



OPEN
GOVERNMENT
GUIDE

Summary - All Topics

Customised Report

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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

 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	Elections
Open government data	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

 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

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

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

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>

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

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

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

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

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

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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

Fisheries

 **Lead author:** [Chr. Michelsen Institute \(CMI\)](#)

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

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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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

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 [link] 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

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

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

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

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 [link to topic] 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

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

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).

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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

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.

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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>

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

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

Annex: Acknowledgements

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Aid

This topic has been developed by [Publish What You Fund \(PWYF\)](#) with contributions from Rachel Rank and Catalina Reyes (PWYF), Paulo de Renzio ([International Budget Partnership](#)), Lauren Pfeifer ([ONE](#)), George Ingram ([Brookings Institution](#)), Carolyn Culey ([Development Initiatives](#)) and Laia Griñó ([InterAction](#)).

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Citizen engagement

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Construction

The recommendations for this topic are based on the work of the [Construction Sector Transparency Initiative \(CoST\)](#) and the [Network for Integrity in Reconstruction](#), and were developed by the [CoST International Secretariat](#).

Elections

This topic has been developed by the National Democratic Institute. The lead author was Patrick Merloe with contributions from Michelle Brown and Tova Wang. Please send comments to pat@ndi.org

Environment

This topic was developed by The Access Initiative.

Extractive industry

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Fisheries

Land

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Open government data

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Parliaments

This topic was developed by the National Democratic Institute's Governance Team, with feedback from: Cristiano Ferri Faria, Chamber of Deputies, Brazil; Cristina Leston-Bandeira, University of Hull; Jeffrey Griffith; and representatives of the following organizations: Latin American Network for Legislative Transparency; the Sunlight Foundation (U.S); the Center for Research, Transparency and Accountability (Serbia). Comments on an initial framework were also received from members of the [OpeningParliament.org](#) community participating in the [PMO-Network Google Group](#). Research for this topic draws on the Declaration on Parliamentary Openness by the OpeningParliament.org community, along with the Declaration's Provision Commentary and a number of international resources developed by the international parliamentary community. Please contact openparl@ndi.org to provide additional feedback and suggestions.

Police and public security

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Public contracting

This topic has been developed by the [Open Contracting Partnership](#), whose steering group is currently made up of the following organisations: [Colombia Compra Eficiente](#), [Construction Sector Transparency Initiative \(CoST\)](#), [Deutsche 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](#).

Public services

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Records management

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