Open Government Partnership (OGP) through the citizens' lens – Why do we need OGP more than we think?

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According to the 2018 Freedom House report[2], Georgia remains classified as a hybrid regime with an aggregated score of 64 out of 100. Despite improvements in recent years, the country has faced setbacks in democratic development in terms of informal governance; the impact of oligarchic actors in the policy-making process; government interference with judicial independence, etc. Political corruption also remains a problem: the lack of measures to address high-level corruption resulted in a slight decline of public confidence in anticorruption institutions in 2017. Considering all these challenges, the development of democratic instruments that support open government principles is crucially important, and the Open Government Partnership (OGP) can be used as one of the effective tools in that process. Considering Georgia's chairmanship of the Open Government Partnership — a multinational initiative enabling the government to combat corruption, improve the level of transparency and strengthen the principles of open governance — it is the right time to take a deeper look at the ideas surrounding OGP and ask a simple question: Why does the country need OGP and how can it assist Georgia in overcoming weaknesses in the democratic development process?

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[2] Nations in Transit, Freedom House report 2018, Georgia - Country Profile. Available at - https://freedomhouse.org/report/nations-transit/2018/georgia Accessed on 10 July, 2018.

Freedom of/Access to information and data

Access to public information is one of the cornerstones of an open government. The idea of freedom of information[3] incorporates the concepts of transparency, accountability and responsiveness. Freedom of information has become such an integral part of the modern democracies that the Sustainable Development Goals (SDGs)[4], adopted on September 25, 2015 by world leaders at a United Nations summit, was the first international document of its kind to include a commitment to public access to information.Georgia joined the agreement and undertook steps to prioritize SDGs for government policies. Since targets upheld by the SDGs (especially Article 16) and OGP are interlinked and reinforce similar messages, advancement in one can be complementary to improvements in another.

Disclosure of information affects not only the level of democracy in Georgia; it also affects the daily lives of ordinary citizens. For example, opening up previously secret Soviet-era archives allows thousands of citizens to discover the fate of their family members. Participation in OGP has strongly contributed to advancing open data principles in public administration. Georgia's first[5] and second[6] action plans contained commitments on the proactive publication of information; the establishment of the open data portal; and the ability of citizens to submit online requests to public agencies. The government also launched the first open data portal - www.data.gov.ge.[7]Citizens can access the public information through the portal on a variety of topics from numerous public institutions of Georgia, including bonuses, salaries, and spending on different events. Citizens are already entitled to make their own request and address any public institution.

Freedom of information and accessible data can serve as tools to learn more about the efficiency and effectiveness of policies, projects and government expenditures. The remaining key challenge, long criticized by watchdogs, is that the country has not adopted the Freedom of Information Law (FoL). Instead, the provisions concerning freedom of information are part of Georgia's General Administrative Code. [8] The Independent Reporting Mechanism[9], the body that produces annual progress reports for each participant country under the guidance of the OGP Steering Committee, also addressed these issues in its five key recommendations published in the Georgia Progress Report[10]. The adoption of a FoL can improve the situation in terms of public agencies' obligation to publish data on

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[3] See: http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/freedom-of-information/about/ Accessed on 10.07.2018.

[4] Transforming Our World: the 2030 Agenda for Sustainable Development. United Nations. Available at - https://sustainabledevelopment.un.org/post2015/transformingourworld Accessed on 12.07.2018

[5] Open Government Partnership Action Plan of Georgia 2012-2013. Ministry of Justice of Georgia. Available at- http://www.justice.gov.ge/Multimedia%2FFiles%2FOGP%2FOGP%20Action%20Plan%202012-2013.pdf Accessed on 15.07.2018.

[6] Open Government Partnership Action Plan of Georgia 2014-2015. Ministry of Justice of Georgia. Available at- http://www.justice.gov.ge/Multimedia%2FFiles%2F08%2Fprinted%20version%20-%20OGP%20Georgia%20AP%202014-.2015_eng.pdf Accessed on 15.07.2018

[7] See:http://www.data.gov.ge/

[8] Law of Georgia General Administrative Code of Georgia. Available at- https://matsne.gov.ge/en/document/download/16270/18/en/pdfAccessed on 10.07.2018

[9] Independent Reporting Mechanism. Open Government Partnership. Available at - https://www.opengovpartnership.org/about/independent-reporting-mechanismAccessed on 10.07.2018

[10] Gogidze, Lasha, Gzirishvili, Tamar. 2018. "*Independent Reporting Mechanism (IRM): Georgia Progress Report 2016-2017*". Open Government Partnership. 2, Available at - https://www.opengovpartnership.org/sites/default/files/Georgia_MidTerm_Report_2016-2018_EN_for-public-comment.pdfAccessed on 10.07.2018

www.data.gov.ge,especially provisions related to powers of special oversight body to control the accessibility and publishing of information; sanctions for violations; public interest test; and etc. Otherwise, without strong enforcement mechanisms, the obligation of public agencies to establish websites, publish public information online and accept electronic requests for information, might become toothless.

Fighting corruption

Georgia made achievements in combating corruption in public service, which had been a long-term issue, before OGP was launched. The corruption rank in Georgia dropped from its all-time high of 133 (out of 176 countries) in 2004 to 64 in 2011 (in 2017 Georgia ranked 46th place).[11] However, while petty corruption has been largely eradicated, corruption at higher levels of public administration and government institutions often remains unaddressed. Reports by Transparency International Georgia, the Organization for Economic Cooperation and Development, and Freedom House have underlined the existence of various forms of corruption, including nepotism, favoritism, corrupted procurements, etc. An alarming fact, however, is that the practical enforcement of anti-corruption and conflict of interest legislation is weak, which has resulted in the decline of public confidence in anticorruption institutions. The 2017 June NDI survey found that trust in the government's fight against corruption has dropped compared to 2015. [12]

 Developed and applied tools within OGP Georgia to fight and monitor corruption in public administration, in particular the monitoring system of asset declarations, are an important step towards fighting corruption. Public officials in Georgia are required to fill out an asset declaration on an annual basis (the online portal www.declaration.gov.geprovides access to annual asset declarations of 3,100 public officials) documenting the financial assets owned by them as well as their family members[13]. The lack of a mechanism to verify the accuracy of those declarations has been a challenge to the system[14]; CSOs have reported a number of cases where public officials were hiding information. Georgia's OGP third Action Plan introduces a monitoring system for public officials' assets declaration, a system that should address that problem: the Civil Service Bureau (CSB), through an independent committee, will annually monitor the asset declarations of public officials, as well as declarations

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[11]Georgia Corruption Rank. Trading Economics. Available at -https://tradingeconomics.com/georgia/corruption-rankAccessed on 15.07.2018

[12]Public Attitudes in Georgia - June 2017 Public Opinion Polls. National Democratic Institute (NDI). Available at-https://www.ndi.org/sites/default/files/NDI%20poll_June_2017_Political_ENG_final%20%281%29.pdfAccessed on 10.07.2018

[13]See:https://declaration.gov.ge/

[14]GogidzeLasha; Gzirishvili, Tamar. 2018. "*Independent Reporting Mechanism (IRM): Georgia Progress Report 2016-2017*". Open Government Partnership. 2, Available at -https://www.opengovpartnership.org/sites/default/files/Georgia_MidTerm_Report_2016-2018_EN_for-public-comment.pdfAccessed on 10.07.2018

randomly selected by the electronic system.[15] An example of the scope of the problem: in 2017, out of the 284 declarations monitored by the CSB, 224 were incomplete. The bureau identified violations in 10 active MPs' asset declarations and issued administrative fines for each violation. In addition, the bureau received external requests to verify suspicious declarations.[16]

Despite some achievements, steps to strengthen anti-corruption measures are needed both at the national and the OGP level. Freedom of information laws, asset disclosure and open data are all central to helping to prevent corruption from taking place. However, more focus should be put on the detection and enforcement components of the anti-corruption system. Therefore, the next action plan should focus more precisely on developing anti-corruption mechanisms, and advancing the necessary legislative basis to implement it.

Rating and Shaping

For a long time, the governing institutions in many European democracies counted on output legitimacy (the effectiveness of the policy outcomes for the people). However, citizens are no longer satisfied to merely receive services, rather there is a growing demand to engage in the policy-making process. While civil activism in Georgia has seen significant improvement and development in the last several years, the political culture of engaging in political decision-making process has been lacking, as have the opportunities and channels for citizens to participate.

OGP has positively affected the development of policy ratings and evaluating practices in Georgia. To put it simply, an informed society is more empowered to provide feedback on a number of policies or programs. One of the key objectives of Open Parliament Georgia is to ensure citizen participation in the lawmaking process. It is already possible to leave comments on draft laws published on the parliament website[17] (a future objective should be to implement a feedback mechanism). The latest amendments to the Constitution of Georgia will transform the state to a parliamentary system, implementing instruments for citizen engagement. Using the OPG to build strong constituency outreach and transparent principles will help the parliament carry out its responsibilities in a more effective and citizen-oriented way and earn more engagement, as well as trust and loyalty, from the society.

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[15]Open Government Partnership Action Plan of Georgia 2016-2017. Ministry of Justice of Georgia. Available at- http://www.justice.gov.ge/Multimedia%2FFiles%2FOGP%20%E1%83%93%E1%83%9D%E1%83%99%E1%83%A3%E 1%83%9B%E1%83%94%E1%83%9C%E1%83%A2%E1%83%94%E1%83%91%E1%83%98%2FGeorgia_NAP_2016- 2017_ENG.pdfAccessed on 01.07.2018

[16] Civil Service Bureau Annual Report 2017. Available -http://csb.gov.ge/uploads/2017.docxAccessed on 12.07.2018

[17]Open Parliament Georgia Action Plan 2015-2016. Parliament of Georgia. Available at - http://www.parliament.ge/en/ajax/downloadFile/37370/Parliament_Action_Plan_ENG Accessed on 01.07.2018

Beyond this, OGP can offer new mechanisms to citizens to shape policies according to their needs and concerns. For example, the participatory budget is an important part of Georgia's2016-2017 OGP Action Plan. Commitment 24 (a) aims at creating an electronic mechanism for Local Budget Planning in Kutaisi and Batumi city municipalities.[18] The priorities identified by the local population, such as road and kindergarten rehabilitation in Kutaisi, were envisaged in the program budgets developed by city halls. Participatory budgeting has a number of benefits, such as improving accountability and transparency; empowering citizens to take a more active role in their communities; increasing citizens' knowledge of the roles and responsibilities of government officials; helping citizens understand the limitations of local government; reducing corruption; and dismantling patronage networks.

The electronic petition system also has the potential to become an additional and influential tool to shape policies at citizens' level. The official governmental platform www.ichange.gov.gewas created under the commitment of Georgia's second OGP action plan[19].The platform allows any citizen to register its initiative on the web and, if it collects 10,000 signatures within 30 days, the initiative must be discussed by the special experts' commission, which is part of the government administration. The problem with ichange.gov.ge is the lack of public awareness. None of the currently active petitions has more than 100 signatures[20]. This could be explained by a lack of interest, but the fact that citizens are actively using international petition portals (such as Avaaz[21]), shows that more informational campaigns and awareness rising activities are needed. Moreover, 51% of Georgiansuse the internet daily[22], therefore the resource to mobilize citizens around specific issues is in place.

Control/supervision mechanisms

Implementing a policy that is demanded or supported by the population is one thing; controlling and supervising the implementation of those policies is another. When compared to the possible level of citizen engagement in policy-making process, the opportunities for ordinary citizens to be involved in the oversight process are even more limited. One of the

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[18]Open Government Partnership Action Plan of Georgia 2016-2017. Ministry of Justice of Georgia. Available at-http://www.justice.gov.ge/Multimedia%2FFiles%2FOGP%20%E1%83%93%E1%83%9D%E1%83%99%E1%83%A3%E1%83%9B%E1%83%94%E1%83%9C%E1%83%A2%E1%83%94%E1%83%91%E1%83%98%2FGeorgia_NAP_2016-2017_ENG.pdfAccessed on 01.07.2018

[19] Open Government Partnership Action Plan of Georgia 2014-2015. Ministry of Justice of Georgia. Available at-http://www.justice.gov.ge/Multimedia%2FFiles%2F08%2Fprinted%20version%20-%20OGP%20Georgia%20AP%202014-.2015_eng.pdf Accessed on 15.07.2018

[20]See:https://ichange.gov.ge/Petitions/PublicList?Status=Approved

[21]See: https://secure.avaaz.org/page/en/

[22] Public Attitudes in Georgia – March 2018 Public Opinion Polls. National Democratic Institute (NDI). Available at - https://www.ndi.org/sites/default/files/NDI_March_2018_Public%20Presentation_English_final.pdfAccessed on 15.07.2018

main things citizens think of when considering policy oversight is the budget; tax-payers usually ask a simple question: where does our money go? While the budget at first seems complicated, it is important that citizens have the opportunity to track and monitor the implementation of the country's main financial document.

As part of commitment 14 in the third action plan, the State Audit Office plans to enhance citizen participation in the supervision of public finances in order to build their trust in the State Audit Office. By means of an innovative platform mechanism - www.budgetmonitor.ge – citizens already receive complete information about the state budget, public finance management, audit findings, recommendations and the status of its implementation. On the other hand, they can notify the State Audit Office about concrete problems, as well as the drawbacks of government services identified by them. Furthermore, citizens are able to submit proposals based on professional surveys on the improvement of identified shortcomings. [23]

The information received from citizens will be analyzed and could be taken into consideration during the drafting and implementation process of the audit plan. Influencing the development of budgets is not, by itself, enough to achieve citizens' advocacy goals. Even more important than what a budget says it will do is what it actually ends up delivering. Do funds allocated to certain programs go to finance those things, or are they instead diverted to another program – or an official's pocket? The budget monitoring portal can be used in various effective ways by academics, watchdogs, CSOs and citizens. By tracking budgets through the process of their implementation, civil society groups can hold public officials accountable by assessing how public resources are being spent. After all, it is citizens' money so they share part of the responsibility, too.

Improved state services/increased public integrity

Being part of the OGP is characterized by developing citizen-oriented, high-quality services and integral elements of e-governance, which includes, but is not limited to: adapting public service halls to the needs of people with disabilities; creating an electronic portal for registering and disposing of state property; establishing electronic innovations for more transparency and efficient public procurement; developing electronic services provided by the Agency of State Service Development, etc. As a result, there are more chances for citizens to shape policies and priorities. OGP Action Plans shall be developed in consultation with the public and civil society. In the process of the elaboration of the last action plan, public consultations were held in 15 cities of Georgia and up to 800 people participated in meetings across the country. Several commitments (the participatory process for budget development, transparency of local self-governing processes and adopting the Public Service Halls to the needs of disabled people) were selected as a result of public consultations. Consultations for developing a new action plan started in April and meetings with students, teachers, NGOs and other interested parties took place in all regions of Georgia. These people not only had the opportunity to attend the consultations, but also have their own say. However, more

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[23]See:https://budgetmonitor.ge/en/citizen

people must be informed about opportunities to influence policies. Obviously, citizens can enjoy the results without engaging in developing them, but deeper insight and more active participation in the process makes citizens' impact stronger. An engaged and informed society can actively advocate for better policies by referencing to international commitments taken by the government.

What comes next?

At a Glance:

Member since: 2011

Number of commitments: 24

Level of Completion:

Completed: 25% (6)

Substantial: 33% (8)

Limited: 42% (10)

Not started: 0% (0)

Commitment Emphasis:

Access to
information: 67% (16)

Civic participation: 25% (6)

Public accountability: 13% (3)

Tech & innovation
for transparency &
accountability: 17% (4)

Table 1. Implementation of the 2016-2017 Action Plan (Source: IRM report) [24]

Success stories and achievements do not necessarily mean that citizens' rights to influence the governmental decisions that affect their daily lives are fully ensured and strengthening open government principles do not face serious challenges. Only six out of the 24 commitments in third action plan were fully implemented; eight were substantially implemented; and 10 has seen partial implementation (see Table. 1). From the point of view of the country's citizens, Georgia should put more emphasis on civil participation and accountability, because there is an inextricable link between civic engagement and more democratic, transparent and citizen-oriented public policy.

As OGP Chair, Georgia has to present a more ambitious and powerful action plan than before while fulfilling previously taken commitments. A new action plan should increase the scope of the main thematic priorities outlined in Georgia's co-chair vision, including public service delivery and anti-corruption. Adoption of the Freedom of Information law will also be very important; its development could have profound impact on improving access to information in Georgia. Finally, making OGP more "public" remains a challenge, which means large-scale awareness raising campaigns should be carried out to make sure citizens cans use all the benefits discussed above. Being part of OGP should be seen not only as the prestige of the government; it should also be prioritized as a means to put stronger democratic instruments in citizens' hands.

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[24]Gogidze, Lasha; Gzirishvili, Tamar. 2018. "*Independent Reporting Mechanism (IRM): Georgia Progress Report 2016-2017*". Open Government Partnership. 2, Available at -
https://www.opengovpartnership.org/sites/default/files/Georgia_MidTerm_Report_2016-2018_EN_for-public-comment.pdfAccessed on 10.07.2018