

# The normative framework of Open Government and the Status of Arab States

Samir AITA  
President of the Cercle des Economistes Arabes, ESCWA consultant



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# Open Government is a concept of Governance

- **First launched at UN General Assembly 2011 → OGP Partnership**
- **A concept promoting:**
  - **Transparency, Integrity, accountability, participation, collaboration**
- **It is a governing doctrine and practice...**
- **It includes/encompasses:**
  - **Open Government data (OGD) → Open Data Charter**
  - **E-government, digital government, smart government**

# Open Government is a concept of Governance

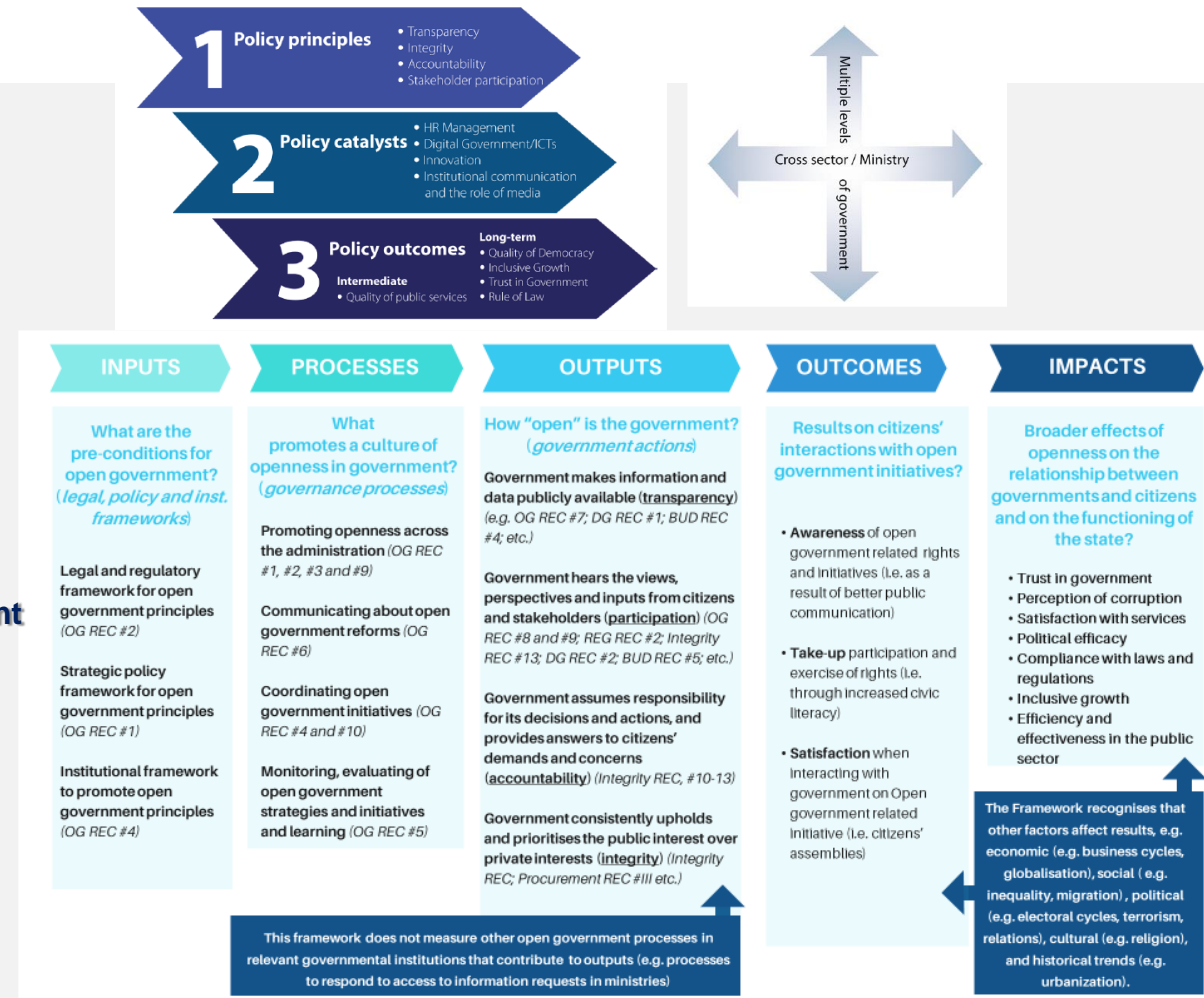
- **Included in Sustainable Development Goals**
- **SDG 16: Peace, Justice and Strong Institutions**
  - **Target 16.6: *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels***
  - **Target 16.7: *ensure responsive, inclusive and representative decision-making***
  - **Target 16.8: *strengthen the participation in global governance***
  - **Target 16.10: *ensure public access to information and protect fundamental freedoms***
  - **Target 16.b: *promote and enforce non-discriminatory laws and policies***
- **As well as 5.5, 6.b, 9.c, 11.3, 12.8, 17.7, 17.18**

# Frameworks for Open Government: the OECD

## The OECD 10 provisions

1. implement open government strategies and initiatives
2. open government legal and regulatory framework
3. operationalization and take-up of open government strategies and initiatives
4. Co-ordination
5. Development and implementation monitoring
6. Actively communicate on open government strategies and initiatives
7. Proactively make available clear, complete, timely, reliable and relevant public sector data and information
8. Grant all stakeholders equal and fair opportunities
9. innovative ways to effectively engage with stakeholders
10. from the concept of open government toward that of the **open state**

## The theory of change



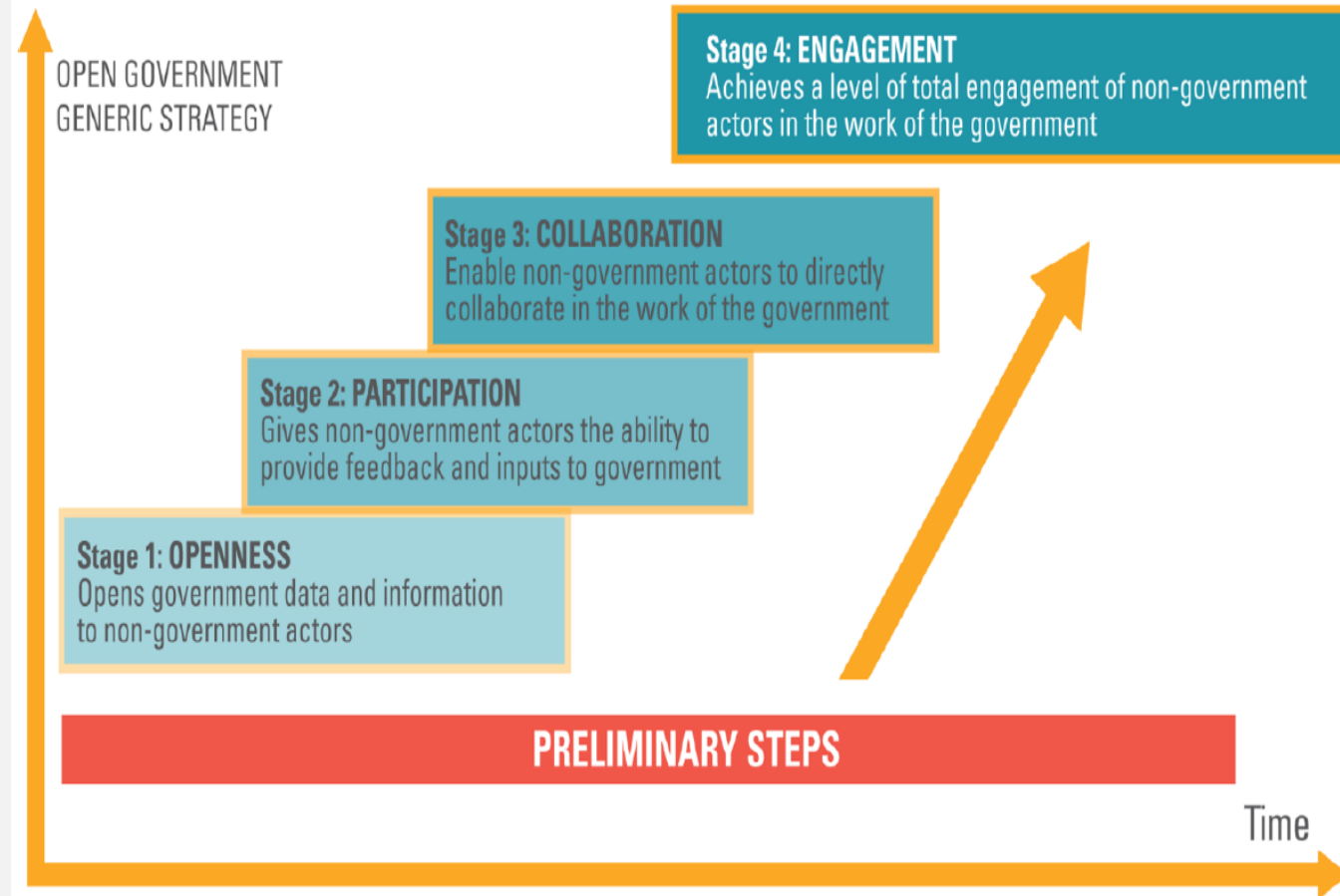
# Frameworks for Open Government: the ESCWA

## The ESCWA 6 strategic objectives

1. Developing policy and strategy.
2. Providing institutional frameworks
3. Setting up legal and regulatory frameworks
4. Upgrading government capacity
5. Rolling out technology features and channels
6. Improving public capacity

## The stages

- Stage 1: Openness
- Stage 2: Participation
- Stage 3: Collaboration
- Stage 4: Engagement



# Issues for Open Government Frameworks

- **Impediments for implementation**
- **What body is responsible of the implementation?**
- **Who are the stakeholders of OG?:**
  - **Government: executive central? Local/regional, legislative/judiciary,...**
  - **Citizens: individuals, « civil society », social partners/unions, ...**
- **Measurement, monitoring and evaluation (M&E)**
  - **How to measure Openness, Participation, ... engagement?**
- **The impact of the COVID 19 crisis**

Figure 5. Impediments to the implementation of Open Government

Type of impediment	Indicator	
Social, economic and political impediments	Willingness	Does the government have the political will to implement institutional reforms?
	Justice	Do all citizens have fair opportunities to participate in decision-making processes?
	Degree of trust	What is the level of trust between citizens and the government?
	Incentives	What are the incentives for citizens to participate?
	Capacity	Do citizens have a minimum digital literacy and the ability to manipulate information in a way that enables them to participate in decision-making processes?
	Legal framework	Is the necessary enabling legal framework in place at the country level (Law concerning the Right of Access to information)
Technical impediments	Readiness	Is there a certain level of cyber readiness at the country level (diffusion and usage of ICTs)?
	Convenience	Is the technology appropriate to the socio-economic context (use of traditional media)?
	Stability	Are the information and communication technology programs financially stable and socially sustainable in the long-term?
	Security	Do the technological solutions used ensure the information security requirements?

# Issues for Open Government Frameworks

**Robust and Appropriate legal, policy, institutional and implementation frameworks are key enablers of Open Government, as they ensure that reforms are rooted in solid foundations and provide long lasting effects**

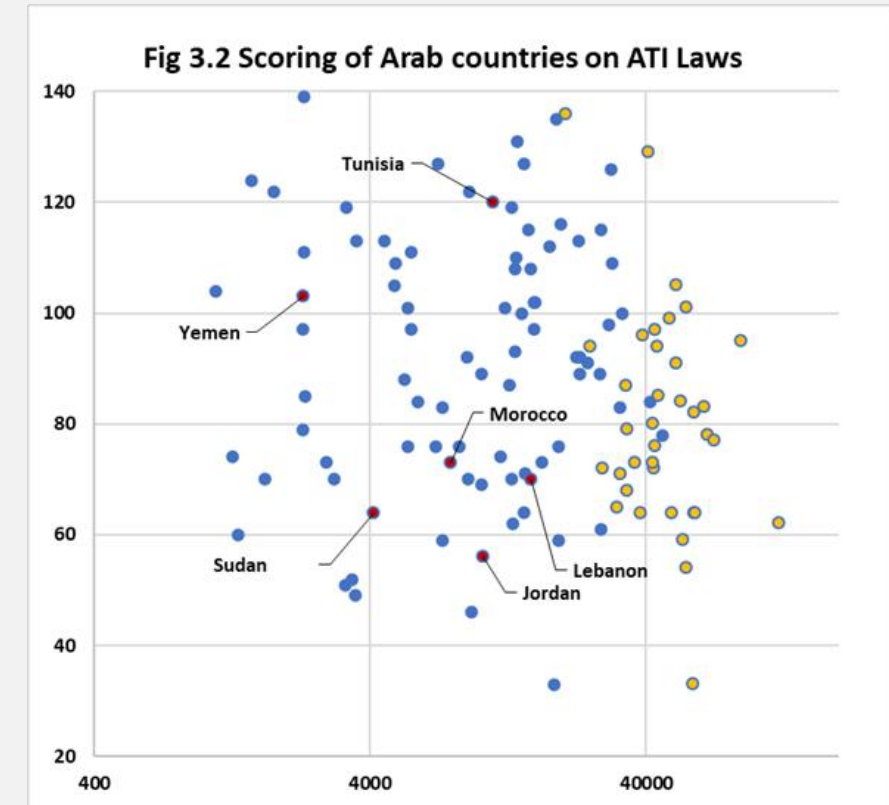
# Open Government in Arab States

Table 3.1 Access to information laws in the Arab countries and RTI rating

Country	Inacted in Constitution	Inacted by law	Year of Law	Rating by RTI
Jordan	Yes	yes	2007	56
Lebanon	No	yes	2017	70
Morocco	yes	yes	2018	73
Sudan	No	yes	2015	64
Tunisia	Yes	yes	2011	120
Yemen	No	yes	2012	103
Sudan	No	yes	2015	64

- **3 Arab countries members of the OGP:**
  - Jordan, Morocco & Tunisia
  - Local municipalities joined: Karak & Salt (Jordan), Tangier-Tatouan-Al Hoceima (Morocco), El Kef & Regueb (Tunisia)
  - Regularly updated action plans/OECD
- **The ESCWA framework is common to all Arab States**
  - However, only OGP States have specific institutional/legal framework for OG implementation differentiated from that for e-government
- **The necessary legal environment for OG**
  - The Right/Access to Information (ATI) and beyond...

## The Right to Information



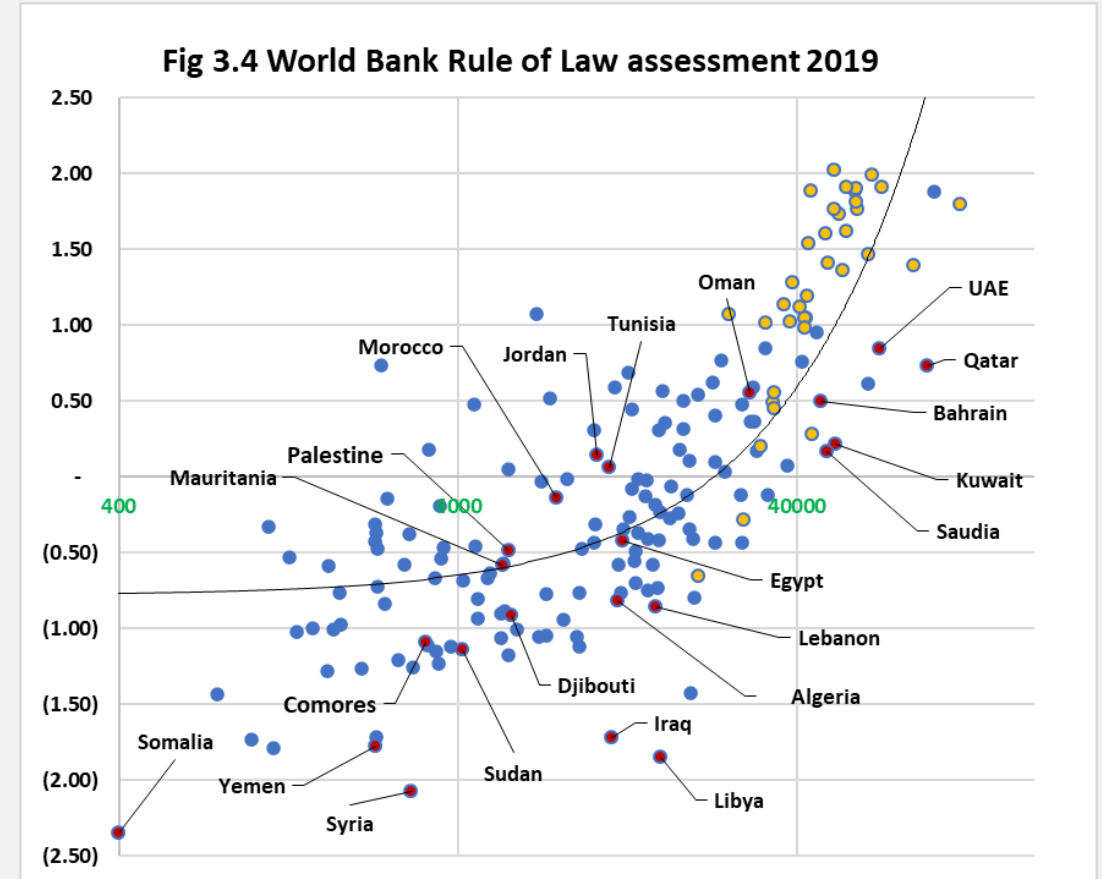
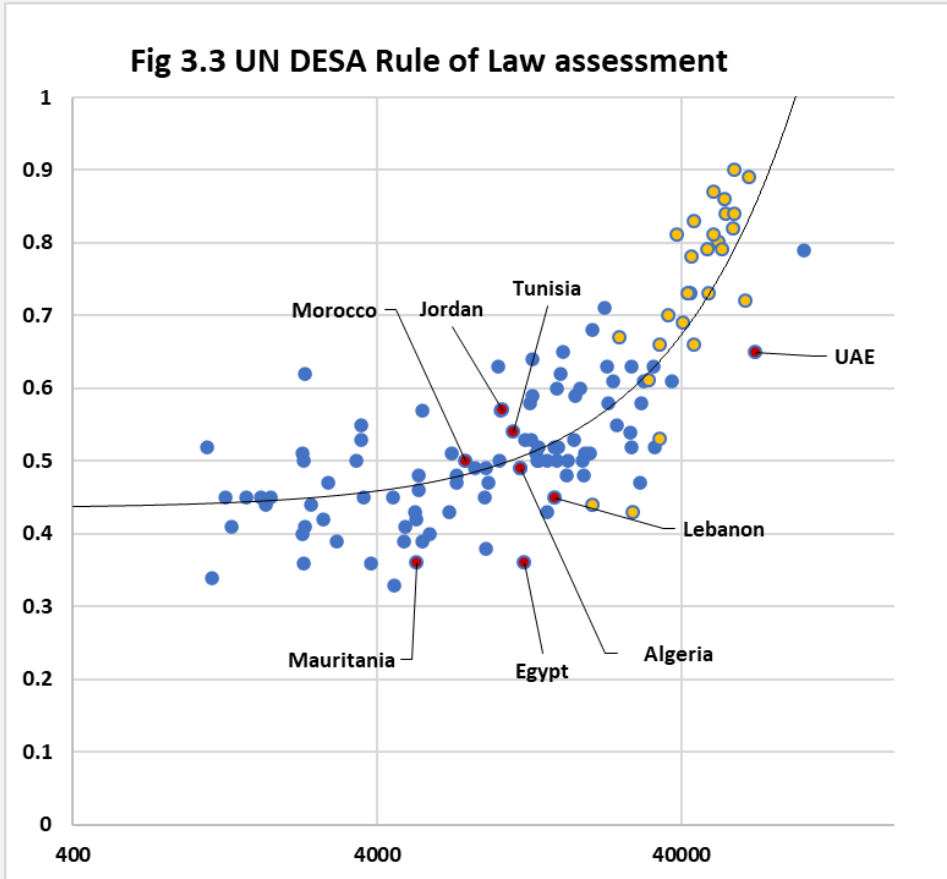
Source: ESCWA Compilation based on data from: <https://www.rti-rating.org/>

Note: Horizontal axis shows the value of the index,

Vertical axis shows the GDP per Capita based on PPP (2015), PPP = Purchasing Power Parity



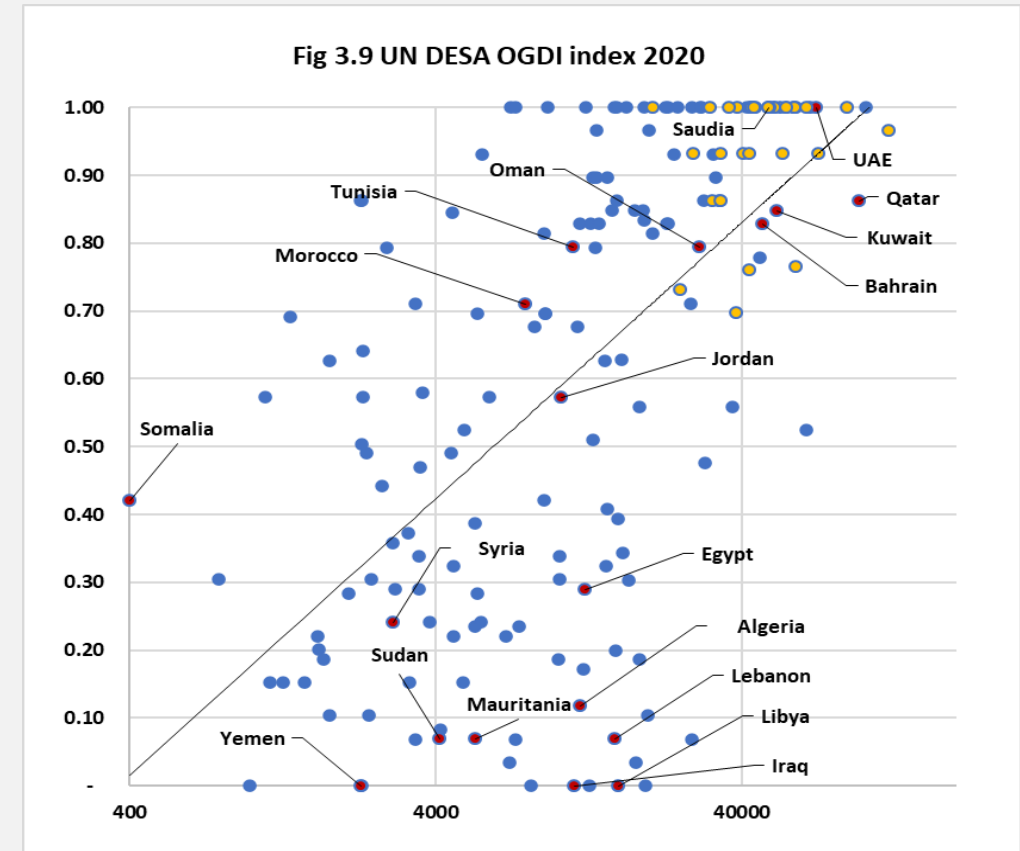
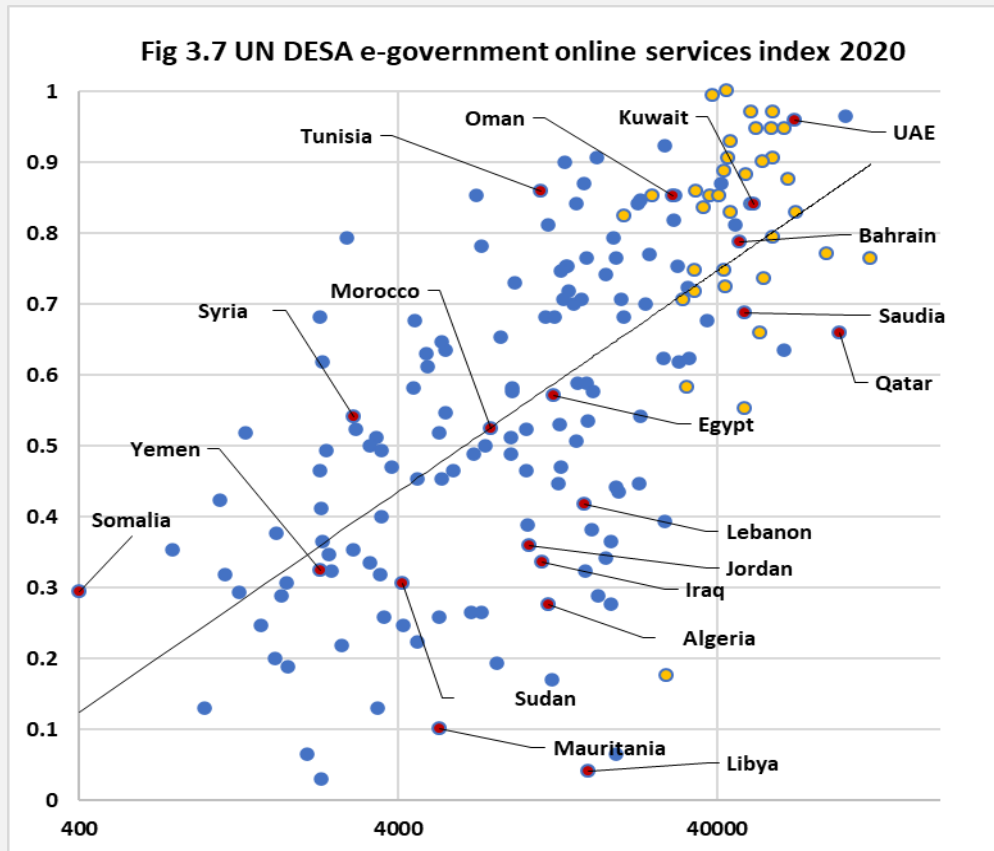
# Open Government in the Arab States: the legal framework



Source: ESCWA compilation based on UNDESA Rule of Law, and World Bank Rule of Law assessment

# Open Government in the Arab States: Openness

## E-government and Open Government data

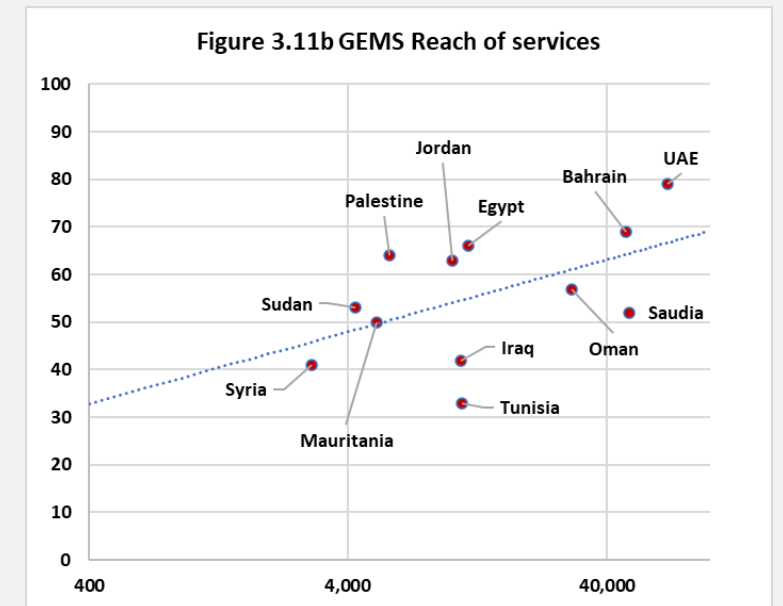
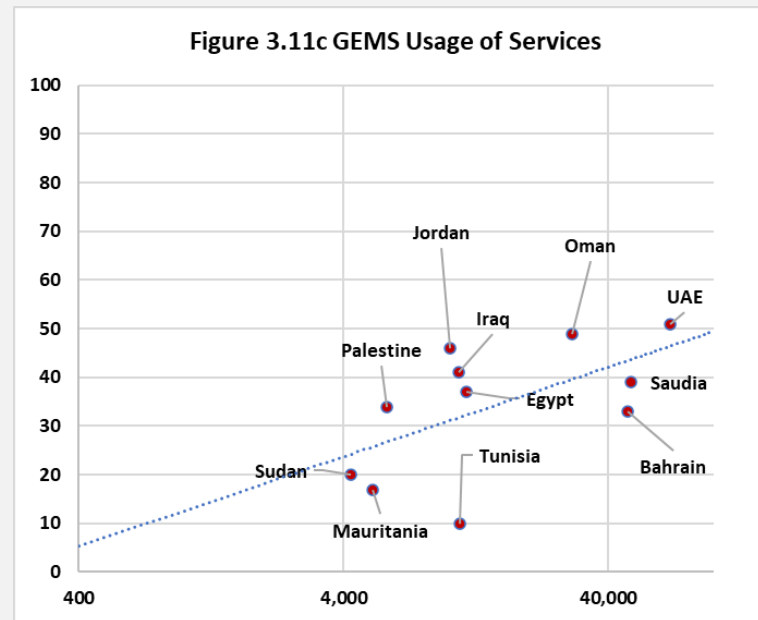
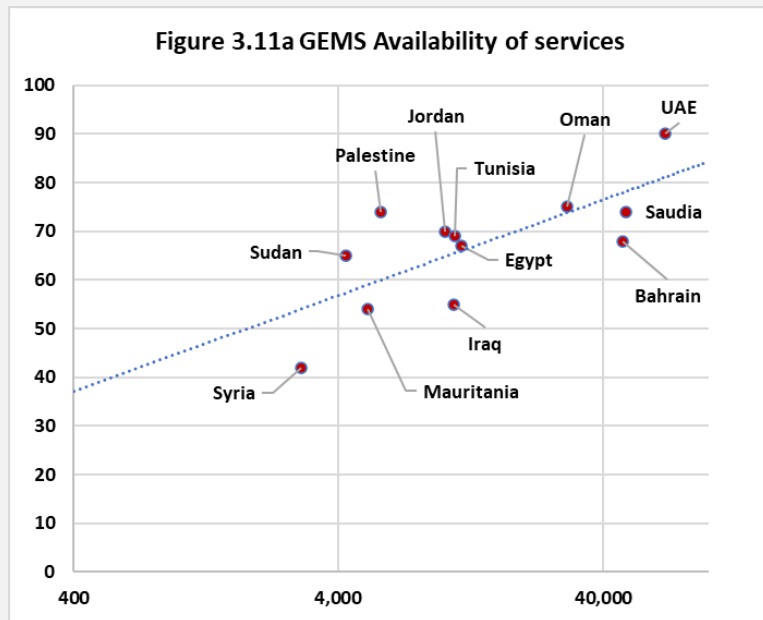


# Issues for Open Government Frameworks

**E-Government is a strong enabler of Open Government, when it supports the same principles of Transparency, Integrity, Accountability, Participation, Collaboration**

# Open Government in the Arab States: Openness

## ESCWA: Government Electronic and Mobile Services (GEMS) maturity index



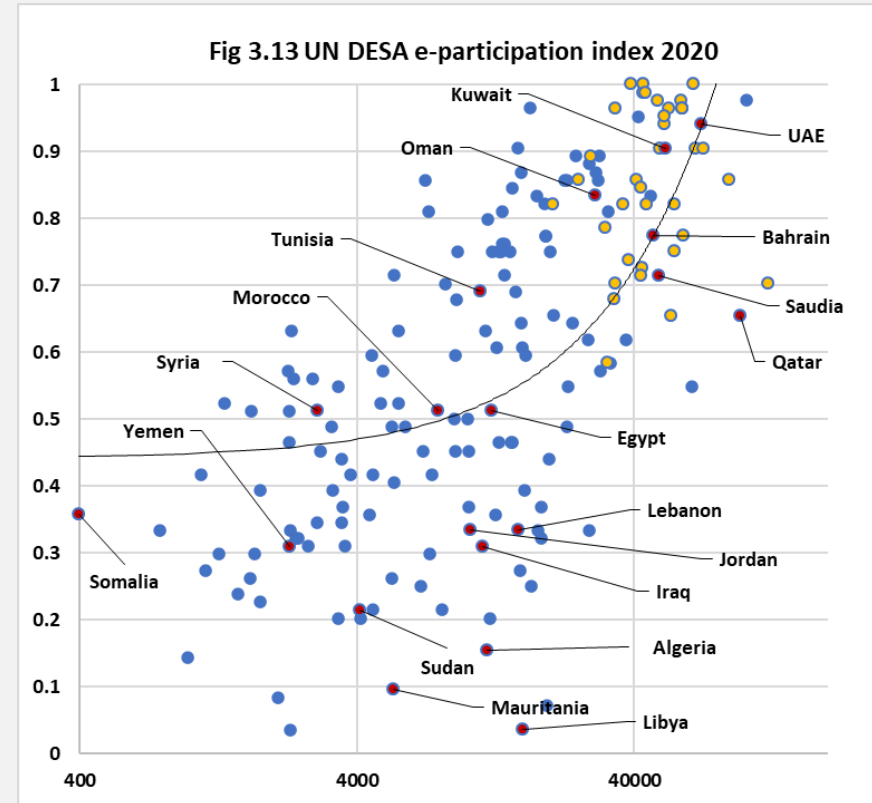
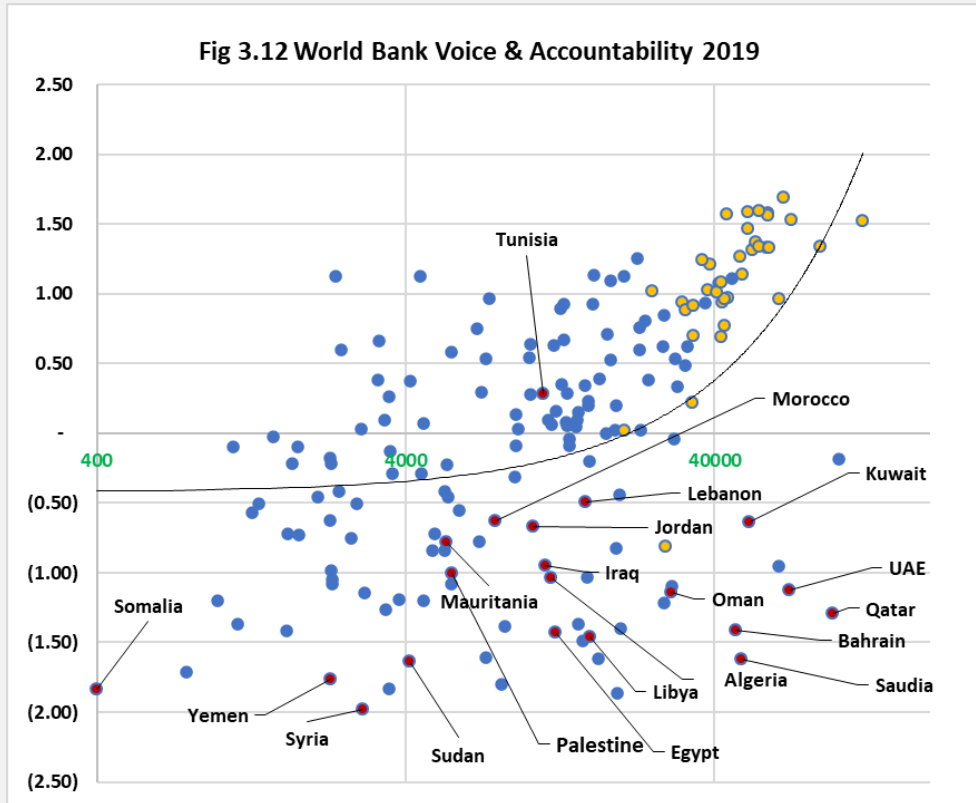
# Issues for Open Government Frameworks

**New ICT technologies facilitate Open Government and allow innovative approaches; but Open Government can be implemented even with low penetration of ICT technologies;**

**for example, when investigative media requests the release of public contracts and makes government accountable for their content**

# Open Government in the Arab States: Participation, Collaboration & Engagement

## Voice & Accountability ... Participation



# Open Government and the Covid 19

- **a moment of peak uncertainty for governments, civil society and citizens alike driving new policies and approaches to be tested in real-time**
- **OGP has issued a guide on open government and coronavirus**
- **However, the Covid-19 crisis has introduced new risks & challenges on the way for Open Government:**
  - **Transparency**
  - **Abuse of use of ICT and rules on individual freedom**

# Open Government in the Arab States: the way forward

- **Open budget for Open Government**
- **Local governance**
- **Labor force survey, employment and informality**
  
- **→ Open Government for the New Urban Agenda in Arab cities**
  - **The Right to the City**
  - **an ESCWA/UN-Habitat project**
  - **In partnership with OECD, UNESCO, World Organization of United Cities (UCLG) Cercle des Economistes Arabes...**