Policy Framework for Strengthening Open Government in the Arab countries

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Policy Framework for Strengthening Open Government in the Arab countries

A framework for the implementation of open government in stages, derived from a set of specific models published in the literature, in particular "Open Government Model " and " *The Loch Ness Model* " , which is compatible with the status and requirements of Arab countries.

Main References:

• Lee, Gwanhoo and Kwak, Young Hoon (2011). *An open government implementation model: moving to increased public engagement*. Washington, D.C.: IBM Center for the Business of Government.

• Gigler, B. and others (2014). *The Loch Ness Model: Can ICTs Bridge the Accountability Gap?*. Washington, D.C.: World Bank.
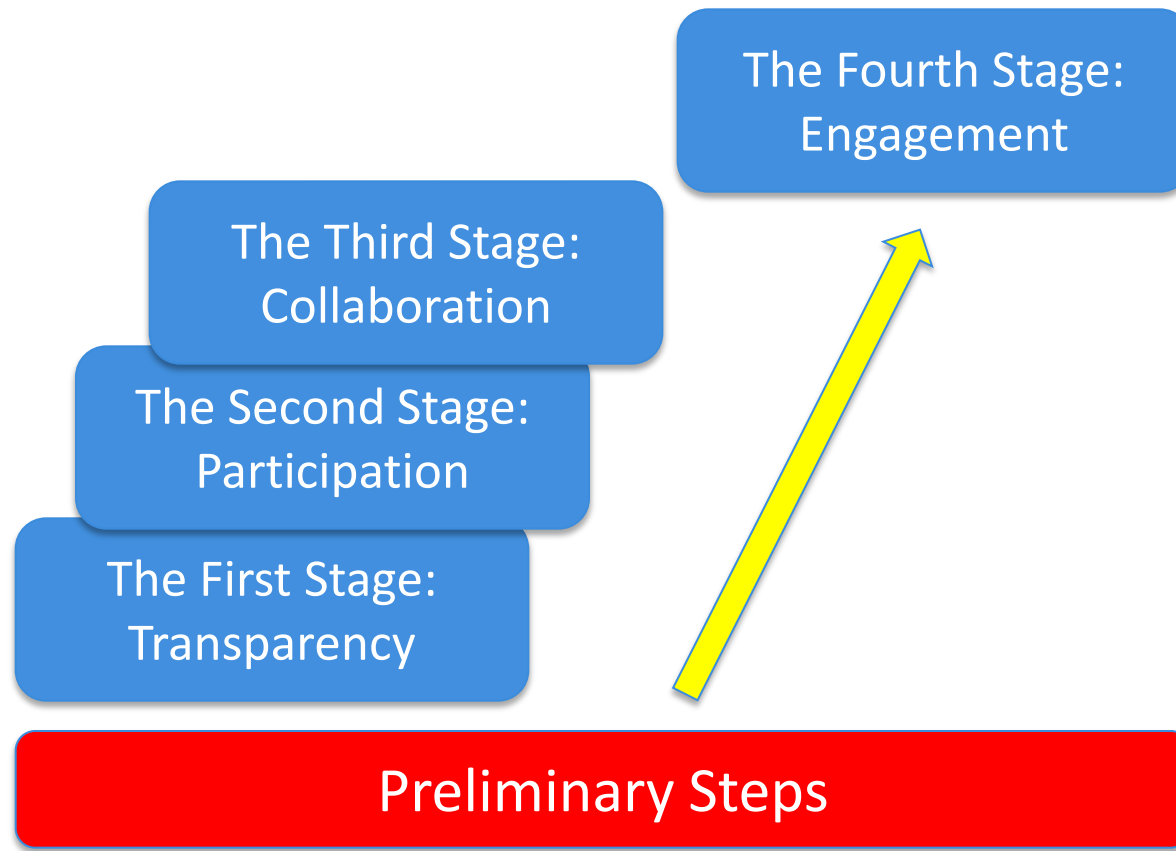
Contents

- The proposed Policy Framework for Open Government in the Arab Countries

- Open Government Legislations

- Open Government and Sustainable Development Goals

- Final Recommendations

Framework for Open Government Implementation in the Arab Countries

Principles:

- Should be derived from the best global practices
- Should be realistic and simple, so that easily applied action plans can be developed
- Should be clearly linked to the adopted e-Government activities
- Should allow effortless use of available information and communication technologies, particularly social media and web technologies
- Should be adaptable
- Should be applicable, to:
  - **"Vertical" execution**: Sequential implementation of the different stages, taking into account existing needs and accomplishments
  - "**Horizontal" execution**: Applicable to departments, ministries, agencies and centers at any level of government

Framework for Open Government Implementation in the Arab Countries

The Fourth Stage: Engagement

The Third Stage: Collaboration

The Second Stage: Participation

The First Stage: Transparency

Preliminary Steps

Preliminary Steps

Link to e-Government:

- e-Government applications are the base upon which open government applications are built

- Business process reengineering in government administration has been partially implemented in e-government applications.

Open government is distinguished from e-government by focusing on the social and political aspects of promoting transparency, accountability, democracy, good governance mechanisms, and engaging citizens in decision-making. In addition, responding to citizens needs in a timely manner.

Preliminary Steps

A number of measures should be contemplated before launching the stages of open government implementation, such as:

- **Begin raising awareness among the citizenry of open government** through preparing a "Concept Note" to explain the meaning of open government, and preparing explanatory documents

- **Increase the capacity of employees in public sector,** in which government employees should learn how to use data dissemination tools, and interpret citizens feedback

- **Internet and information networks,** a clear policy must be developed for using internet in public sectors, in particular using social media websites

Preliminary Steps

- **Put the required structure in place for the implementation of open government,** in which a "virtual interoperability matrix" is developed, under the supervision of senior management, comprising the different divisions involved in each department. In addition, coordination between departments must be organized.

- **Change management in government organizations:** The open government requires radical changes in government administration, working procedures and political visions.
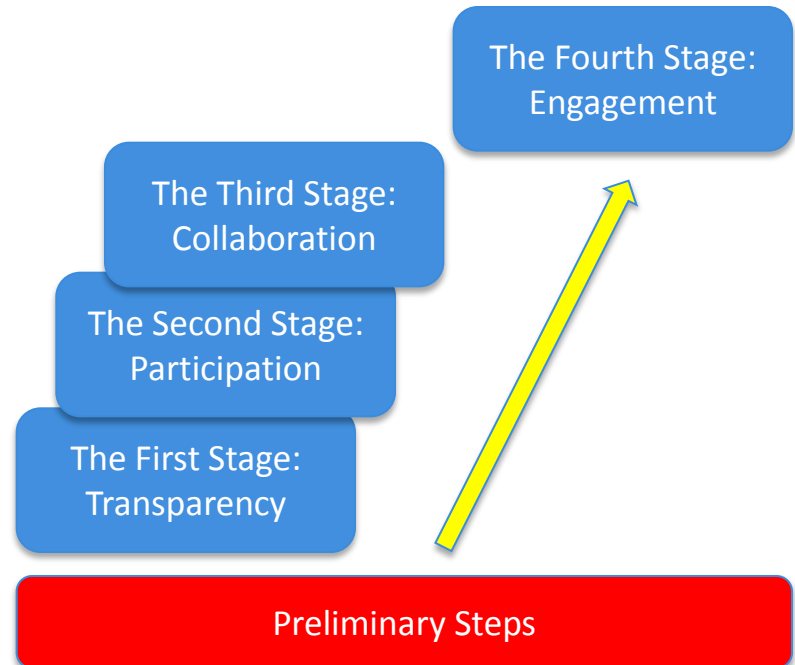
Preliminary Steps

Designing a general framework of open government :

It is important that the Government develop a declared "policy document" which outlines the general national framework for open government, and show its vision and the principles needed for the implementation.

The First Stage: Transparency

Main purpose: To promote transparency through the following objectives:

- Focus on open data, its dissemination and quality

- Build a culture of cooperation among government agencies

- Raise public awareness about the importance of openness and the accountability of governments

- Use any available ICT technology

The Fourth Stage: Engagement

The Third Stage: Collaboration

The Second Stage: Participation

The First Stage: Transparency

Preliminary Steps

The First Stage: Transparency

Focus Area:

- Enhancing transparency, especially transparency of data, as it lay the foundation for open participation and cooperation between the government, citizens and other stakeholders.

  Open government data refers to all data placed by government authorities in the hands of the public via a portal or a website or upon the request of one or more interested parties. This data is usually free of charge.

Some of the Supporting Technologies:

- Any available ICT technology, such as traditional Web applications or mobile applications, can be used.

The First Stage: Transparency

Executive Procedures:

- Data inventory: Requires an inventory of the available data, such as economic data, financial data, government procurement, public spending, data related to employment and employees in each of the relevant government departments, support data, education data, tourism and cultural data, geographical and spatial data, and government archives.

- Data quality assurance: The principles that can be used to assess the extent of the readiness of government data to provide appropriate quality are: completeness, timeliness, accessibility and sustainability.

The First Stage: Transparency

- <u>Data Dissemination</u>: gradually disseminate government data according to priorities.

  Websites should be easy to use, and should include help pages, dialogue forms, and pages allowing the user to send his comments, and proposals.

- <u>Management and Evaluation</u>: Data dissemination is subject to specific procedures for determining organizational structures responsible for data dissemination, and databases for data selection for publication. Some government departments have set up a data management committee, and appointed a "Chief Data Officer" and assistants.

The First Stage: Transparency

Measuring indicators:

Some of the most important **quantitative** measuring indicators to consider are:

- Number of published data sets
- Number of times the data is downloaded
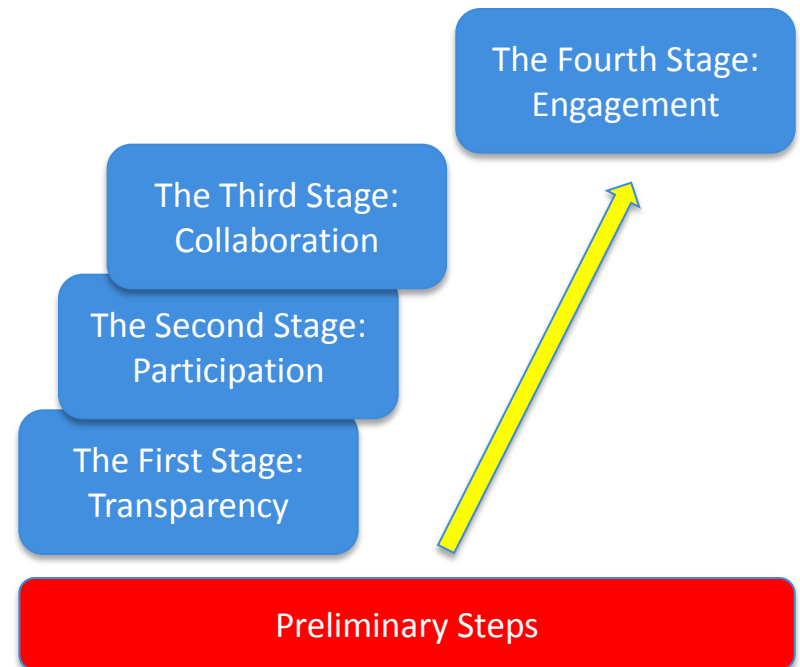- Frequency of visits

In addition to this is a set of **qualitative** indicators, namely:

- Public understanding of open government initiatives and services
- Overall satisfaction on interaction with government

The Second Stage: Participation

Main purpose: To promote citizen participation in government work, through the following general objectives:

- Enhanced interaction with citizens, civil society organizations, and enhance receipt of feedback and suggestions.
- Intensified use of ICTs, particularly social media, to increase efficiency and effectiveness
- Improved decision-making mechanisms
- Inclusiveness enhancement
- Combating corruption, building confidence and openness methodology

The Fourth Stage: Engagement

The Third Stage: Collaboration

The Second Stage: Participation

The First Stage: Transparency

Preliminary Steps

The Second Stage: Participation

Focus Area: Citizens participation (by providing ideas, knowledge, comments and suggestions to the government) leads to increased inclusiveness, and improved contributions to government work and decision-making.

Benefits from improved open participation:

- Continuous dialogue, based on communication
- Obtain a variety of feedback, in a timely manner
- Reduce the time and cost of innovation

The ability of government departments to benefit from the feedback provided by the citizens, at the appropriate speed and time, is the core of this stage.
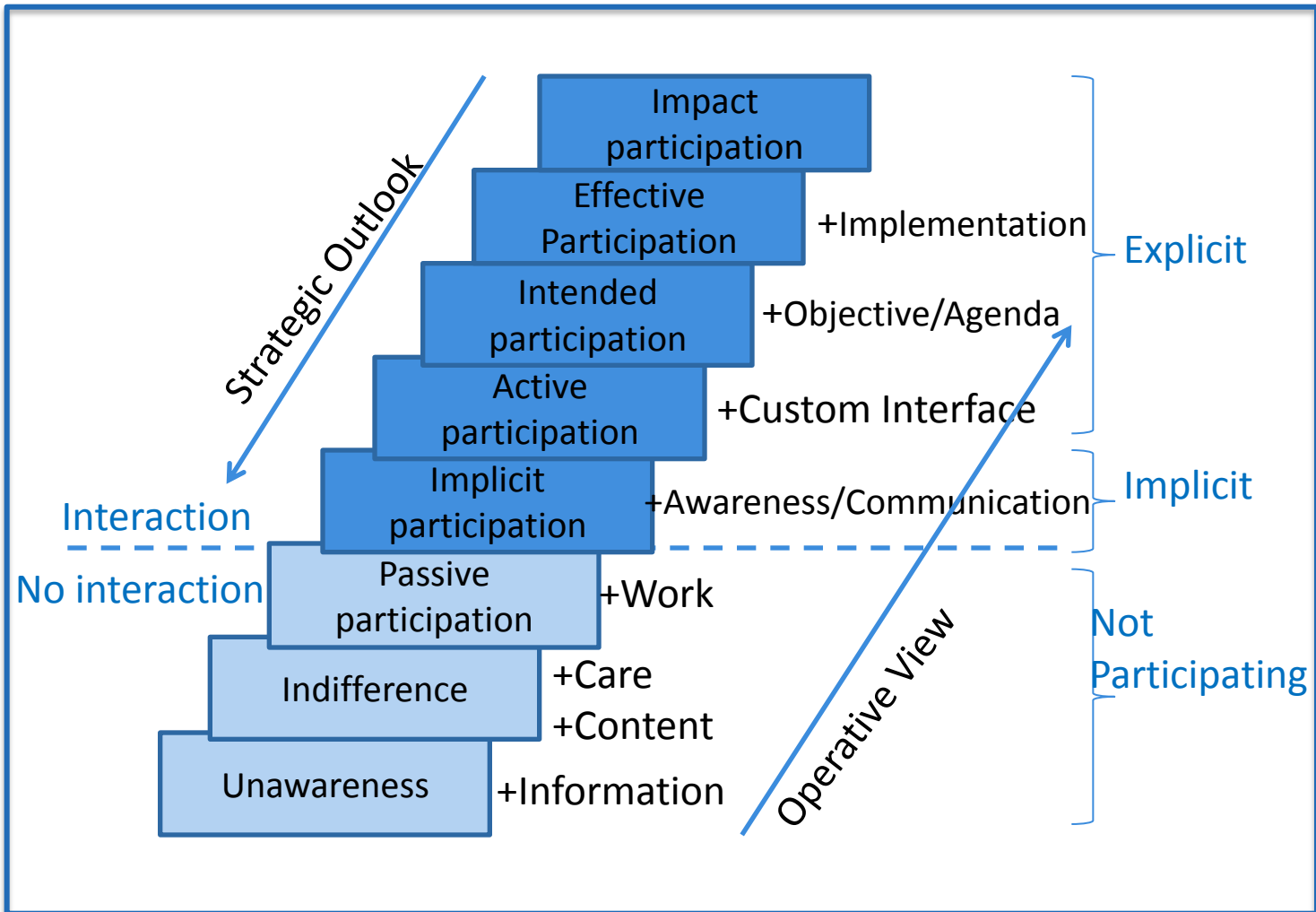
The Second Stage: Participation

Supporting technology:

The shift towards social media "expressive" and Web 2.0 applications, and the semantic web is important because these means of expression allow the citizen a spontaneous informal participation

Executive Procedures:

A clear mechanism should be developed that includes introducing social media to public relations government departments and other related departments, to deal with social media and identify possible applications for implementing participatory projects.

The Second Stage: Participation

Impact participation

Effective Participation

+Implementation

Explicit

Intended participation

+Objective/Agenda

Active participation

+Custom Interface

Implicit participation

+Awareness/Communication

Implicit

Interaction

No interaction

Passive participation

+Work

Indifference

+Care

+Content

Not Participating

Unawareness

+Information

Strategic Outlook

Operative View

The Second Stage: Participation

Measuring indicators:
Some of the most important **quantitative** indicators that can be used are:

- Number of visitors, fans, and followers in social media
- Number of ideas presented by the citizens
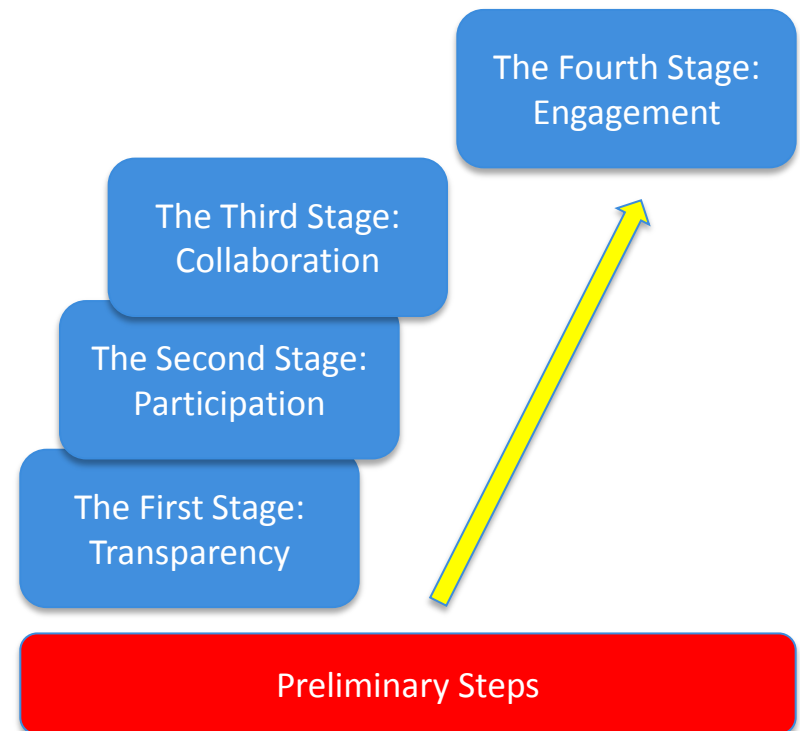- Percentage of publications versus notes
- Voting rate

In addition, there are some **qualitative** indicators:

- Changing the culture of government departments towards openness
- Overall satisfaction about the interaction with the government

The Third Stage: Collaboration

Main purpose: Promote collaboration between citizens and government by:

- Involving all parties: government, the private sector, civil society, and the public.

- Deliberation of public policies and decisions.

- Responding by providing the right services according to the needs of the beneficiaries.

- Work towards achieving an agile government.

The Fourth Stage: Engagement

The Third Stage: Collaboration

The Second Stage: Participation

The First Stage: Transparency

Preliminary Steps

The Third Stage: Collaboration

- **Focus Area**: This phase focuses on the role of collaborative tools. On the other hand, the previous phase focused on its role as an instrument of expression.
Government departments focus on collaboration with citizens and the private sector in order to provide innovative, value-added government services, in a way that allows access at any time and any place.
- **Collaboration at this stage aims to encourage the effective contribution of citizens**:
  - Enhance communication and flow of information between government agencies and citizens
  - Achieve advanced levels of participation, through open public debate on planned government policies and programmes
  - Citizen contribution to government decision-making
- **The final decision-making authority is entrusted to policy makers in government departments**

The Third Stage: Collaboration

The use of new collaborative technology and information tools that allow collaborative projects to be put into practice.
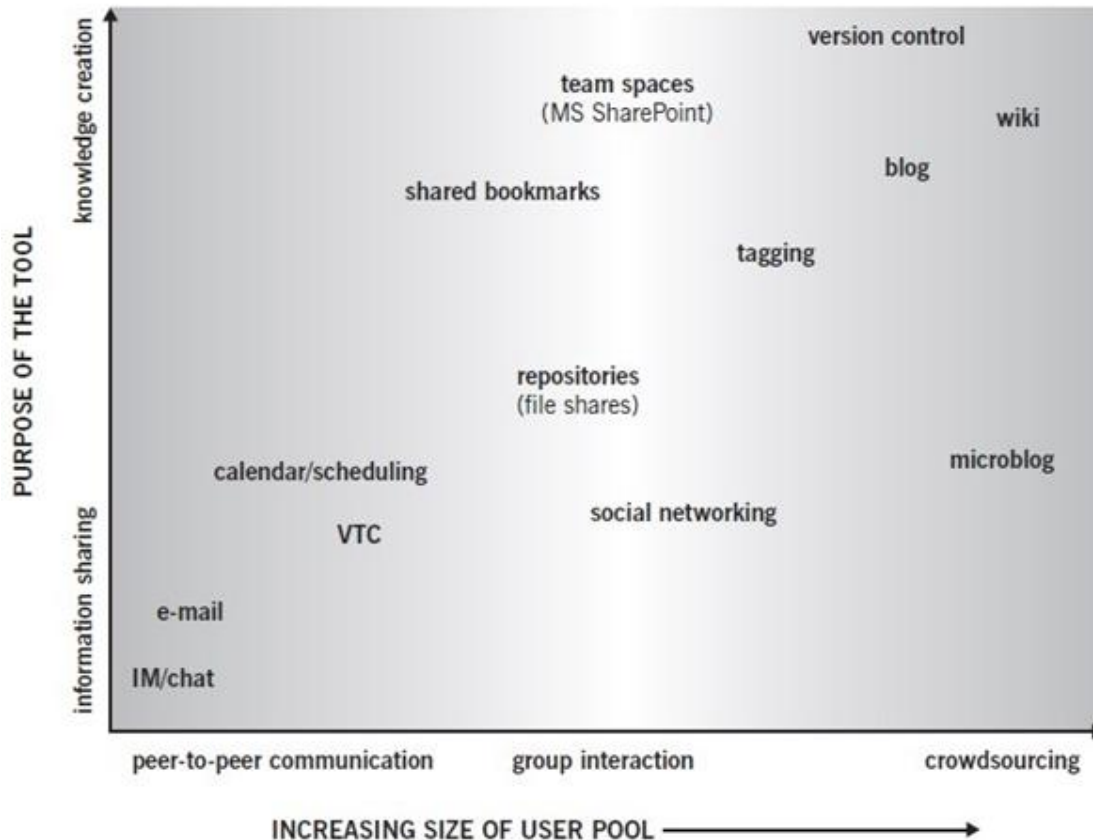

Classification of collaborative tools

The Fourth Stage: Engagement

Main purpose: To achieve the total engagement of citizens in government work, through the following general objectives:

- Comprehensive access to data and services
- Engagement of all parties in policy-making and decision-making
- Build a citizen-centered and accountable government
- Open government sustainability
- Effective contribution to the achievement of the sustainable development goals

The Fourth Stage: Engagement

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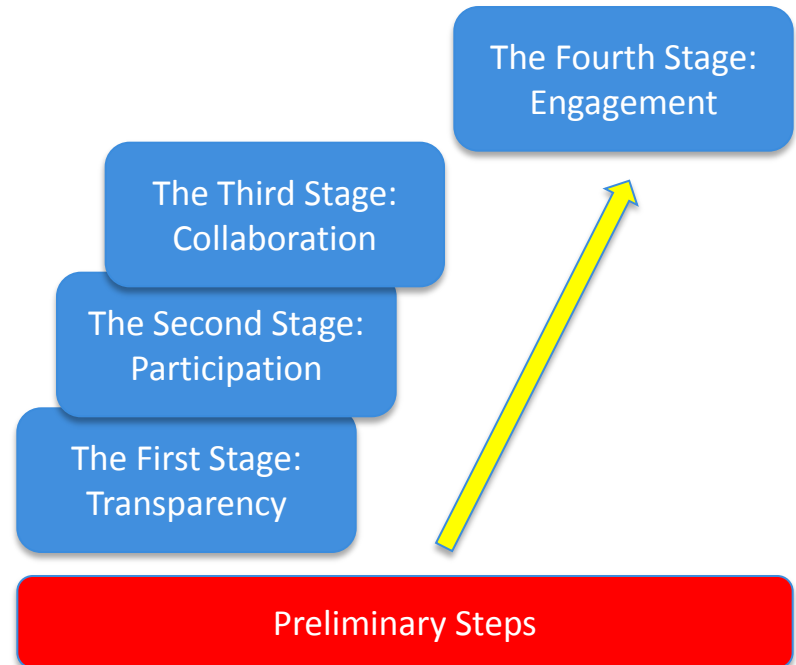
The Fourth Stage: Engagement

Focus Area:

- The implementation of open government, based on the implementation of the previous three stages, and collaboration to achieve a level of total engagement of citizens in government work.

- Government departments are also working on managing and improving existing open government initiatives to make greater use of them.

- Government departments are working on **establishing effective government structures** and procedures that ensure continuous improvement and innovation in citizen engagement programmes

- Departments work with citizens, the private sector and all other relevant parties, to **build a strong system of effective engagement and ensure its sustainability**.

The Fourth Stage: Engagement

Supporting technology

- ICT, at this stage, plays a crucial role.

- Social networks, in their various forms, can be used to support decision-making in a non-hierarchical manner, allowing all citizens voices to be delivered.

- Critical factors that affects the extent to which technology contributes to project implementation:

    - Cost of project implementation where cost is a traditional obstacle to project sustainability

    - The results are consistent with the objectives, as technology allows for more effective project implementation, monitoring and evaluation

    - Institutional acceptance of the change, and the technological tools used in this process

Regional cooperation

This study is part of ESCWA efforts to promote regional cooperation to reach a unified framework for open government policies in Arab countries, and to promote transparency and accountability in the public sector.

The regional cooperation is very important at:

- Coordinating regional activities and agreeing on key open government principles and concepts , and the development of regional performance evaluation criteria
- Sharing success stories and experiences
- Learning web-based solutions for data dissemination or information gathering, or using of participatory and collaborative tools
- Launch a dialogue with other government departments, and users, to achieve greater potential of efficiency and effectiveness.

Open Government Legislation

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Open Government Legislation

The right to access information is a fundamental human right, because it leads to the consolidation of other rights related to freedom of opinion and participation in public life, and therefore strengthens democratic practices. In addition, it has a fundamental impact on strengthening accountability and transparency and the disclosure of potential corruption cases, through the extension of oversight on the performance of governments, both at the central and local levels.

The right to information has been recognized in international forums since 1946, in:

- UN General Assembly Resolution number 59 on Freedom of Information

- The Universal Declaration of Human Rights (UDHR) of 1948 and the International Bill of Civil and political rights of 1976, which are binding, including the right of free expression, and the right to request and transfer information

- United Nations Convention against Corruption 2003

Open Government Legislation

States usually enact special legislation and / or make decisions, regulations, or executive instructions

- In 2001, the European Parliament issued the Regulation No. 1049, which provided public access controls for documents of the European Parliament and the European Commission
- In 2003, the European Commission issued Directive 2003/98/EC about controlling reuse of public sector information

Other legislation has provisions that are relevant to open government as well as the right to access information:

- Cyber Laws (Laws regulating the cyber space)
- Laws of intellectual, industrial and commercial protection
- Laws of freedom of media and expression

Access to Information Legislation in the Arab region

In the Arab world, some countries have legislation that provide access to government data and information:

- **Jordan:** Law No. 47 of 2007 was issued on the right of access to information

- **Tunisia:** Chapter 32 of the Constitution: The State guarantees the rights of media and the right to access information.

- **Lebanon:** Law on Access to Information in Lebanon was adopted by the Lebanese Parliament on 19/1/2017

- **Yemen:** Law No. 13 of 2012 was issued on the right of access to information

- **Egypt:** (Article 68) of the new Egyptian Constitution, the state guarantees citizens the availability of information, data and official documents

Most Important Provisions of The Right to Information Law

The purpose and scope of the law:

- Ensure access to categories of government data and information, in multiple ways and mechanisms, for the purpose of:
  - Enhancing transparency and accountability
  - Improving the efficiency and effectiveness of government and the quality of services provided
  - Increase citizen involvement in public affairs and decision-making procedures

- The law could be expanded to add to government data some of the data owned by private entities.

- The law should define the most important terms used in it, such as:
  - Government data
  - Information, documents and government records
  - Government departments

Most Important Provisions of The Right to Information Law

- **Applications for access to and processing of information**, the law states on:

  - Mechanisms of applying for information
  - Mechanisms for processing requests for information

- **Proactive disclosure**, which means the publication of some categories of government information as an initiative from government departments, without the need of applying

- **The right to follow up public meetings**, allow the interested public to attend specific meetings held in government departments, either in their presence personally , or with the possibility of participation or follow-up by electronic means

Most Important Provisions of The Right to Information Law

- **Reuse of government information**, The right to republish or reuse data obtained from the government

- **Exceptions and refusal of disclosure**, One of the most important exceptions which the law states are:
  - Damage to public interest: Exclude some data regarding national security
  - Damage to the individual interest: Whether it's for natural or legal persons
  - Data on ongoing criminal investigations and similar situations

- **Fees and wages**, access to published information is, in principle, free of charge, especially in the case of the data published on government websites and portals.

Most Important Provisions of The Right to Information Legislation

- **Regulatory and executive measures**, the law defines responsibilities and tasks regarding the application of open data at government level, and in each government department, in terms of supervision, coordination, media and promotion.

- The law also states:

  - Naming a chief data officer

  - Assigning a general data commissioner, which heads an independent department or commission (may be judicial)

  - Creating a National Information Council, comprising of government figures, representatives of the civil community, and representatives of the private sector

Other Cyber Legislation

- Most "cyber legislations" are in some way linked to open government

- Comparison with the set of ESCWA guidelines for cybercrime legislation issued by the commission ESCWA in 2012 which addresses:

  - E-communications and freedom of expression
  - Electronic transactions and signatures
  - E-commerce and consumer protection
  - Processing and protection of personal data
  - Cybercrime
  - Intellectual property rights in the information and cyberspace

Open Government Engagement with Other Cyber Legislation

The Law	Some provisions related to open government	The relationship with the open government
Processing and Protecting Data of a Personal Nature	The provisions of the official control body	Link with the functions of the organization Responsible for the control over Open data.
	Principles related to personal data Personalization	Terms of disclosure of Personal data and handling it, and ensure safety in deployment and handling
	Principles related to data legal treatments	Right of the citizen to see his personal dat and requestcorrection
	Legal treatments related to personal data and freedom of expression	
	Obligations of the Treatment Monitor when collecting information with the person in-charge	

Other legislations relevant to the open government

- **Intellectual, Industrial and Commercial Property Laws:** Applies to data subject to deployment, use and reuse

- **Freedom of Expression Law:** States the citizen's right to express his views and his ideas, whether by speech, writing, photography or by any other means (If it is not causing any disrupt to the public order)

- **Media Law:** The law states that the media with all its means is independent, delivering its message freely. In addition, the practice of media is based on a number of rights, including freedom of expression and the fundamental freedoms of citizens.

Role of open government in achieving SDGs

- Open government is very important to improve government services provided to citizens since it contributes to :
  - Providing more efficient and accountable services through related increased data transparency, and improved public accountability systems.
  - The participation of citizens in decision-making helps in guiding development projects towards national or local priorities, in all sectors.

- It has a positive impact on achieving all sustainable development goals.

Role of open government in achieving SDGs

Goal 16: Peace, justice and strong institutions

- Enable civic engagement, and ensure the absence of corruption in government

- Achieve accountability in accordance with the highest standards, and harness technology in favour of the governance

- Promote transparency and civil participation, in order to strengthen the rule of law and build effective and accountable institutions.

Goal 9: Industry, innovation and infrastructure

- Promote industry and innovation, and contribute to infrastructure improvement

- Strengthen access to information and services, and stimulate innovation and economic growth

Role of open government in achieving SDGs

Goal 3: Good health and well-being

- Provide effective and more accountable health services

- Improve public accountability systems in the provision of health services

Goal 5: Gender equality

- Promote gender equality through detecting cases of inequality in a range of issues and sectors

Goal 8: Economic growth, employment and decent work

- Support innovation in business and economic growth in order to deliver new products and new business services

- Transparency and accountability contribute to the promotion of stability and economic growth

Final Recommendations

Some of the most important factors of success in the implementation of open government:

- Emphasize that open government is a continuous programme at the heart of government business, and not just a limited-term project

- Emphasis on commitment and supportive political will for the open government programme, as high as possible

- The importance of issuing a policy document in which the government outlines the framework for open government at national level, and show its vision in this connection, and the principles underlying it in the application which guide decision-making.

Final Recommendations

- **Issuance of the necessary legislations** to ensure the application of open government, with the need to ensure the coherence of legislation with national policies and action plans on open government

- **Develop detailed action plans** at national and government departments level to implement open government, according to the approved stages, so that they are realistic with clear and measurable outputs

- **Ensure the involvement of government officials and all categories of citizens** in all processes of designing, implementing and evaluating open government programmes and activities

Thank you

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