

# Proposed new OGP guidelines for co-creation

## Introduction

The Criteria and Standards subcommittee agreed in February that the Support Unit and IRM should prepare a draft of new guidelines for co-creation in OGP. Three reasons were given for improving the existing guidelines:

- The analysis of the IRM data shows that countries are *complying* better with the consultation guidelines over time but that that doesn't result in the actual *quality* of the consultation improving. One example from the most recent technical paper is that from 2012-2014, fewer countries carried out consultation during the implementation process.. The Support Unit's experience is in line with this conclusion and reinforces the importance of a qualitative dialogue.
- The current guidelines focus almost exclusively on the consultation process for developing NAPs. It is just as important to ensure trust, dialogue and cooperation in the other phases of the National Action Plan cycle - implementation and monitoring - if OGP wants to deliver on our objectives, including increasing the number of ambitious and implemented OGP commitments.
- Improving the guidelines is an opportunity to learn from what has worked in the first five years of OGP- as well as other international best practices and expertise.

In summary, the proposed new co-creation guidelines seek to make existing requirements more specific and easy to follow, introduce a focus on the quality of the consultation, and provide guidance on the ongoing dialogue between government and civil society in all three phases of the OGP National Action Plan Cycle: development, implementation and monitoring. Each proposed guideline specifies a set of general basic requirements. In line with OGP's philosophy of incentivizing best practice and rewarding ambition, each proposed guideline also has a set of best practice stretch 'requirements'. Countries are not obliged to meet these best practice 'requirements', but they will be supported and encouraged to do so. Countries that meet the best practice guidelines will be awarded a star for their quality of co-creation (comparable to the starred commitments).

The Criteria and Standards subcommittee has been actively involved in the development of the proposed new co-creation guidelines, including through three rounds of review in June, August and early September. This final draft has been developed based on the comments received from subcommittee members, as well as colleagues from the OGP Support Unit and IRM.

The OGP Steering Committee is asked to:

1. Review and provide input on the the proposed new co-creation guidelines as developed and approved by the Criteria and Standards subcommittee. This input will be considered for the final new co-creation guidelines which, in accordance to the Articles of Governance, will go for a 30 day period of public consultation in October. Following the consultation period the Criteria and Standards subcommittee will meet to agree a final version of the guidelines in November, ready to be applied with the 'odd year' countries developing new NAPs in 2017. This will allow for a 12 month trial period with the smaller cohort of countries, before we roll out the new guidelines to all OGP countries from January, 2018.
2. Review and provide input on the proposed changes to the Articles of Governance Addendum C, which will be included in the next round of revisions following public consultation and Steering Committee approval.

# Co-creation guidelines

## Introduction

Civic participation is a core component of open government, and an essential element of developing an OGP National Action Plan. The OGP Articles of Governance state that '*OGP participants commit to developing their country action plans through a multi stakeholder process, with the active engagement of citizens and civil society*'. These co-creation guidelines are intended to support enhanced government and civil society collaboration at all stages of the OGP cycle.

The guidelines are based on evidence and experience built up over a number of decades across many country contexts of the essential components of strong participatory processes. Among other things, such processes demonstrate three qualities:

1. **Impact** - there must be the potential for the process to impact in a meaningful way on the decision making process.
2. **Transparency** - there must be clarity about the purpose, scope, timeline, decision making process, and feedback mechanism.
3. **Integrity** - the scope for the process to make a difference to the decision making process must be declared at the start, and decision makers must enter with an open mind.

## The guidelines

These guidelines are organised around four essential components of good engagement:

1. **Dissemination of information:** Government, in partnership with civil society, should ensure members of the public and wider civil society are provided with timely information about all aspects of the national OGP process - especially the key moments to provide inputs, discuss priorities and monitor performance.
2. **Channels and platforms for dialogue and co-creation:** Government, in partnership with civil society, should facilitate inclusive ongoing dialogue and collaboration through a variety of mechanisms, and a multi-stakeholder forum should be established to oversee and guide the national OGP process.

3. **Documentation and feedback:** Government, in partnership with civil society, should document and make publicly available all individual written contributions received for the NAP development and monitoring processes, as well as provide feedback on how inputs were taken into account.
4. **Improving participation/collaboration over time:** Government, in partnership with civil society, should improve the quality of each cycle of the national OGP process, complying with more of the requirements outlined in the co-creation guidelines and moving from consult to collaborate (on the [IAP2-spectrum<sup>1</sup>](#)).

Each guideline has a set of basic requirements and best practice steps that reflect international standards and guidance and the experience of OGP countries to date.

- I. **Dissemination of information:** Government, in partnership with civil society, should ensure members of the public and wider civil society are provided with timely information about all aspects of the national OGP process - especially the key moments to provide inputs, discuss priorities and monitor performance.

#### *Basic requirements*

Throughout the OGP cycle...

- The lead agency and point of contact for OGP is clearly identified and their contact details are publicly available.
- There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published.

When developing the plan...

- The government proactively communicates, via the national OGP website/webpage and other channels, the process for the development of the NAP, including a timeline of key stages and deadlines.
- The government publishes information and documents in plain language that is understandable to the majority of the population.
- The government proactively communicates, via the national OGP website/webpage and other channels, opportunities to be involved in the development of the NAP (e.g. details of meetings, events, written consultations, feedback mechanisms) with

<sup>1</sup> <https://www.iap2.org.au/resources/public-participation-spectrum>

adequate notice (i.e. at least 4 weeks in advance)

- The government provides adequate background information (e.g. about open government, the OGP, the scope of the NAP, and development process), to participants, via the national OGP website/webpage and at meetings/events, prior to consultation and during, in order that they can participate in an informed manner.
- The government publishes, via the national OGP website/webpage, regular (i.e. at least every month) progress updates on the development of the NAP, including notes of events, drafts of commitments, and other relevant information.
- The government proactively communicates to civil society, via the national OGP website/webpage and other channels (e.g. at meetings/events), the decision making process for agreeing commitments and finalising the NAP.

When implementing and monitoring the plan...

- The government publishes via the national OGP website/webpage regular reports (i.e. at least every six months) on the progress of commitments, including progress against milestones, reasons for any delays, next steps.

### *Best practice*

Throughout the OGP cycle...

- The multi-stakeholder forum (see section 2) communicates its remit, membership and governance on the national OGP website/webpage
- The multi-stakeholder forum proactively communicates its activities and decisions to wider government and civil society stakeholders in a timely fashion.

When developing the plan...

- The government uses a range of digital channels commonly used by citizens and civil society (e.g. Facebook, Twitter, YouTube, etc) for awareness raising and dissemination of progress updates.
- Government officials attend meetings and events, organised by civil society or third parties, to raise awareness of open government, the OGP and opportunities to get involved.

When implementing and monitoring the plan...

- The multi-stakeholder forum oversees the publication of regular joint government-civil society updates on the progress of

commitments in addition to government self-assessment reports.

- The government publishes a dashboard on the national OGP website/webpage that provides up to date information on the status of all commitments in an accessible and easy-to-understand format for an average citizen.

II. **Channels and platforms for dialogue and co-creation:** Government, in partnership with civil society, should facilitate inclusive ongoing dialogue and collaboration through a variety of mechanisms, and a multi-stakeholder forum should be established to oversee and guide the national OGP process.

### *Basic requirements*

Throughout the OGP cycle...

- A multi-stakeholder forum - a group of government and civil society representatives that has a clear remit, membership and governance, and meets on a regular basis (i.e. at least every quarter) - is formed.
- The remit, membership and governance of the multi-stakeholder forum are jointly agreed by government and civil society.
- The multi-stakeholder forum includes high-level representatives with decision making authority from government.
- The multi-stakeholder forum guides and monitors the national OGP process.
- Civil society is free to self-organise, including deciding its representatives on the multi-stakeholder forum.

When developing the plan...

- Government decision makers convene the members of the national multi-stakeholder forum to design the NAP development process (e.g. number of events, location, format)
- The government, guided by the multi-stakeholder forum, provides open and accessible opportunities to any interested members of the public and civil society to participate in the development of the NAP.
- The government uses multiple channels to engage the public and civil society in developing the NAP, including online and in-person events.
- The government holds at least two open meetings and a public consultation of at least six weeks for any interested parties to propose and/or comment on commitments.
- Government members of the multi-stakeholder forum discuss with their civil society counterparts the government's priorities for commitments and the political feasibility of adopting civil society priorities and proposed commitments.
- Government members of the multi-stakeholder forum discuss with their civil society counterparts the selection of commitments

to be included in the NAP, take on board their comments and state clearly their reasoning behind decisions.

- The government publishes a draft NAP, via the OGP website/webpage and other channels (e.g. social media), for public comment over at least a four-week period.

When implementing and monitoring the plan...

- The multi-stakeholder forum monitors and deliberates on how to improve the implementation of the NAP.
- Government decision makers submit self-assessment report to the national multi-stakeholder forum for comments and feedback on the content of the report.
- The government holds at least two open meetings with civil society (one per year) on implementation of the NAP and holds at least a two-week public consultation on its self-assessment.
- The government shares the link to the IRM report with other government institutions and stakeholders to encourage input during the public comment phase.
- The government sends a high level representative (i.e. minister or senior official) responsible for the OGP to the launch of the IRM report, who responds to the findings and comments or questions from other participants.

*Best practice*

Throughout the OGP cycle...

- The multi-stakeholder forum is jointly chaired by government and civil society, and includes a variety of government and non-government actors that bring in a diverse range of views
- The multi-stakeholder forum acts in a decision making capacity, with key decisions regarding the process and content of NAPs made jointly by its government and civil society members.
- The national multi-stakeholder forum has an explicit aim to bring in additional government and non-government actors into the OGP process.

When developing the plan...

- The national multi-stakeholder forum jointly designs and agrees the NAP development process (e.g. number of events, location, format), though government retains ultimate responsibility for the quality of the process.
- The national multi-stakeholder forum coordinates multiple face-to-face outreach and engagement events around the country, which are open and accessible to any interested members of the public and civil society to attend (e.g., at suitable times and locations).

- The national multi-stakeholder forum holds an open call for ideas for commitments, publicised via the national OGP website or webpage and other channels (e.g. social media and traditional media), which are assessed by the multi-stakeholder forum through an open and transparent process.
- Government and civil society, via the multi-stakeholder forum, jointly agree the commitments to be included in the NAP.
- Government and civil society form working groups on each draft commitment to co-create it through a process of open dialogue and iteration

When implementing and monitoring the plan...

- Working groups are formed for implementing and monitoring each commitment, which include the government commitment lead, other relevant government actors, civil society organisations identified through an open call, and any other relevant stakeholders.
- Government proactively organizes frequent (i.e. at least quarterly) meetings of each working group, who produce regular (i.e. at least biannual) jointly agreed progress updates on the implementation of the commitment. These updates should form the basis for the government self-assessment report.
- The government holds at least a four-week public consultation on its self-assessment and proactively disseminates and promotes the public comment period through multiple channels (e.g. mailing lists of participants during NAP development and the national OGP website/webpage).
- Government provides members of civil society, through the national multi-stakeholder forum or otherwise, with regular (i.e. at least biannual) opportunities to meet with the politically responsible member of government to review progress, the government self-assessment and IRM reports.

III. **Documentation and feedback:** Government, in partnership with civil society, should document and make publicly available all individual written contributions received for the NAP development and monitoring processes, as well as provide feedback on how inputs were taken into account.

#### *Basic requirements*

Throughout the OGP cycle...

- The government collects and submits to the IRM researcher evidence of its compliance with the criteria set out in this guidance.
- The government responds to any questions about the NAP process, commitments or implementation from the public or civil

society in a timely fashion (i.e. within 20 working days), and makes such correspondence available to the IRM researcher for review.

- Government collects and publishes a document repository on the national OGP website/webpage, which provides a historical record and easy access to all documents related to the national OGP process, including (but not limited to) consultation documents, National Action Plans, government self-assessments, IRM reports and supporting documentation of commitment implementation (e.g links to databases, evidence of meetings, publications).

When developing the plan...

- The government publishes all written contributions (e.g. consultation responses) to the NAP development on the national OGP website/webpage.
- The government publishes an overview of public and civil society contributions, and the government's response, on the national OGP website/webpage.

When implementing and monitoring the plan...

- The government publishes a summary of all individual written inputs and comments received for the government's self-assessment on the national OGP website/webpage

#### *Best practice*

When developing the plan...

- The multi-stakeholder forum publishes, via the national OGP website/webpage, its reasoning behind the selection of commitments in the NAP, including justifications for issue areas not included.

When implementing and monitoring the plan...

- The government publishes all individual written inputs and comments received for the government's self-assessment on the national OGP website/webpage.

IV. **Improving participation/collaboration over time:** Government, in partnership with civil society, should improve the quality of each cycle of the national OGP process, complying with more of the requirements outlined in these guidelines and moving

from consult to collaborate (on the [IAP2-spectrum](#)).

With each NAP cycle...

- The national OGP process complies with a greater proportion of the requirements outlined in these guidelines.

## Glossary

**IAP2 Spectrum** - An international standard that defines five levels of public participation: 1) Inform, 2) Consult, 3) Involve, 4) Collaborate, 5) Empower. Each level transfers greater decision making power to participants than the one before.

**Multi-Stakeholder Forum** - A group of government and civil society representatives, with a clear remit, membership and governance, that meets on a regular basis to oversee the OGP process. See the OGP handbook on 'Designing and Managing an OGP Multistakeholder Forum.'

## Proposed changes to the Articles of Governance

### Co-creation guidelines (Addendum C)

<b><i>Current Addendum C: Guidelines for Public Consultations on Country Commitments</i></b>	<b><i>Proposed Addendum C: Guidelines for Co-creation on Country Commitments</i></b>
<p>OGP participants commit to developing their country action plans through a multistakeholder process, with the active engagement of citizens and civil society. Taking account of relevant national laws and policies, OGP participants agree to develop their country commitments according to the following principles:</p> <p>Consultation during development of action plan</p>	<p>OGP participants commit to an open, multi stakeholder OGP process, with the active engagement of citizens and civil society throughout the full OGP cycle. Taking account of relevant national laws and policies, OGP participants agree to conduct their national OGP process according to the following principles:</p> <ol style="list-style-type: none"> <li>1. <b>Dissemination of information:</b> Government, in partnership with</li> </ol>

- Availability of timeline: Countries are to make the details of their public consultation process and timeline available (online at a minimum) prior to the consultation;
- Adequate notice: Countries are to consult the population with sufficient forewarning;
- Awareness-raising: Countries are to undertake OGP awareness-raising activities to enhance public participation in the consultation;
- Multiple channels: Countries are to consult through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage;
- Breadth of consultation: Countries are to consult widely with the national community, including civil society and the private sector, and to seek out a diverse range of views; and
- Documentation and feedback: Countries are to make available online a summary of the public consultation and all individual written comment submissions.

#### Consultation during implementation

- Consultation during implementation: Countries are to identify an existing or new forum to enable regular multistakeholder consultation on OGP implementation.

Countries must report on their consultation efforts as part of their self-assessment reports, and the IRM also is to examine the application of these principles in practice.

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#### 2. **Channels and platforms for dialogue and co-creation:**

Government, in partnership with civil society, should facilitate inclusive ongoing dialogue and collaboration through a variety of mechanisms, and a multi-stakeholder forum should be established to oversee and guide the national OGP process.

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#### 4. **Improving participation/collaboration over time:** Government, in partnership with civil society, should improve the quality of each cycle of the national OGP process, complying with more of the requirements outlined in the co-creation guidelines and moving from consult to collaborate (on the [IAP2-spectrum<sup>2</sup>](#)).

The OGP Support Unit and IRM will set out additional guidelines on basic requirements and best practice under each of these principles. These additional guidelines - and future changes to them - are to be approved by the Criteria and Standards Subcommittee.

The Criteria and Standards Subcommittee will define a minimum standard based on these guidelines that countries must obtain in order to be considered as acting in accordance with the OGP process (also see Addendum H)

<sup>2</sup> <https://www.iap2.org.au/resources/public-participation-spectrum>