Recommendation of the Council on Open Government

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Background Information

The Recommendation on Open Government was adopted by the OECD Council on 14 December 2017 on the proposal of the Public Governance Committee. The Recommendation aims to help Adherents to design and implement successful open government strategies and initiatives. This includes identifying a clear, actionable, evidence-based, and internationally recognised understanding of what open government entails and, more specifically, what the characteristics of such governance should be in order to maximise impact.

Open government as a catalyst for good governance

Countries are increasingly acknowledging the role of open government as a catalyst for good governance, democracy, trust, and inclusive growth. The implementation of open government principles - transparency, integrity, accountability and stakeholder participation - constitutes a paradigm shift for the relationship between governments and citizens, making it more dynamic, mutually beneficial and based on reciprocal trust. It has profound implications for the deepening and strengthening of democratic governance.

The Recommendation defines open government as "a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth" (see also the report Open Government: The Global Context and the Way Forward).

Countries have made progress in mainstreaming open government principles beyond the executive branch. They are moving towards a holistic approach to foster a new culture of governance in the legislature, the judiciary and independent institutions, as well as at sub-national levels of government, advancing towards what the Recommendation defines as an "open state".

Rationale for developing the Recommendation

A review of existing initiatives at the national and international levels revealed a great diversity of definitions, objectives and implementation methodologies that characterise open government strategies and initiatives. This raised the need for the identification of a clear, actionable, evidence-based, and internationally recognised understanding of what open government strategies and initiatives entail. More specifically, it showed the need to identify the necessary characteristics of their governance in order to maximise their impact.

Accordingly, during its meeting held in April 2017, the Public Governance Committee agreed to the development of an OECD Recommendation on Open Government [GOV/PGC(2017)5] with the goal to:

- Ensure that open government principles are rooted in the governance culture of OECD Members and Partners, recognising that a global standard on open government can help ensure that the principles of transparency, integrity, accountability, and stakeholder participation comprise the fundamental building blocks of all public sector policies and practices;

- Identify an enabling environment that is conducive to an efficient, effective and integrated governance of open government;

- Promote the alignment of open government strategies and initiatives with, and their contribution to, all relevant national and sectoral socio-economic policy objectives, at all levels of the administration;

- Foster monitoring and evaluation practices and data collection, to build comparable indicators on processes, outputs, outcomes and impact to better inform policy-making; and

- Establish an internationally recognised narrative on open government, which, while not pre-empting country-specific approaches, can facilitate the sharing of good practices and lessons learned at the international level.

An evidenced-based and inclusive development process

The Recommendation was built on more than 15 years of evidence-based analysis of Open Government strategies and initiatives. This includes the report Open Government: The Global Context and the Way Forward, based on the responses of more than 50 countries to the 2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle, as well as on the findings of the OECD Open Government Reviews and Scans. It also built on the discussions held within regional Networks on Open and Innovative Government - a fora for exchange and peer dialogue, and currently held for the Middle East and North Africa (MENA), South East Asia and Latin America and the Caribbean (LAC) regions.

The draft text of the Recommendation underwent multiple rounds of consultation in 2016-2017, including a two-month online public consultation, and benefited from the input and guidance of the then informal experts group on Open Government (now Working Party on Open Government) chaired by Finland and comprising OECD Members and Partners from Europe, the Americas, and the MENA region.

Scope of the Recommendation

The Recommendation provides Adherents with a comprehensive overview of the main tenets of the governance of open government strategies and initiatives to improve their implementation and impact on citizens' lives. Given the critical role of open government to ensure effective policy outcomes in diverse areas, the Recommendation also helps Adherents improve efforts related to, for example, public sector integrity and anti-corruption, public sector modernisation, civic freedom, digital government, procurement, public sector innovation, public financial management and human resource management. The Recommendation also promotes the realisation of the Sustainable Development Goals (SDGs) and specifically SDG 16. As such, its implementation can help Adherents strengthen public governance, democratic practices and inclusive growth, as well as increase citizens' trust in government. The Recommendation features ten provisions corresponding to the following areas: provisions 1, 2, 3, 7, and 8 focus on the enabling environment, including the policy and legal framework; provisions 4, 5, 6 and 9 focus on the implementation framework, while provision 10 focuses on the way ahead.

It also includes a provision instructing the Public Governance Committee to monitor its implementation and to report thereon to the OECD Council no later than three years following its adoption, and regularly thereafter. To this effect, the OECD developed a set of indicators, notably the Open Government Dashboard (published in 2021) and it is currently in the process of designing the OECD Citizen Participation Index. These indicators rely upon information and data collected through the OECD Open Government Surveys, as well as from Government at a Glance which aggregates findings from all OECD areas of work that are relevant for open government, including from the Open, Useful, Reusable Government Data (OUR Data Index) on open data and the Observatory of Public Sector Innovation (OPSI). Furthermore, to support the implementation and dissemination of the Recommendation, the OECD has undertaken various initiatives at all levels, including through the development of the Toolkit Navigator for Open Government and the Guidelines for Citizen Participation Processes.
The Recommendation is open to non-OECD Member adherence.

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Implementation

When adopting the Recommendation, the Council instructed the PGC to monitor its implementation and report back to the Council no later than three years following its adoption and regularly thereafter. Since its adoption, the Secretariat and the Adherents have worked to disseminate the Recommendation at all levels of government. Continuous efforts towards implementation of the Recommendation have included support for technical level discussions and exchange of good practices among Adherents, notably through the OECD Working Party on Open Government, established in 2019. The main objectives of open government remain a high priority for OECD Members and their citizens.

The results of the inaugural OECD Survey on the Drivers of Trust in Public Institutions (the Trust Survey) show that citizens want public administrations that are more transparent, accountable and responsive, and which actively engage with stakeholders as partners to reach agreed-upon objectives. Recognising the need to deepen and protect the democratic model of governance, the PGC launched the OECD Reinforcing Democracy Initiative (RDI) in 2021. In the Declaration on Building Trust and Reinforcing Democracy [OECD/LEGAL/0484], Ministers from OECD Members and four OECD accession candidate countries therefore committed to "maintain[ing] open government as a core element of our democratic systems (…)" and welcomed the OECD Action Plan on Enhancing Representation, Participation and Openness in Public Life.

2023 Report to Council

The first Report on the dissemination, implementation, and continued relevance of the Recommendation was presented to Council in September 2023. The results of the Report show that Adherents have made progress in implementing the Recommendation, albeit at varying speeds and with emphasis on different provisions. The main high-level findings of the implementation assessment are:

- Open government matters. Policies and practices that foster the government-citizen relationship capture public attention and are widely recognised as key contributors to strengthening democratic governance;

- Adherents are increasingly opening their governments to citizens' inputs and scrutiny;

- The concept of open government is yet to be fully mainstreamed as it mostly corresponds to Adherents' participation in the OGP (Open Government Partnership);

- Adherents take very different approaches to implementing open government policies and practices, but the intended outcome is often the same: fostering a better, more constructive relationship between governments and the citizens they serve;

- Open government, as a cross-cutting, whole-of-government policy, has gradually transitioned towards new horizons;

- Some pioneering Adherents are moving towards integrated open government agendas;

- The outcomes and impacts of open government policies and practices on issues such as public integrity, trust in government, inclusive growth and service delivery are not yet fully documented or supported by evidence and data;

- Civic space is now widely recognised as a pre-condition for, and an integral element of, an open, participatory, transparent and accountable government.

Several priority areas for Adherents to increase their implementation have been identified:

- Foster sustainable long-term commitment to open government (provision 1);

- Continue the protection and promotion of access to information and ensure that its implementation aligns to legal frameworks that safeguard it (provision 7);

- Ensure the inclusion, quality and impact of participatory processes to enable all citizens and stakeholders to influence government activities and decisionmaking, and actively participate in the public life of Adherents in all sectors and at all levels (provisions 8 and 9);

- Pursue efforts to design and implement holistic and integrated Open Government Strategies (provision 1) to bring coherence to existing initiatives ("add-up") and raise the profile of open government in strategic conversations at the political level, like those around reinforcing democracy ("scale-up") (provision 4);

- Continue to protect and promote civic space as a key enabler of open government reforms, including by reviewing relevant policies, laws and practices to ensure alignment with international standards, and by collecting data and monitoring the implementation of civic freedoms to identify challenges and remedial actions (provisions 2 and 8);

- Ramp up efforts to monitor and evaluate the outcomes and impacts of open government reforms including by designing comparable indicators and measurement tools (e.g. maturity models) (provision 5);

- Continue the move towards an open state, including by designing joint initiatives and reforms with subnational government and the other branches of the state, and by working with non-government actors such as the media (provision 10).

The 2023 Report concluded that the Recommendation remains relevant and includes proposed actions to further support its dissemination and implementation.

The next reporting to Council is scheduled to take place in 2028.

The Toolkit Navigator for Open Government

With the adoption of the Recommendation in December 2017, the Council instructed the PGC to monitor the Recommendation's implementation, and report thereon no later than three years following its adoption and regularly thereafter. In addition to the ongoing work on open government indicators, the Secretariat is developing a Toolkit Navigator for Open Government to support Adherents in implementing the Recommendation, and to help Adherents explore a second wave of open government reforms.

Featured as part of the OECD Observatory for Public Sector Innovation (OPSI)'s Navigator, and developed in collaboration with the Open Government Partnership (OGP) and members of the OECD informal experts group on Open Government, the Navigator will include 1) a meta-repository of existing toolkits, methodologies and good practices, 2) cutting-edge cases linked to the provisions of the Recommendation; and 3) a community of experts and practitioners.

Good Practice Principles for Deliberative Processes for Public Decision Making

To support the implementation of provisions 8 and 9 of the Recommendation, the OECD has collected a wealth of evidence as to how representative deliberative processes, one of the most innovative methods of citizen participation in government, are being implemented across countries. Analysis of the evidence collected reveals a number of common principles and good practices that may be of useful guidance to policy makers seeking to develop and implement such processes. The OECD has drawn these together into a set of Good Practice Principles for Deliberative Processes for Public Decision Making. To operationalise these principles and support the efforts of policy makers to ensure the quality of representative deliberative processes they initiate, the Evaluation Guidelines for Representative Deliberative Processes establish a minimum level for the evaluation of such processes and provide policy makers and practitioners with an evaluation framework and methodology, as well as evaluation questionnaires.

More documents:

- Eight ways to institutionalise deliberative democracy (2021), https://www.oecd.org/gov/open-government/eight-ways-to-institutionalise-deliberative-democracy.htm.

- OECD Guidelines for Citizen Participation Processes (2022), https://www.oecd.org/publications/oecd-guidelines-for-citizen-participation-processes-f765caf6-en.htm.

THE COUNCIL,

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

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

RECOGNISING that open government is critical to building citizen trust and is a key contributor to achieving different policy outcomes in diverse domains including: public sector integrity and anti-corruption, public sector modernisation, civic freedom, digital government, public procurement, public sector innovation, public financial management and human resource management, as well as all major socio-economic targets within the framework of the 2030 Global Agenda for Sustainable Development Goals;

RECOGNISING that stakeholder participation increases government accountability, broadens citizens' empowerment and influence on decisions, builds civic capacity, improves the evidence base for policy-making, reduces implementation costs, and taps wider networks for innovation in policy-making and service delivery;

RECOGNISING the need for establishing a clear, actionable, evidence-based, internationally recognised and comparable framework for open government, as well as its related process, output, outcome and impact indicators taking into account the diverse institutional and legal settings of the Members and non-Members having adhered to the Recommendation (hereafter the "Adherents");

CONSIDERING that open government strategies and initiatives are a shared responsibility of all branches and levels of government, according to their existing legal and institutional frameworks, and that therefore this Recommendation is relevant to all of them;

On the proposal of the Public Governance Committee

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

- **Open Government:** a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth;

- **Open State:** when the executive, legislature, judiciary, independent public institutions, and all levels of government - recognising their respective roles, prerogatives, and overall independence according to their existing legal and institutional frameworks - collaborate, exploit synergies, and share good practices and lessons learned among themselves and with other stakeholders to promote transparency, integrity, accountability, and stakeholder participation, in support of democracy and inclusive growth;

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

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

- **The policy cycle:** includes 1) identifying policy priorities 2) drafting the actual policy document, 3) policy implementation; and 4) monitoring implementation and evaluation of the policy's impacts;

- **Stakeholders:** any interested and/or affected party, including: individuals, regardless of their age, gender, sexual orientation, religious and political affiliations; and institutions and organisations, whether governmental or non-governmental, from civil society, academia, the media or the private sector;

- **Stakeholder participation:** all the ways in which stakeholders can be involved in the policy cycle and in service design and delivery, including:

   - **Information:** an initial level of participation characterised by a one-way relationship in which the government produces and delivers information to stakeholders. It covers both on-demand provision of information and "proactive" measures by the government to disseminate information.

   - **Consultation:** a more advanced level of participation that entails a two-way relationship in which stakeholders provide feedback to the government and vice-versa. It is based on the prior definition of the issue for which views are being sought and requires the provision of relevant information, in addition to feedback on the outcomes of the process.

   - **Engagement:** when stakeholders are given the opportunity and the necessary resources (e.g. information, data and digital tools) to collaborate during all phases of the policy-cycle and in the service design and delivery.

- **Open government literacy:** the combination of awareness, knowledge, and skills that public officials and stakeholders require to engage successfully in open government strategies and initiatives;

- **Levels of government:** refers to central and sub-national levels of government.

II. **RECOMMENDS** that Adherents develop, adopt and implement open government strategies and initiatives that promote the principles of transparency, integrity, accountability and stakeholder participation in designing and delivering public policies and services, in an open and inclusive manner. To this end, Adherents should:

1. take measures, in all branches and at all levels of the government, to develop and implement open government strategies and initiatives in collaboration with stakeholders and to foster commitment from politicians, members of parliaments, senior public managers and public officials, to ensure successful implementation and prevent or overcome obstacles related to resistance to change;

2. ensure the existence and implementation of the necessary open government legal and regulatory framework, including through the provision of supporting documents such as guidelines and manuals, while establishing adequate oversight mechanisms to ensure compliance;

3. ensure the successful operationalisation and take-up of open government strategies and initiatives by:

   (i) Providing public officials with the mandate to design and implement successful open government strategies and initiatives, as well as the adequate human, financial, and technical resources, while promoting a supportive organisational culture;

   (ii) Promoting open government literacy in the administration, at all levels of government, and among stakeholders.

4. coordinate, through the necessary institutional mechanisms, open government strategies and initiatives - horizontally and vertically - across all levels of government to ensure that they are aligned with and contribute to all relevant socio-economic objectives;

5. develop and implement monitoring, evaluation and learning mechanisms for open government strategies and initiatives by:

(i)   Identifying institutional actors to be in charge of collecting and disseminating up-to-date and reliable information and data in an open format;

(ii)   Developing comparable indicators to measure processes, outputs, outcomes, and impact in collaboration with stakeholders; and

(iii) Fostering a culture of monitoring, evaluation and learning among public officials by increasing their capacity to regularly conduct exercises for these purposes in collaboration with relevant stakeholders.

6. actively communicate on open government strategies and initiatives, as well as on their outputs, outcomes and impacts, in order to ensure that they are well-known within and outside government, to favour their uptake, as well as to stimulate stakeholder buy-in;

7. proactively make available clear, complete, timely, reliable and relevant public sector data and information that is free of cost, available in an open and non-proprietary machine-readable format, easy to find, understand, use and reuse, and disseminated through a multi-channel approach, to be prioritised in consultation with stakeholders;

8. grant all stakeholders equal and fair opportunities to be informed and consulted and actively engage them in all phases of the policy-cycle and service design and delivery. This should be done with adequate time and at minimal cost, while avoiding duplication to minimise consultation fatigue. Further, specific efforts should be dedicated to reaching out to the most relevant, vulnerable, underrepresented, or marginalised groups in society, while avoiding undue influence and policy capture;

9. promote innovative ways to effectively engage with stakeholders to source ideas and co-create solutions and seize the opportunities provided by digital government tools, including through the use of open government data, to support the achievement of the objectives of open government strategies and initiatives;

10. while recognising the roles, prerogatives, and overall independence of all concerned parties and according to their existing legal and institutional frameworks, explore the potential of moving from the concept of open government toward that of open state.

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

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

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

VI.   **INSTRUCTS** the Public Governance Committee to:

a. develop process and impact indicators against which to measure the implementation of this Recommendation; and

b. monitor the implementation of this Recommendation, including through the use of the developed indicators, open government reviews and comparative studies, and report thereon to the Council no later than three years following its adoption and regularly thereafter.

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- **International Agreements** are negotiated and concluded within the framework of the Organisation. They are legally binding on the Parties.

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