take a land tool and apply it (or adapt it) to their own situation.

<http://www.gltcn.net/index.php/land-tools/access-to-land-and-tenure-security>

Open Contracting Principles

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http://www.open-contracting.org/global_principles

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<http://pro-act.org/profiles/blogs/research-highlights-open-contracting-practices-from-around-the-wo>

UN Declaration on the Rights of Indigenous People (2007)

INTER-GOVERNMENT PRINCIPLES

The United Nations Declaration on the Rights of Indigenous Peoples was adopted by the United Nations General Assembly in 2007. While as a General Assembly Declaration it is not a legally binding instrument under international law, according to a UN press release, it does "represent the dynamic development of international legal norms and it reflects the commitment of the UN's member states to move in certain directions".

http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

UN Guiding Principles for Business and Human Rights (2011)

INTER-GOVERNMENT PRINCIPLES

A set of global guiding principles for business designed to ensure that companies do not violate human rights in the course of their transactions and that they provide redress when infringements occur. The Guiding Principles for Business and Human Rights outline how States and businesses should implement the UN "Protect, Respect and Remedy" Framework in order to better manage business and human rights challenges.

http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

 UN: Basic principles and guidelines on development-based evictions and displacement

INTER-GOVERNMENT PRINCIPLES

The Guidelines address the human rights implications of evictions induced by development projects and related displacement in urban and rural areas. They represent a further development of the Comprehensive Human Rights Guidelines on Development-based Displacement.

http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf

 Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (2012)

INTER-GOVERNMENT PRINCIPLES

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security promote secure tenure rights and equitable access to land, fisheries and forests as a means of eradicating hunger and poverty, supporting sustainable development and enhancing the environment. They were officially endorsed by the Committee on World Food Security on 11 May 2012. Since then implementation has been encouraged by G20, Rio+ 20, United Nations General Assembly and Francophone Assembly of Parliamentarians.

<http://www.fao.org/nr/tenure/voluntary-guidelines/en/>

 World Bank: Land Governance Assessment Framework (2012)

INTER-GOVERNMENT DETAILED GUIDANCE

The LGAF, developed by the World Bank and its partners, provides a holistic, diagnostic review at the country level that can inform policy dialogue in a clear and targeted manner. It is built around five main areas of policy intervention: Legal & Institutional Framework; Land Use Planning, Management and Taxation; Management of Public Land; Public Provision of Land Information; Dispute Resolution and Conflict Management.

<http://go.worldbank.org/XW0YK1HU60>

Open government data

 6 Degrees of Corporations

CIVIL SOCIETY DETAILED GUIDANCE GENERAL REFERENCE

6 Degrees of Corporation is an initiative under the Sunlight Foundation that looks exclusively at improving corporate accountability through Unique Corporate Identifiers. The Website provides a visualisation of the problem of not having unique corporate identifiers using one of the most common corporate identifiers (DUNS numbers), as well as an overview of the major U.S. federal systems, and a case study of one country that has successfully overcome this problem.

<http://sunlightfoundation.com/sixdegrees/resources/>

Open Data Definition

EXPERT / OTHER PRINCIPLES

The Open Definition gives full details on the requirements for 'open' data and content. Key features are: availability and access, reuse and redistribution, and universal participation.

<http://opendefinition.org/>

Open Data Guidelines for Procurement

EXPERT / OTHER DETAILED GUIDANCE

The Sunlight Foundation has created a set of guidelines to help shape how governments release data on their procurement process. The guidelines focus on how to make the procurement process more transparent, and what is required to allow for distributed oversight, fair competition, and an accessible market in government procurement.

<http://sunlightfoundation.com/procurement/opendataguidelines>

Open Knowledge Foundation Open Data Handbook

EXPERT / OTHER DETAILED GUIDANCE GENERAL REFERENCE

The Open Data Handbook by the Open Knowledge Foundation provides an introduction to the legal, social and technical aspects of open data and is especially useful for those working with government data. It explains the basic concepts of open data, especially in relation to government, and covers how open data creates value and can have a positive impact in many different areas. In addition to exploring the background, the handbook also provides concrete information on how to produce open data.

<http://opendatahandbook.org/pdf/OpenDataHandbook.pdf>

OpenGovData.io

EXPERT / OTHER GENERAL REFERENCE

In his book 'Open Government Data' from 2012, author Joshua Tauberer discusses the principles behind the open government data movement in the United States, including uses for transparency and civic engagement, a brief legal history, data quality, civic hacking, and paradoxes in transparency.

<http://opengovdata.io/>

Sunlight Foundation: Open Data Policy Guidelines

EXPERT / OTHER DETAILED GUIDANCE

The Open Data Policy Guidelines attempt to answer the specific question: What can or should an open data policy do? The guidelines are organised to help define (i) what data should be public; (ii) how to make data public, and (iii) how to implement policy - three key elements of any legislation, executive order, or other policy seeking to include language about open data.

<http://sunlightfoundation.com/opendataguidelines/>

Ten Principles for Opening Up Government Information

EXPERT / OTHER PRINCIPLES

The Sunlight Foundation's Ten Principles for Opening Up Government Information provide a lens to evaluate the extent to which government data is open and accessible to the public. The principles are completeness, primacy, timeliness, ease of physical and electronic access, machine readability, non-discrimination, use of commonly owned standards, licensing, permanence and usage costs.

<http://sunlightfoundation.com/policy/documents/ten-open-data-principles/>

The 10 Principles for Open Data

EXPERT / OTHER PRINCIPLES

The Sunlight Foundation's 10 Principles for Opening Up Government Information provide a lens to evaluate the extent to which government data is open and accessible to the public. The principles are completeness, primacy, timeliness, ease of physical and electronic access, machine readability, non-discrimination, use of commonly owned standards, licensing, permanence and usage costs.

<http://sunlightfoundation.com/policy/documents/ten-open-data-principles/>

World Bank Open Data Toolkit

INTER-GOVERNMENT DETAILED GUIDANCE

The Open Data Toolkit contains information divided onto five different sections: 1) open data essentials; 2) technology options for open data systems; 3) how to build demand and engagement; 4) how to manage supply and quality of data, and 5) a readiness assessment tool.

<http://data.worldbank.org/open-government-data-toolkit>

World Wide Web Consortium: Linked Data

EXPERT / OTHER DETAILED GUIDANCE

The Linked Data article, published by the World Wide Web Consortium (W3C), discusses solutions to problems resulting in unlinked data. It provides details concerning implementation, and discusses factors affecting choices about how to publish linked data.

<http://WWW.W3.ORG/DESIGNISSUES/LINKEDDATA>

World Wide Web Consortium: Publishing Open Government Data

EXPERT / OTHER DETAILED GUIDANCE

The document 'Publishing Open Government Data' from 2009 contains a set of guidelines developed by the World Wide Web Consortium eGov Interest Group. The guidelines set out standards and methodologies to encourage publication of government data.

<http://www.w3.org/TR/gov-data/>

Parliaments

Commonwealth Parliamentary Association: Recommended Benchmarks for Democratic Legislatures

INTER-GOVERNMENT DETAILED GUIDANCE

This is a guide for Parliaments seeking either to find new ways to strengthen their performance as part of a democratic reform programme, or to determine whether they have kept up with advances in parliamentary practices and procedures. Organisations and agencies providing parliamentary strengthening programmes may also use the Benchmarks in partnership with Parliaments and Legislatures to guide their programming.

http://www.cpahq.org/cpahq/Main/Document_Library/Benchmarks_for_Democratic_Legislatures/Recommended_Benchmarks_for_Democratic_Legislatures.aspx

Consumer Financial Protection Bureau: The CFPB's source code policy

EXPERT / OTHER PRINCIPLES

The source code policy for the US Consumer Financial Protection Bureau states that "We use open-source software, and we do so because it helps us fulfil our mission. Open-source software works because it enables people from around the world to share their contributions with each other." The policy also states that "When we build our own software or contract with a third party to build it for us, we will share the code with the public at no charge."

<http://www.consumerfinance.gov/blog/the-cfpbs-source-code-policy-open-and-shared/>

Declaration on Parliamentary Openness

MULTI-STAKEHOLDER PRINCIPLES DETAILED GUIDANCE COMMUNITY OF PRACTICE

OpeningParliament.org provides a forum intended to help connect the world's civic organisations engaged in monitoring, supporting and opening up their countries' parliaments and legislative institutions. It is the home of the [Declaration on Parliamentary Openness](#), a set of shared principles on the openness, transparency and accessibility of parliaments supported by more than [130 organisations from 75 countries](#).

The Declaration is accompanied by an extensive compilation of best practices and background commentary on each provision, which is intended to be a living document.

<http://openingparliament.s3.amazonaws.com/docs/declaration/commentary-20120914.pdf>

EU: Information and Communications Technologies in Parliament: Tools for Democracy

INTER-GOVERNMENT DETAILED GUIDANCE

Parliaments in a democracy must be efficient in their operations, transparent in their actions and have strong ties to their citizens. This second booklet in the OPPD series offers a roadmap for ICT managers and other parliamentary officials responsible for overseeing ICT to assist them in the planning and development of computer and communication systems to support their respective legislative assemblies.

http://www.europarl.europa.eu/pdf/oppd/Page_8/ICT_FINAL.pdf

Global Centre for ICT in Parliament: World e-Parliament Report 2012

INTER-GOVERNMENT RATING GENERAL REFERENCE

The World e-Parliament Report 2012 documents the efforts of legislatures to use information and communication technologies (ICT) to support their constitutional functions. The Report is based on the Global Survey of ICT in Parliaments 2012 conducted by the Global Centre for ICT in Parliament between February and May 2012, which is the third in a series of surveys that began in 2007.

<http://www.ictparliament.org/WePReport2012>

Inter-Parliamentary Union & United Nations: Global Parliamentary Report, 2012

INTER-GOVERNMENT GENERAL REFERENCE

The *Global Parliamentary Report* analyses parliamentary strategies to engage with citizens and argues that parliaments need to be in a constant process of evolution.

<http://www.ipu.org/pdf/publications/gpr2012-full-e.pdf>

Inter-Parliamentary Union: Guidelines for Parliamentary Websites

INTER-GOVERNMENT DETAILED GUIDANCE

In 2008, the Global Centre for ICT in Parliament, in consultation with the Inter-Parliamentary Union, undertook the task of updating the Guidelines to reflect advances in technology and new practices in parliaments that have emerged in the last several years. As with the 2000 Guidelines, the Guidelines for Parliamentary Websites are intended to provide recommendations that are practically oriented to facilitate the task of planning and overseeing websites and to enable parliaments to provide concrete guidance to their website designers, developers and managers.

<http://www.ipu.org/PDF/publications/web-e.pdf>

IPU: Social Media Guidelines for Parliaments

INTER-GOVERNMENT DETAILED GUIDANCE

Developed by the Inter Parliamentary Union, the Guidelines draw on lessons learned by parliaments so far and on good practice in the social media sphere. The objective is to encourage more widespread, more efficient and more effective use of social media by parliaments. The Guidelines cover governance and oversight, compliance and legal issues and planning and strategies for engagement.

<http://www.ipu.org/PDF/publications/SMG2013EN.pdf>

Police and public security

Council of Europe's European Code of Police Ethics

INTER-GOVERNMENT PRINCIPLES

The code addresses issues such as the objectives of the police, the legal basis of the police under the rule of law, the relationship between the police and the criminal justice system, the organisational structures of the police, police action and intervention, police accountability and control, and research and international cooperation.

<http://polis.osce.org/library/f/2687/500/CoE-FRA-RPT-2687-EN-500>

DCAF: Overseeing Intelligence Services: A Toolkit

CIVIL SOCIETY DETAILED GUIDANCE

DCAF's toolkit provides detailed guidance on the oversight of specific areas of intelligence services' activities. Its primary focus is on oversight by parliamentary committees and expert non-parliamentary bodies (e.g. supreme audit institutions and data protection commissions) and, to a lesser extent, on oversight by (quasi)judicial bodies.

<http://www.dcaf.ch/Publications/Overseeing-Intelligence-Services-A-Toolkit>

Government Accountability Project: International Best Practices for Whistleblower Policies

CIVIL SOCIETY DETAILED GUIDANCE

This document by the Government Accountability Project from 2013 provides a checklist of 20 requirements to ensure

that whistleblower laws are in line with international best practice. These 'best practices' standards are based on a compilation of all national laws and Intergovernmental Organisation policies such as those at the United Nations and World Bank.

http://www.whistleblower.org/storage/documents/Best_Practices_Document_for_website_March_13_2013.pdf

International Principles on the Application of Human Rights to Communications Surveillance

MULTI-STAKEHOLDER PRINCIPLES

These principles were developed through consultation among civil society, privacy and technology experts and have been co-signed by over hundred organisations from around the world. The process was led by Privacy International, Access, and the Electronic Frontier Foundation. The Principles lay out how international human rights law applies in the current digital environment, particularly in relation to communications surveillance technologies and techniques. These principles can provide civil society groups, industry, states and others with a framework to evaluate whether current or proposed surveillance laws and practices are consistent with human rights. These principles are the outcome of a global consultation with civil society groups, industry and international experts in communications surveillance law, policy and technology.

<https://en.necessaryandproportionate.org/text>

Interpol: Global Standards to Combat Corruption in Police Forces/Services

INTER-GOVERNMENT PRINCIPLES

These codes and protocols are intended to promote and strengthen measures to prevent, detect, punish and eradicate corruption in the police forces/services within its national boundaries and to help bring to justice police officers and other employees of police forces/services who are corrupt.

<http://www.interpol.int/Media/Files/Crime-areas/Corruption/Global-standards-to-combat-corruption-in-police-forces>

OECD: G20, Whistleblower Protection Frameworks, Compendium of Best Practices and Guiding Principles for Legislation

INTER-GOVERNMENT PRINCIPLES

This OECD study from 2011 focuses on the main features of whistleblower protection laws, and provides best practice examples from G20 countries in the scope and application of their laws. The report also includes a set of guiding principles, which provide reference for countries intending to establish, modify or complement whistleblower protection frameworks.

<http://www.oecd.org/general/48972967.pdf>

OGP Eligibility Criteria: Citizen Engagement

OGP ELIGIBILITY CRITERIA RATING

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government in four key areas, as measured by objective indicators and validated by independent experts. Any government that achieves

a score of at least 75% of the total possible points available to them can join OGP at any time once they have demonstrated that they meet these minimum criteria.

Openness to citizen participation, including basic protections for civil liberties is one of the four criteria for eligibility. This is measured using the 2012 EIU Democracy Index's Civil Liberties sub-indicator where 10 is the highest and 0 is the lowest score, 4 points for countries scoring above 7.5, 3 points for countries scoring above 5, 2 points for countries scoring above 2.5, and 0 points otherwise. The 2012 Economist Intelligence Unit Democracy Index covers 167 countries.

<http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>

Public Office, Private Interests: Accountability through Income and Asset Disclosure

INTER-GOVERNMENT

DETAILED GUIDANCE

GENERAL REFERENCE

This is a Stolen Asset Recovery Initiative publication from 2012. It focuses on income and asset disclosure requirements for the executive and legislative branches of government and is intended (together with its companion, [Income and Asset Disclosure: Case Study Illustrations](#)) to be a guide for practitioners and policy-makers and for others with an interest in anti-corruption tools and procedures. It sets out the basic elements of asset disclosure systems and key considerations that can influence the design, implementation, and enforcement of an asset disclosure framework in different contexts.

[http://star.worldbank.org/star/sites/star/files/Public Office Private Interests.pdf](http://star.worldbank.org/star/sites/star/files/Public%20Office%20Private%20Interests.pdf)

TI: Arresting corruption in the police – The global experience of police corruption reform efforts

CIVIL SOCIETY

DETAILED GUIDANCE

This report is the result of a survey of global experience of police anti-corruption reforms. It analyses police corruption and looks at reforms that were undertaken to tackle it. The study offers a way to analyse police corruption more systematically through a 'police typology', and looks at examples of police reform in 10 countries around the globe: Australia, Afghanistan, China, Georgia, Honduras, Jamaica, Kenya, Serbia, Singapore, and Venezuela.

http://issuu.com/tidefence/docs/2012-11_arrestingcorruptioninpolice

Tshwane Principles on National Security and the Right to Information

CIVIL SOCIETY

PRINCIPLES

The Tshwane Principles on National Security and the Right to Information were issued in June 2013 by 22 organisations and academic centres from around the world. The Principles were developed in order to provide guidance to those engaged in drafting, revising or implementing laws or provisions relating to the state's authority to withhold information on national security grounds or to punish the disclosure of such information. They are based on international and regional law and standards, evolving state practice, the general principles of law recognized by the community of nations, and the writings of experts.

<http://www.right2info.org/exceptions-to-access/national-security>

UN Code of Conduct for Law Enforcement Officials and supplementary guidelines

INTER-GOVERNMENT PRINCIPLES

The code of conduct covers the accountability of law enforcement officials, through their representation and response to the whole community. The code was first introduced in 1979 and supplemented a decade later. It is the overarching standard for global policing.

<http://www.un.org/disarmament/convarms/ATTPrepCom/Background%20documents/CodeofConductforlawEnfOfficials-E.pdf>

UNODC: Criminal Justice Toolkit

INTER-GOVERNMENT DETAILED GUIDANCE

The toolkit is designed to enable United Nations agencies, government officials engaged in criminal justice reform, as well as other organisations and individuals to conduct comprehensive assessments of criminal justice systems. It is designed to help identify areas of technical assistance; to assist agencies in the design of interventions that integrate United Nations standards and norms on crime prevention and criminal justice; and to assist in training on these issues.

<http://www.unodc.org/unodc/en/justice-and-prison-reform/Criminal-Justice-Toolkit.html>

Privacy and Data Protection

Council of Europe: Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data

INTER-GOVERNMENT PRINCIPLES

The Council of Europe's Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data from 1981 extended the safeguards for everyone's rights and fundamental freedoms, and in particular the right to the respect for privacy, taking account of the increasing flow across frontiers of personal data undergoing automatic processing.

<http://conventions.coe.int/Treaty/en/Treaties/Html/108.htm>

European Commission – Article 29 Working Party: Opinion 05/2014 on Anonymisation Techniques

INTER-GOVERNMENT GENERAL REFERENCE

Article 29 Working Party – an independent European advisory body on data protection and privacy – adopted an Opinion on Anonymisation Techniques in 2014. The Opinion provides an analysis of the effectiveness and limits of existing anonymisation techniques against the EU legal background of data protection and provides recommendations to handle these techniques by taking account of the residual risk of identification inherent in each of them.

http://www.cnpd.public.lu/fr/publications/groupe-art29/wp216_en.pdf

European Union: European Data Protection Directive 1995

INTER-GOVERNMENT PRINCIPLES

The Data Protection Directive from 1995 (officially Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data) is a European Union directive which regulates the processing of personal data within the European Union. It is an important component of EU privacy and human rights law. The principle of the Directive is that personal data should not be processed at all, except when certain conditions are met, and these conditions fall into three categories: transparency, legitimate purpose, and proportionality. In 2012, the European Commission unveiled a draft European [General Data Protection Regulation](#) that will supersede the Data Protection Directive. This proposed new European Union Data Protection Regulation extends the scope of the EU data protection law to all foreign companies processing data of European Union residents.

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31995L0046&from=en>

Global Network Initiative: Principles on Freedom of Expression and Privacy

MULTI-STAKEHOLDER PRINCIPLES

The Global Network Initiative's Principles on Freedom of Expression and Privacy are based on internationally recognized laws and standards for human rights and were developed collaboratively by companies, investors, civil society organisations and academics. The Principles and their accompanying Implementation Guidelines aim to provide direction and guidance to the ICT industry and its stakeholders in protecting and advancing the enjoyment of human rights globally.

https://globalnetworkinitiative.org/sites/default/files/GNI_-_Principles_1_.pdf

GSMA: Privacy Design Guidelines for Mobile Application Development

EXPERT / OTHER DETAILED GUIDANCE

The Privacy Design Guidelines for Mobile Application Development, published by GSMA in 2012, are intended to help ensure that mobile applications are developed in ways that respect and protect the privacy of users and their personal information. The guidelines encourage the development, delivery and operation of mobile applications that put users first and help them understand (at a minimum) what personal information a mobile application may access, collect and use; what the information will be used for, and why; and how users may exercise choice and control over this use. The publication provides examples and illustrative cases concerning the practical use of the Guidelines in a separate Annex.

<http://www.gsma.com/publicpolicy/privacy-design-guidelines-for-mobile-application-development>

GSMA: The Mandatory Registration of Prepaid SIM Card Users – A White Paper

EXPERT / OTHER GENERAL REFERENCE

Noting that, as of 2013, at least 80 countries globally have mandated, or are actively considering mandating, the registration of prepaid SIM users, the objectives of this GSMA White Paper are to provide insights and recommendations to support public deliberation on the merits or otherwise of mandating prepaid SIM registration. The White Paper highlights the potential unintended consequences of mandating prepaid SIM user registration; outlines the benefits that SIM user registration can deliver; recommends factors that policy-makers should consider before any decision to mandate the registration of prepaid SIM users; and demonstrates best practices from a range of countries that policy-makers should take into account if the decision to mandate prepaid SIM user registration has already been made.

http://www.gsma.com/publicpolicy/wp-content/uploads/2013/11/GSMA_White-Paper_Mandatory-Registration-of-Prepaid-SIM-Users_32pgWEBv3.pdf

International Principles on the Application of Human Rights to Communications Surveillance

MULTI-STAKEHOLDER PRINCIPLES

The International Principles on the Application of Human Rights to Communications Surveillance were published in May 2014. The 13 Principles are the outcome of a global consultation with civil society groups, industry, and international experts in communications surveillance law, policy, and technology led by [Privacy International](#), [Access](#), and the [Electronic Frontier Foundation](#). They assert that mass surveillance is a violation of international human rights law. The objective for developing these Principles was to provide civil society groups, industry, governments, and others with a framework to evaluate whether current or proposed surveillance laws and practices are consistent with human rights.

<https://en.necessaryandproportionate.org/text>

OECD: Guidelines on the Protection of Privacy and Transborder Data Flows of Personal Data

INTER-GOVERNMENT PRINCIPLES DETAILED GUIDANCE

The Guidelines on the Protection of Privacy and Transborder Data Flows of Personal Data were developed by OECD Member countries and adopted in 1980. The Guidelines apply to all personal data. While they are not legally binding, they have long been recognised as a statement of norms that should govern personal data privacy and guide OECD members and private organisations in crafting their policies. The Guidelines stipulate that the following principles should be adhered to when collecting and processing personal information and data:

- **Collection limitation:** there should be limits to the collection of personal data, and data, which should be obtained by lawful and fair means and, where appropriate, with the knowledge or consent of the individual.
- **Data quality:** personal data should be relevant to the purposes for which they are used, and should be accurate, complete and kept up-to-date.
- **Purpose specification:** the purposes for which personal data are collected should be specified and any subsequent use must be limited to that specification.
- **Use limitation:** data should not be disclosed, made available or otherwise used for purposes other than those specified except a) with the consent of the individual or b) by the authority of law.
- **Security safeguards:** data should be protected by reasonable security safeguards to protect against lost, destruction, use, modification or disclosure.
- **Openness:** there should be a general policy about openness with respect to personal data.
- **Individual participation:** an individual should have the right to find out information about their data and to have incorrect data erased or rectified.
- **Accountability:** a data controller is accountable for complying with these measures.

<http://www.oecd.org/internet/ieconomy/oecdguidelinesonthe protectionofprivacyandtransborderflowsofpersonaldata.htm>

Open Data Institute: Open Data Certificates

CIVIL SOCIETY DATA STANDARD

The Open Data Certificates have been created by the Open Data Institute in response to business, government, and citizen needs to bring rigour to the publication, dissemination and usage of open data. An open data certificate tells data users what the data is about and how to get hold of it. It shares information like availability, privacy, and licensing so they can decide how much to rely on it. The certificate is made up of two components, a visual mark that shows the quality level of the data, and a human and machine-readable description of the data being released.

<https://certificates.theodi.org/about>

Privacy by Design: 7 Foundational Principles

EXPERT / OTHER PRINCIPLES

The 7 Foundational Principles, developed by Privacy by Design, aim to ensure privacy and personal control over one's information. The Principles advocate for 1) being proactive not reactive; 2) having privacy as the default setting; 3) having privacy embedded into design; 4) avoiding the pretence of false dichotomies, such as privacy vs. security; 5) providing full life-cycle management of data; 6) ensuring visibility and transparency of data; and 7) being user-centric. These Principles have been translated into 37 different languages.

<http://www.privacybydesign.ca/index.php/about-pbd/7-foundational-principles/>

UN High Commissioner for Human Rights: The Right to Privacy in the Digital Age

INTER-GOVERNMENT GENERAL REFERENCE

This report was submitted by the United Nations High Commissioner for Human Rights to the UN General Assembly in 2014 following concerns of Member States and other stakeholders about negative impact of surveillance practices on human rights. This report deals with the protection and promotion of the right to privacy in the context of domestic and extraterritorial surveillance, the interception of digital communications and the collection of personal data.

http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A.HRC.27.37_en.pdf

United Nations: Guidelines for the regulation of computerized personal data files

INTER-GOVERNMENT PRINCIPLES DETAILED GUIDANCE

The Guidelines for the regulation of computerized personal data files were adopted by the United Nations General Assembly in 1990. The Guidelines contain a number of principles concerning the minimum guarantees that should be provided in national legislation such as, the principle of lawfulness and fairness, and the principle of accuracy.

<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=3ddcafaac>

United Nations: Report of the Special Rapporteur on the promotion and protection of the right to

freedom of opinion and expression

INTER-GOVERNMENT

GENERAL REFERENCE

This Report of the Special Rapporteur, Frank La Rue, from 2013 analyses the implications of States' surveillance of communications on the exercise of the human rights to privacy and to freedom of opinion and expression. While considering the impact of significant technological advances in communications, the report underlines the urgent need to further study new modalities of surveillance and to revise national laws regulating these practices in line with human rights standards.

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/133/03/PDF/G1313303.pdf?OpenElement>

Public contracting

Developing Data Standards for Open Contracting

MULTI-STAKEHOLDER

DATA STANDARD

The Open Contracting Partnership has conducted a scoping exercise to identify the different data fields related to contracts in different sectors and countries, as the starting to develop a coherent base that can be used widely. In the future, the Partnership seeks to develop a universal standard for contracting data and accompanying reference guides. Additionally the Partnership will pilot the standards with selected countries.

http://www.open-contracting.org/developing_data_standards_for_open_contracting

Global Partnership for Social Accountability

MULTI-STAKEHOLDER

COMMUNITY OF PRACTICE

The Global Partnership for Social Accountability (GPSA) is a coalition of donors, governments and civil society organisations (CSOs) that aims to improve development results by supporting capacity building for enhanced citizen feedback and participation. The GPSA provides strategic and sustained support to CSOs' social accountability initiatives, and provides grants for CSOs for capacity building, research and knowledge dissemination, networking and programmatic activities related to social accountability in their country. It also supports a global platform for knowledge exchange and research.

<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:23017716~pagePK:220503~piPK:220476~theSitePK:228717,00.html>

OECD Methodology for Assessing Procurement Systems (MAPS)

INTER-GOVERNMENT

DETAILED GUIDANCE

The OECD Methodology for Assessing Procurement Systems from 2009 provides a common tool which developing countries and donors can use to assess the quality and effectiveness of procurement systems.

<http://www.oecd.org/dac/effectiveness/45454394.pdf>

OECD Principles for Integrity in Public Procurement

INTER-GOVERNMENT

PRINCIPLES

DETAILED GUIDANCE

The OECD Principles for Integrity in Public Procurement from 2009 reflect a global view of policies and practices that have proved effective for enhancing integrity in procurement. The document provides guidance for the implementation of various international legal instruments. It also includes a Checklist for implementing the integrity framework throughout the public procurement cycle, and a map of risks that can help auditors prevent, as well as detect, fraud and corruption.

<http://www.oecd.org/gov/ethics/48994520.pdf>

OECD Public Engagement for Better Policy and Services

INTER-GOVERNMENT

PRINCIPLES

Based on a survey of governments in 25 countries, 14 in-depth country case studies and 18 opinion pieces from leading civil society and government practitioners; this book from 2009 proposes 10 guiding principles to support open and inclusive policy making and service delivery in practice.

<http://www.iadb.org/intal/intalcdi/pe/2009/03785.pdf>

Open Contracting Data Standard

MULTI-STAKEHOLDER

DATA STANDARD

The “Open Contracting Data Standard” will be a common standard for the disclosure of contracting data. It is being developed by the Open Contracting Partnership (OCP) and the World Wide Web Foundation (Web Foundation). v1.0 will be delivered by the end of 2014.

[http:// http://www.open-contracting.org/significant_step_forward_for_global_transparency](http://http://www.open-contracting.org/significant_step_forward_for_global_transparency)

Open Contracting Principles

MULTI-STAKEHOLDER

PRINCIPLES

The Contracting Principles reflect norms and best practices from around the world related to disclosure and participation in public contracting. The Principles are intended to guide governments and other stakeholders to affirmatively disclose documents and information related to public contracting in a manner that enables meaningful understanding, effective monitoring, efficient performance, and accountability for outcomes.

http://www.open-contracting.org/global_principles

Open Contracting: A New Frontier for Transparency and Accountability

EXPERT / OTHER GENERAL REFERENCE

This report produced by the World Bank Institute, on behalf of the Open Contracting Partnership provides an overview of emerging practices and methodologies of disclosure and participation in public contracting . It outlines the practical actions that are already being taken by governments, civil society, private sector, and donors to support open contracting with reference to concrete examples from around the world as well as the rationales behind them.

<http://pro-act.org/profiles/blogs/research-highlights-open-contracting-practices-from-around-the-wo>

Open Data Guidelines for Procurement

EXPERT / OTHER DETAILED GUIDANCE

The Sunlight Foundation has created a set of guidelines to help shape how governments release data on their procurement process. The guidelines focus on how to make the procurement process more transparent, and what is required to allow for distributed oversight, fair competition, and an accessible market in government procurement.

<http://sunlightfoundation.com/procurement/opendataguidelines>

The Open Contracting Community of Practice

MULTI-STAKEHOLDER COMMUNITY OF PRACTICE

The Open Contracting Partnership maintains a community of practice focused on improving the access to open contracting resources and tools. This online platform seeks to provide a space where interested stakeholders from civil society, government, private sector, media, academia and others to share, learn, connect and collaborate around experiences in open contracting.

<http://pro-act.org/>

Public services

Civicus – Monitoring and Evaluating Public Services

CIVIL SOCIETY DETAILED GUIDANCE COMMUNITY OF PRACTICE

PG Exchange is an initiative of CIVICUS: World Alliance for Citizen Participation. The website is a part of CIVICUS' work on increasing the influence of citizens and civil society organisations in governance processes. The Participatory Governance Project of CIVICUS works to enhance the capacity of targeted southern-based civil society and government actors to promote participatory and accountable governance of public institutions at local and national levels.

The section on monitoring and evaluation public services includes details of stakeholder surveys, citizen report cards, community score cards, community monitoring and evaluation and social audits.

http://www.pgexchange.org/index.php?option=com_content&view=category&id=59&Itemid=135

OECD: Focus on Citizens – Public Engagement for Better Policy and services

INTER-GOVERNMENT

PRINCIPLES

GENERAL REFERENCE

This book published in 2009 is based on a survey of governments in 25 countries, 14 in-depth country case studies and 18 opinion pieces from leading civil society and government practitioners. It looks at how OECD governments putting the principles of open and inclusive policy making into practice and how they can they ensure broader, more inclusive, participation. It includes includes 10 guiding principles to support open and inclusive policy making and service delivery in practice.

The OECD report presents ten Guiding Principles that were designed to help governments strengthen open and inclusive policy making as a means to improving their policy performance and service delivery:

1. Commitment
2. Rights
3. Clarity
4. Time
5. Inclusion
6. Resources
7. Co-ordination
8. Accountability
9. Evaluation
10. Active citizenship

<http://www.oecd.org/governance/regulatory-policy/focusoncitizenspublicengagementforbetterpolicyandservices.htm>

OECD: Together for Better Public Services – Partnering with citizens and civil society:

EXPERT / OTHER

GENERAL REFERENCE

This report analyses the partnerships that governments form with citizens, users and CSOs in order to innovate and deliver improved public service outcomes. It identifies the risks of citizen and user involvement in service delivery, and the barriers that must be overcome to make these models work. It highlights top-level political commitment, adequate public sector capacity, and aligned financial incentives as the key factors for success.

<http://browse.oecdbookshop.org/oecd/pdfs/product/4211131e.pdf>

 The World Bank: Citizens and service delivery

INTER-GOVERNMENT GENERAL REFERENCE

This World Bank Book reviews how citizens can influence service delivery through access to information and opportunities to use it to hold providers accountable. It focuses on social accountability measures that support the use of information to increase transparency and service delivery and grievance redress mechanisms to help citizens use information to improve accountability. The report takes stock of what from experience to date and highlights that the relationships between citizens, policy-makers, program managers, and service providers are complicated, not always direct or easily altered through a single intervention, such as an information campaign or scorecard exercise.

<http://elibrary.worldbank.org/content/book/9780821389805>

Records management

 ARTICLE 19 Training course for public officials

EXPERT / OTHER DETAILED GUIDANCE GENERAL REFERENCE

ARTICLE 19's Freedom of Information Training Manual for Public Officials was designed as a resource for officials who want to adopt administrative practices that conform to the best standards of freedom of information.

https://www.ip-rs.si/fileadmin/user_upload/Pdf/Publikacije_ostalih_pooblascencev/Article_19_foitainersmanual.pdf

 CLD Training course for public officials

EXPERT / OTHER GENERAL REFERENCE COMMUNITY OF PRACTICE

[CLD Training course for public officials](#)

<http://www.law-democracy.org/live/wp-content/uploads/2012/08/Manual-Final.docx>

 Digital Repository Audit Method Based On Risk Assessment (DRAMBORA)

EXPERT / OTHER DETAILED GUIDANCE

The Digital Curation Centre and Digital Preservation Europe have developed the Digital Repository Audit Method Based On Risk Assessment (DRAMBORA) toolkit. This toolkit is intended to facilitate internal audit by providing repository administrators with a means to assess their capabilities, identify their weaknesses, and recognise their strengths.

<http://www.repositoryaudit.eu/>

Integrating Records Management in ICT Systems

EXPERT / OTHER DETAILED GUIDANCE

This tool, produced by the International Records Management Trust, is designed to help governments determine whether or not records management requirements have been integrated in ICT systems. It identifies good practices and measures if good practices have been achieved, from the planning and design stage through to implementation.

http://www.irmt.org/documents/educ_training/term_resources/IRMT_Good_Practice_Indicators.pdf

ISO 15489:2001 Information and Documentation – Records Management

EXPERT / OTHER DETAILED GUIDANCE GENERAL REFERENCE

This record management standard from 2001 is made up of 2 parts. Part 1 outlines a framework for best practice, and is intended as a general briefing document, on the basic principles of managing records, for all staff and management of an organisation. Part 2 builds on the best practice framework to give more detailed recommendations for managing records.

http://www.iso.org/iso/catalogue_detail?csnumber=31908

ISO 23081-2:2009 Information and Documentation – Records Management Processes – Metadata for Records

EXPERT / OTHER PRINCIPLES DETAILED GUIDANCE DATA STANDARD

The strategies for managing metadata for digital objects and associated control systems should be in line with international standards such as ISO 23081-2:2009 Information and Documentation - Records Management Processes - Metadata for Records. This standard is in 3 parts: Part 1 – Principles; Part 2 – Conceptual and Implementation Issues; and, Part 3 - Self Assessment Methods.

http://www.iso.org/iso/iso_catalogue/catalogue_tc/catalogue_detail.htm?csnumber=50863

ISO 30300:2011 Information and Documentation – Management System for Records

EXPERT / OTHER PRINCIPLES DETAILED GUIDANCE GENERAL REFERENCE

This publication by the International Organization for Standardization defines terms and definitions applicable to the standards on management systems for record (MSR), establishes the objectives for using a MSR, provides principles for a MSR, describes a process approach, and specifies roles for top management.

http://www.iso.org/iso/catalogue_detail?csnumber=53732

MoReq2010

INTER-GOVERNMENT

DETAILED GUIDANCE

DATA STANDARD

The European Commission developed MoReq2010, a requirements standard that is widely used by other governments. Two web sites provide information on MoReq2010. The DLM Forum, which manages MoReq2010, maintains its own web site at: <http://www.moreq.info/>. Inforesight Ltd., an independent consulting firm, supports a web site (<http://www.moreq2.eu/home>) that contains a wide range of resources related to MoReq2010.

<http://www.moreq2.eu/home>

Nestor- Catalogue of Criteria for Trusted Digital Repository

EXPERT / OTHER

DETAILED GUIDANCE

This report from 2006 focuses on trustworthiness in records management. It particularly identifies criteria aiming to facilitate the evaluation of digital repository trustworthiness, both at organisational and technical levels.

http://files.d-nb.de/nestor/materialien/nestor_mat_08-eng.pdf

Open Archival Information System (OAIS) (ISO 14721)

EXPERT / OTHER

PRINCIPLES

DATA STANDARD

ISO 14721:2012, published by the International Organization of Standardization, defines the reference model for an open archival information system (OAIS).

http://www.iso.org/iso/home/store/catalogue_tc/catalogue_detail.htm?csnumber=57284

Principles and functional requirements for records in electronic office environments (ISO 16175)

EXPERT / OTHER

DETAILED GUIDANCE

DATA STANDARD

This document, published in 2011 by the International Organization for Standardization, articulates a set of functional requirement for digital records management systems.

http://www.iso.org/iso/catalogue_detail.htm?csnumber=55791

Repository Audit and Certification (ISO 16363)

EXPERT / OTHER

DETAILED GUIDANCE

ISO 16363:2012 defines a recommended practice for assessing the trustworthiness of digital repositories. It is applicable to the entire range of digital repositories and can be used as a basis for certification.

http://www.iso.org/iso/catalogue_detail.htm?csnumber=56510

 The Digital Curation Centre

EXPERT / OTHER GENERAL REFERENCE

The Digital Curation Centre (<http://www.dcc.ac.uk>) is a good source of information on the management and preservation of datasets.

<http://www.dcc.ac.uk/>

 Trusted Digital Repository: Attributes and Responsibilities (2002)

EXPERT / OTHER

This report from 2002 provides a framework of attributes and responsibilities for trusted, reliable, sustainable digital repositories capable of handling the range of materials held by large and small research institutions.

<http://www.oclc.org/content/dam/research/activities/trustedrep/repositories.pdf?urlm=161690>

 Trustworthy Repository Audit & Certification: Criteria and Checklist

EXPERT / OTHER DETAILED GUIDANCE

The “Trustworthy Repository Audit & Certification: Criteria and Checklist”, published in 2007 by the Center for Research Libraries and the Online Computer Library Center, provides a set of criteria and a checklist to facilitate the certification of digital repositories.

http://www.crl.edu/sites/default/files/attachments/pages/trac_0.pdf

 UK Data Archive directory to sources on the management of valuable datasets

EXPERT / OTHER DATA STANDARD GENERAL REFERENCE

The United Kingdom Data Archive has produced a directory with links to sources on the management of valuable datasets

<http://data-archive.ac.uk/create-manage/document/resources>

Right to information

 African Commission on Human and Peoples' Rights: Declaration of Principles on Freedom of Expression in Africa

[INTER-GOVERNMENT](#) [PRINCIPLES](#)

The Declaration of Principles on Freedom of Expression in Africa was signed in Banjul, the Gambia, in October 2002. The Declaration states that freedom of expression and information is a fundamental and inalienable human right. With regard to secrecy laws, it further states that secrecy laws shall be amended as necessary to comply with freedom of information principles.

<http://www1.umn.edu/humanrts/achpr/expressionfreedomdec.html>

African Commission on Human and Peoples' Rights: The Model Law on Access to Information for Africa

[INTER-GOVERNMENT](#) [PRINCIPLES](#) [DETAILED GUIDANCE](#)

This Model Law on access to information for Africa from 2012 is a non-binding document crafted specifically as a tool to guide law makers in African countries in translating obligations found in international treaties into detailed national legislation.

The Model Law aims to guide the development of new access to information legislation and the review of existing legislation. Its purpose is also to be an advocacy tool to encourage the adoption of access to information laws, to provide a compilation of best practices, and to help reinforce a common approach and harmonisation of access to information laws.

http://www.achpr.org/files/news/2013/04/d84/model_law.pdf

ARTICLE 19 Principles

[MULTI-STAKEHOLDER](#) [PRINCIPLES](#)

ARTICLE 19 has published a set of international principles on freedom of information legislation: 'The Public's Right to Know - Principles on Freedom of Information Legislation'. These principles set out ways in which governments can achieve maximum openness, in line with the best international standards and practice. They are designed primarily for national legislation on freedom of information or access to official information but are equally applicable to information held by inter-governmental bodies such as the United Nations and the European Union.

<http://www.article19.org/data/files/pdfs/standards/righttoknow.pdf>

ARTICLE 19 Training course for public officials

[MULTI-STAKEHOLDER](#) [DETAILED GUIDANCE](#)

ARTICLE 19 has published a Training Manual for Public Officials. The Manual is designed as a resource for officials who want to adopt administrative practices that conform to the best standards of freedom of information.

https://www.ip-rs.si/fileadmin/user_upload/Pdf/Publikacije_ostalih_pooblascencev/Article_19_foitainersmanual.pdf

Carter Center: The Access to Information legislation Implementation Assessment Tool

[EXPERT / OTHER](#) [DETAILED GUIDANCE](#)

The access to information legislation Implementation Assessment Tool, developed by the Carter Center, serves the dual purpose of diagnosing the extent to which the public administration has the capacity to respond to requests and to provide information, as well as providing an implementation roadmap for the government. The Assessment Tool is constructed to serve as an input for each public agency in which it is applied, and not as a comparative index across countries. The objectives of the Assessment Tool are to:

- Establish a comprehensive set of access to information implementation benchmarks;
- Identify the extent to which a ministry/agency has implemented its law;
- Provide a roadmap for improvements; and
- Contribute to scholarship on implementation and to the understanding of implementation successes and challenges.

http://www.cartercenter.org/peace/americas/access_to_information/IAT/index.html

OGP Eligibility Criteria: Access to Information

OGPELIGIBILITY CRITERIA RATING

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government in four key areas, as measured by objective indicators and validated by independent experts. Any government that achieves a score of at least 75% of the total possible points available to them can join OGP at any time once they have demonstrated that they meet these minimum criteria.

Having an access to information law is one of the four eligibility criteria. This is assessed based on information taken from an ongoing survey by Right2Info.org that covers 197 countries. Four points are awarded to countries with access to information laws in place, three points if a country has a constitutional provision guaranteeing access to information, and one point if a country has a draft access to information law under consideration. Countries with both a constitutional provision and a draft law under consideration will only be awarded the 3 points for the constitutional provision.

<http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>

RTI Rating

CIVIL SOCIETY RATING

The RTI Rating, published by Access Info and the Centre for Law and Democracy, analyses the quality of the world's right to information laws. It covers 89 countries with RTI laws. The RTI Rating assesses the overall strength of countries' legal framework concerning RTI, and indicates the strengths and weaknesses of the legal framework in seven different categories, namely: Right of Access, Scope, Requesting Procedures, Exceptions and Refusals, Appeals, Sanctions and Protections, and Promotional Measures.

<http://www.rti-rating.org/>

Special Mandates 2004 Declaration

INTER-GOVERNMENT PRINCIPLES

A joint declaration concerning access to information and secrecy legislation was adopted in 2004 by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression.

<http://www.osce.org/fom/38632>

Tshwane Principles on National Security and the Right to Information

CIVIL SOCIETY PRINCIPLES

The Tshwane Principles on National Security and the Right to Information were issued in June 2013 by 22 organisations and academic centres from around the world. The Principles were developed in order to provide guidance to those engaged in drafting, revising or implementing laws or provisions relating to the state's authority to withhold information on national security grounds or to punish the disclosure of such information. They are based on international and regional law and standards, evolving state practice, the general principles of law recognized by the community of nations, and the writings of experts.

<http://www.right2info.org/exceptions-to-access/national-security>

World Bank's Public Accountability Mechanisms website

INTER-GOVERNMENT GENERAL REFERENCE

The World Bank's Public Accountability Mechanisms website provides extensive information about various aspects of the right to information, including implementation measures.

<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPUBLICSECTORANDGOVERNANCE/0,,contentMDK:23352107~pagePK:148956~piPK:216618~theSitePK:286305,00.html>

Tax and Illicit flows

Financial Action Task Force (FATF) Recommendations

INTER-GOVERNMENT PRINCIPLES

The Financial Action Task Force Recommendations 10 from 2012 states that financial institutions should be prohibited from keeping anonymous accounts or accounts in obviously fictitious names, and that customer due diligence should be undertaken to identify the beneficial owner such that the financial institution is satisfied that it knows who the beneficial owner is.

http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF_Recommendations.pdf

Financial Stability Board: Global LEI (Legal Entity Identifier) Initiative

INTER-GOVERNMENT

DETAILED GUIDANCE

DATA STANDARD

Regulators and financial firms globally have been exploring ways to overcome the current fragmented system of firm identifiers and creating a common identifier for financial institutions. Legal Entity Identifier (LEI) aims to help enable organisations to more effectively measure and manage risk, while providing substantial operational efficiencies and customer service improvements to the industry.

http://www.financialstabilityboard.org/list/fsb_publications/tid_156/index.htm

G8 Common Principles on Misuse of Companies and Legal Arrangements

INTER-GOVERNMENT

PRINCIPLES

The G8 Common Principles on Misuse of Companies and Legal Arrangement from 2013 are a set of eight core principles to ensure the integrity of beneficial ownership and basic company information, the timely access to such information by law enforcement for investigative purposes, as well as, where appropriate, the legitimate commercial interests of the private sector.

<http://www.gov.uk/government/publications/common-principles-on-misuse-of-companies-and-legal-arrangements>

G8 Open Data Charter and Technical Annex

INTER-GOVERNMENT

PRINCIPLES

The Open Data Charter sets out 5 strategic principles that all G8 members will act on. These include an expectation that all government data will be published openly by default, alongside principles to increase the quality, quantity and re-use of the data that is released. G8 members have also identified 14 high-value areas – from education to transport, and from health to crime and justice – from which they will release data. These will help unlock the economic potential of open data, support innovation and provide greater accountability.

<https://www.gov.uk/government/publications/open-data-charter>

OECD and Council of Europe: Multilateral Convention on Mutual Administrative Assistance in Tax Matters

INTER-GOVERNMENT

PRINCIPLES

Originally from 1988, the OECD and Council of Europe's Multilateral Convention was amended in 2010 to reflect current international standards on exchange of information for tax purposes. It was also opened up to countries outside the OECD and the Council of Europe. The convention provides for a range of information exchange methods, including automatic information exchange among parties.

<http://www.oecd.org/tax/exchange-of-tax-information/conventiononmutualadministrativeassistanceintaxmatters.htm>

OECD model tax agreements

INTER-GOVERNMENT PRINCIPLES DETAILED GUIDANCE

The OECD provides two model tax agreements on which many bilateral tax agreements (double taxation conventions and tax information exchange agreements) are based: the *OECD Model Tax Convention* from 2010 (Article 26), and the *Agreement on Exchange of Information on Tax Matters* from 2002.

<http://www.oecd.org/ctp/treaties/oecdmtcavailableproducts.htm>

Open Data Index

CIVIL SOCIETY RATING

The Open Data Index was developed in 2013 to provide a global reference for the state of open data release by national governments. It provides an independent peer-reviewed assessment of openness in a range of key areas, reflecting the realities of public information release and practice in over 60 countries. 80 datasets are assessed, covering ten areas including transport, government budgets and spending, election results, company registers, national maps and statistics, legislation, postcodes and pollutant emissions.

<https://index.okfn.org/>

OpenCorporates: Open Company Data Index

CIVIL SOCIETY RATING

The Open Company Data Index is published by OpenCorporates with the aim to make information about companies and the corporate world more accessible, more discoverable, and more usable, and thus give citizens, community groups, journalists, other companies, and society as a whole the ability to understand, monitor and regulate them.

The Open Company Data Index rates countries on their level of openness with regard to company data. Countries receive high scores if their company registers provide basic and searchable information online without charge or registration; have an explicit open license; provide information that is freely available as data; and include a list of company directors, statutory filings, and significant shareholdings for each company.

<http://registries.opencorporates.com/>

The Global Forum on Transparency and Exchange of Information for Tax Purposes

INTER-GOVERNMENT PRINCIPLES

The Global Forum, established in 2001, is the multilateral framework for the exchange of tax information. The transparency and exchange of information standard was set out in the *Terms of Reference* and agreed by the Global Forum in 2009. The standard provides for exchange of information on request rather than automatic exchange of information.

<http://www.oecd.org/tax/transparency/>

 United Nations Convention against Corruption (UNCAC), Article 52

INTER-GOVERNMENT PRINCIPLES

Article 52 (Prevention and detection of transfers of proceeds of crime) of the UNCAC requires financial institutions to “take reasonable steps to determine the identity of beneficial owners of funds deposited into high-value accounts and to conduct enhanced scrutiny of accounts sought or maintained by or on behalf of individuals who are, or have been, entrusted with prominent public functions and their family members and close associates.”

http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf

Whistleblower protection

 Asia Pacific Forum: A Guide for National Human Rights Institutions: Undertaking Effective Investigations

INTER-GOVERNMENT DETAILED GUIDANCE

This Manual from 2013 provides a comprehensive overview of the key skills that national human rights institution investigators require in order to conduct effective investigations. Chapter 17 of the manual focuses on whistleblowers, including how best to handle whistleblowers and how to assess whistleblower evidence.

<http://www.asiapacificforum.net/support/files/investigations-manual-for-nhris>

 British Standards Institute: Whistleblowing Arrangements Code of Practice

EXPERT / OTHER DETAILED GUIDANCE

This code of practice from 2008 explains how whistleblowing can be used as a key tool in tackling fraud and crime. It contains recommendations for organisations, including building fail-safe channels and providing confidential advice, and improving employee trust and providing for external disclosures. Other issues such as anonymity, public concerns and private complaints, whistleblowers with ulterior motives, and bullying and harassment are also included. On the subject of raising public awareness, the code of conduct recommends that organisations display striking posters or use engaging messages on an intranet to remind staff to raise a concern before it becomes a complaint.

<http://www.pcaw.org.uk/bsi>

 Brown, A.J., P. Roberts and J. Olsen (2011) Whistling While They Work: A good-practice guide for managing internal reporting of wrongdoing in public sector organisations

EXPERT / OTHER DETAILED GUIDANCE

This good-practice guide from 2011 is designed to assist with the special systems needed for managing ‘public interest’ whistleblowing – where the suspected wrongdoing affects more than the personal interests of the person making the disclosure. It sets out results from four years of research into how public sector organisations can better fulfil their missions, maintain their integrity and value their employees by adopting a current best-practice approach to the management of whistleblowing.

<http://epress.anu.edu.au?p=144611>

Council of Europe: (Draft) Recommendation and Explanatory Memorandum on the Protection of Whistleblowers

INTER-GOVERNMENT PRINCIPLES

The Council of Europe is currently working on the preparation of a draft recommendation on protecting whistleblowers. The adoption of a recommendation is a collective expression of European intergovernmental opinion on a subject matter, which gives it a certain authority, even if it does not have the same obligatory force as would a convention. The draft recommendation calls Council of Europe member States to establish a normative, institutional and judicial framework for the protection of whistleblowers. The principles set out in the recommendation are intended to guide member States wishing to modernise their legal systems. The draft recommendation is due to be considered for approval by the Committee of Ministers in early 2014.

<http://www.coe.int/t/dghl/standardsetting/cdcj/whistleblowers/Whistleblowers%20meeting%20-%20Explanatory%20notes%20.pdf>

Council of Europe's Parliamentary Assembly (PACE): Recommendation 2024, Provisional Version

INTER-GOVERNMENT GENERAL REFERENCE

Resolution 2024 'national security and access to information' from 2013 urges member states to implement the Council of Europe's Convention on Access to Official Documents and to take into account the Global Principles on National Security and the Right to Information.

<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20194&=en>


Council of Europe's Parliamentary Assembly (PACE): Resolution 1729

INTER-GOVERNMENT GENERAL REFERENCE

Recommendation 1729 'Protection of Whistle-blowers' from 2010 recognises the importance of whistleblowers for strengthening accountability and bolster the fight against corruption and mismanagement, both in the public and private sectors. The Parliamentary Assembly invites all member states to review their legislation concerning the protection of whistleblowers, keeping in mind the following guiding principles:


- Whistle-blowing legislation should be comprehensive;
- It should focus on providing a safe alternative to silence;
- As regards the burden of proof, it shall be up to the employer to establish beyond reasonable doubt that any measures taken to the detriment of a whistle-blower were motivated by reasons other than the action of whistle-blowing; and
- The implementation and impact whistleblower legislation should be monitored and evaluated at regular intervals by independent bodies.

<http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=17851&=en>

 Council of Europe's Parliamentary Assembly (PACE): Recommendation 1916INTER-GOVERNMENT GENERAL REFERENCE


Recommendation 1916 'Protection of Whistle-blowers' from 2010 stresses the importance of whistleblowing as a tool to increase accountability and strengthen the fight against corruption and mismanagement, and recommends that the Committee of Ministers draw up a set of guidelines for the protection of whistleblowers.

<http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=17852&=en>

 Government Accountability Project: International Best Practices for Whistleblower PoliciesCIVIL SOCIETY DETAILED GUIDANCE


This document by the Government Accountability Project from 2013 provides a checklist of 20 requirements to ensure that whistleblower laws are in line with international best practice. These 'best practices' standards are based on a compilation of all national laws and Intergovernmental Organisation policies such as those at the United Nations and World Bank.

http://www.whistleblower.org/storage/documents/Best_Practices_Document_for_website_March_13_2013.pdf

 OECD: G20, Whistleblower Protection Frameworks, Compendium of Best Practices and Guiding Principles for LegislationINTER-GOVERNMENT PRINCIPLES

This OECD study from 2011 focuses on the main features of whistleblower protection laws, and provides best practice examples from G20 countries in the scope and application of their laws. The report also includes a set of guiding principles, which provide reference for countries intending to establish, modify or complement whistleblower protection frameworks.

<http://www.oecd.org/general/48972967.pdf>

 Organisation of American States: Draft Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and WitnessesINTER-GOVERNMENT PRINCIPLES

This model law from 2011 provides detailed guidance on how to establish norms, procedures and mechanisms to facilitate and encourage the reporting of acts of corruption that are liable for administrative or criminal investigation and punishment and to protect public officials and any person who, in good faith, reports or witnesses these acts.

http://www.oas.org/juridico/english/draft_model_reporting.pdf

 Stichting Van De Arbeid (Labour Foundation): Statement on Dealing with Suspected Malpractices in CompaniesEXPERT / OTHER DETAILED GUIDANCE

As a response to a request made by the Dutch Government to the Dutch Labour Foundation to develop a whistleblowing code of conduct, this document from 2010 is intended as an initial step towards creating company- or industry-level guidelines for reporting suspected malpractice.

http://www.stvda.nl/en/~/_media/Files/Stvda/Talen/Engels/2012/20120829_EN.ashx

The Hague Institute for the Internationalisation of Law: Towards basic justice care for everyone: Challenges and promising approaches

EXPERT / OTHER GENERAL REFERENCE

This trend report tackles the question of what can be done to reduce the unnecessary suffering, injustice, and poverty caused by a lack of legal protection. It provides an assessment of what is known about access to justice, focusing on civil justice, administrative justice and redress for victims of crime. As an approach, it uses the perspective of what people seeking access to justice need, bringing together evidence from many different disciplines about what works to meet these needs. It uses country examples to show why and how countries are beginning to close the access to justice gap.

http://www.hiil.org/data/sitemanagement/media/TrendReport_Part1_020412_DEF%20%282%29.pdf

Tshwane Principles on National Security and the Right to Information

CIVIL SOCIETY PRINCIPLES

The Tshwane Principles on National Security and the Right to Information were issued in June 2013 by 22 organisations and academic centres from around the world. The Principles were developed in order to provide guidance to those engaged in drafting, revising or implementing laws or provisions relating to the state's authority to withhold information on national security grounds or to punish the disclosure of such information. They are based on international and regional law and standards, evolving state practice, the general principles of law recognized by the community of nations, and the writings of experts.

<http://www.right2info.org/exceptions-to-access/national-security>

Annex: Acknowledgements

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Construction

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Consumer Protection

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[Gesellschaft für Internationale Zusammenarbeit \(GIZ\)](#) on behalf of the [German Federal Ministry for Economic Cooperation and Development \(BMZ\)](#), [Integrity Action](#), [Oxfam America](#), the [Philippines Government Procurement Policy Board](#), [Transparency International](#) and [World Bank Institute](#).

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Guide to Opening Government

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