

Independent Reporting Mechanism (IRM): Norway Progress Report 2016-2018

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Executive Summary: Norway

Independent Reporting Mechanism (IRM) Progress Report 2016-18

Norway's action plan included commitments in relevant policy areas such as access to information, financial data disclosure, and corporate reporting. While progress has been made in implementation, some areas need strengthening. Moving forward, commitments need to be specific with regard to intended results and activities. Stakeholders recommend prioritizing further development of online public records and setting up a public register of company beneficial ownership.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. Norway began participating in OGP in 2011 as one of the eight founding countries. The Independent Reporting Mechanism (IRM) carries out an annual review of the activities of each country that participates in OGP.

The Department of ICT Policy and Public Sector Reform at the Ministry of Local Government and Modernization (KMD) is in charge of coordinating OGP activities in Norway. An OGP council with three members of civil society was established in 2015 to act a multi-stakeholder consultative body.

OGP Process

Countries participating in the OGP follow a process for consultation during development of their OGP action plan and during implementation.

The government has reached out to multiple civil society groups, but consultation with stakeholders has been limited throughout all phases of the national OGP process. The OGP council was involved in the drafting of the action plan of summer 2015. Several meetings took place, but there was no wider public consultation online. The council was the only framework for regular multi-stakeholder consultation throughout implementation.

The government published its self-assessment report in November 2017. No public commenting took place.

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At a Glance:

Member since: 2011
Number of commitments: 9

Level of Completion:

Completed: 1 of 9
Substantial: 3 of 9
Limited: 5 of 9
Not started: 0 of 9

Commitment Emphasis:

Access to information: 7 of 9
Civic participation: 1 of 9
Public accountability: 0 of 9
Tech & innovation for transparency & accountability: 2 of 9
Unclear: 1 of 9

Commitments that are

Clearly relevant to an OGP value: 8 of 9
Of transformative potential impact: 2 of 9
Substantially or completely implemented: 4 of 9
All three (⊕): 1 of 9

Commitment Implementation

As part of OGP participation, countries make commitments in a two-year action plan. The Norwegian action plan contains nine commitments. Table 1 summarizes each commitment's level of completion and potential impact. Table 2 provides a snapshot of progress for each commitment and recommends next steps. In some cases, similar commitments are grouped and reordered to make reading easier.

Note that the IRM updated the criteria for starred commitments in early 2015 in order to raise the standard for model OGP commitments. Under these criteria, commitments must be highly specific, relevant to OGP values, of transformative potential impact, and substantially completed or complete. Norway received 1 starred commitment (Commitment 4).

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION			
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE
⊛ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.								
1. User orientation								
2. Electronic public records (OEP)								
3. Environmental information transparency								
⊛ 4. Financial data disclosure								
5. Transparency of rainforest funds								
6. State employees' ownership of shares								
7. Freedom of expression promotion								
8. Country-by-country reporting								
9. Register of ultimate beneficial ownership								

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	RESULTS
<p>1. User orientation</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Substantial 	<p>This commitment instructs state enterprises to carry out user surveys and report back on the results. In 2016, ministries started providing instructions to their relevant state enterprises. These instructions have had a positive push effect for state enterprises that did not previously survey users of their services. The Ministry of Local Government and Modernization plans to scale up these efforts. Moving forward, the ministry could identify best practices in user orientation, and encourage state enterprises to include user feedback at earlier stages of service design.</p>
<p>2. Electronic Public Records (OEP)</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial 	<p>This commitment aims to provide a better technological interface (<i>elnnsyn</i>) for public disclosure of information by improving the security of public records and improving the search functions. The beta version of the new solution was launched in July 2017, allowing users to download documents. However, the stored records are not searchable. The Norwegian Press Association views the planned two-tier system, differentiating access for journalists and citizens, to be excessive. It is recommended that the government streamline ministerial archiving practices, and evaluate the functioning of <i>elnnsyn</i> within one year after the launch, so as to make improvement based on user feedback.</p>
<p>3. Environmental information transparency</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Limited 	<p>To raise awareness of the Environmental Information Act, the Ministry of Climate and Environment has committed to developing guidelines and training ministry officials. The development of guidelines was delayed, and several training courses were held in 2014–2015 prior to the start of the action plan, thereby diminishing the potential impact of this commitment. There is no plan for conducting additional courses. Moving forward, the ministry needs to complete and distribute the guidelines. It is recommended that the ministry provide courses for journalists, in partnership with the Norwegian Press Association.</p>
<p>4. Financial data disclosure</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Transformative • Completion: Substantial 	<p>This potentially transformative commitment aims to publish disaggregated financial data of public agencies, and, for the first time, make them available in a machine-readable and searchable format, with monthly updates. The web-portal “Statsregnskapet” (State public account) was made available to the public in October 2017, and is updated monthly. The new portal provides all public enterprises reporting to the Government Agency for Financial Management, and includes financial data for each central government agency. End user feedback can be used to further improve the portal. Moving forward, the Ministry of Finance should ensure that the number of public bodies reporting to the system increases.</p>
<p>5. Transparency of rainforest funds</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited 	<p>To improve transparency of funds disbursed by Norway’s International Climate and Forest Initiative (NICFI), the Ministry of Climate and Environment has pledged to create a new planning ICT tool for presenting disbursement of forest funding. While some information on NICFI has been published on the government website, the new planning tool and public presentation of NICFI expenditure are delayed due to technical reasons and budgetary constraints. Considering the size of the NICFI expenditure, it is recommended that the government take measures to increase transparency, at least by providing links to already existing websites.</p>
<p>6. State employees’ ownership of shares</p>	<p>This commitment entails updating the ethical guidelines to address potential conflicts of interest for government employees who are</p>

<ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: Moderate • Completion: Complete 	<p>shareholders. Despite the importance of the subject, the commitment does not contain measures to ensure compliance and increased accountability. The new ethical guidelines published contain several amendments on shareholder ownership, and extra sources of income of government employees. To further the ambition, the next action plan could consider a commitment on a public registry of state employees' ownership.</p>
<p>7. Freedom of expression promotion</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Limited 	<p>This commitment addresses a global challenge—the right of access to information. While the Ministry of Foreign Affairs continues to promote freedom of speech in various international meetings, the planned multilateral initiative on the topic has not been set up. Given that OGP is an instrument for domestic reforms, this commitment should not be carried forward to the next action plan.</p>
<p>8. Country-by-country reporting</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Limited 	<p>With this commitment, Norway plans to review and improve the country-by-country reporting regulations for Norwegian companies with multi-country operations. The regulation has been up for consultation, and groups such as Publish What You Pay Norway and Tax Justice Network have provided comments. They argue that the current rules need to expand the scope of reporting and coverage of companies. Given the importance of this issue, the IRM researcher recommends that this commitment be carried forward to the next action plan, with more clarity on intended results.</p>
<p>9. Register for ultimate beneficial ownership</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Transformative • Completion: Limited 	<p>The commitment entails developing and consulting on the proposals for a publicly accessible register of ultimate beneficial owners (UBO) of Norwegian companies. The Commission on the Money Laundering Act has prepared a consultation, and proposals are being discussed in the Ministry of Finance and Ministry of Trade, Industry, and Fisheries. However, the consultation paper has suggested not making the register public, which is not in line with the intention of this commitment or the 2015 decision of the Norwegian parliament. The Ministry of Finance will have to better engage expert groups in discussion of the registry. In addition, it needs to take steps to ensure that the declared commitment to a publicly accessible register is honored.</p>

Recommendations

While progress has been made in implementing the commitments, some areas need strengthening. Moving forward, commitments need to be specific in intended results and activities. Stakeholders recommend prioritizing development of the new public electronic journals and the register for ultimate beneficial ownership.

Beginning in 2014, all OGP IRM reports include five key recommendations about the next OGP action planning cycle. Governments participating in OGP will be required to respond to these key recommendations in their annual self-assessments. These recommendations follow the SMART logic; they are Specific, Measurable, Answerable, Relevant, and Timebound. Given these findings, the IRM researcher presents the following key recommendations:

Table 3: Five Key Recommendations

1. Improve action plan development and reporting through clear communication of commitment activities and intended results, and more comprehensive reporting on progress.
2. Multi-stakeholder involvement and consultation can be improved by facilitating online consultation, and expanding participation through promotion of OGP beyond the government's OGP website. To signal higher ambition and foster broader engagement from civil society, the government may consider actively involving the Prime Minister's Office.
3. The government should consider establishing governmental standards for open data, thereby streamlining open data related commitments across the various ministries. This should be done in close collaboration with CSOs and Norwegian businesses.
4. Establishment of an ultimate beneficial ownership registry is an opportunity to increase transparency with regard to municipal procurements. This can be done in close collaboration with the Norwegian Association of Local and Regional Authorities (KS) and select municipalities.
5. Archiving practices and the keeping of public records should be scrutinized across ministries to improve internal handling of documents. Mandatory requirements for archiving of internal documents and full-text publications should be considered.

Eligibility Requirements: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, see Section VII on eligibility requirements at the end of this report or visit bit.ly/1929F11.

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The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



I. Introduction

The Open Government Partnership (OGP) is an international multi-stakeholder initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government.

Norway began its formal participation on 20 September 2011, when Prime Minister Jens Stoltenberg declared his country's intention to participate in the initiative, and presented its first action plan at the launch of the Open Government Partnership.

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria. Objective, third-party indicators are used to determine the extent of country progress on each of the criteria: fiscal transparency, public official's asset disclosure, citizen engagement, and access to information. See Section VII: Eligibility Requirements for more details.

All OGP-participating governments develop OGP action plans that elaborate concrete commitments with the aim of changing practice beyond the status quo over a two-year period. The commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Norway developed its third national action plan from June 2015 to May 2016. The official implementation period for the action plan was 1 January 2016 through 30 June 2018. This year one report covers the action plan development process and first year of implementation, from June 2016 to June 2017. Beginning in 2015, the IRM started publishing end-of-term reports on the final status of progress at the end of the action plan's two-year period. Any activities or progress occurring after the first year of implementation (June 2017) will be assessed in the end-of-term report. The government submitted its self-assessment to OGP on 2 November 2017, but at time of writing (March 2018), it has not been published on the government's Open Government website.¹

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Pål Wilter Skedsmo, Senior Research Fellow at the Fridtjof Nansen Institute, who carried out this evaluation of the development and implementation of Norway's third action plan. To gather the voices of multiple stakeholders, the IRM researcher conducted in-person interviews, telephone interviews, and meetings in Oslo. The researcher further reviewed the action plan, self-assessment report, relevant reports, documents, and websites frequently referred to in this report. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. Methods and sources are dealt with in Section VI of this report (Methodology and Sources).

¹ The Norwegian government's OGP website is <https://www.regjeringen.no/no/tema/statlig-forvaltning/pgp/id2505862/>.

II. Context

Norway is a country where a high level of government transparency has come to be expected, yet is not always delivered. Stakeholder priorities in Norway are increased access to information through technological innovation, and transparency regarding ultimate beneficial ownership and corporate accountability. The action plan focuses on relevant policy areas. However, some commitments lack sufficient clarity in intended results, thereby diminishing overall ambition.

2.1 Background

While this report mainly focuses on Norway's implementation of its third action plan, a broader context is considered. Norway has one of the most robust democracies in the world, and consistently ranks high on indices measuring civil liberties, rule of law, and control of corruption. The country has a tradition of open government, which is regulated by different legal acts, such as the Public Administration Act (1968), the Freedom of Information Act (2006), and the Environmental Information Act (2003).

Norway has a strong tradition of freedom of expression and public participation. Civil society and journalists are important actors in holding the government to account.¹ The country has a large selection of media sources and one of the highest newspaper readership in the world.² Civil society organizations (CSOs) are subject to very little regulation by law, voice criticism against the government without repercussion, and play an important role in public debates.³

The right to information is recognized in the Norwegian Constitution's Article 100, which states that '[e]veryone has a right of access to documents of the State and municipalities.'⁴ The main law on access to information is the Freedom of Information Act (FoIA). This law was enacted in 2016, and superseded the first FoIA from 1970.⁵ According to the act, anyone, including non-Norwegian citizens, has the right to access public documents, as well as records of public administration at the national and local levels. The right of access includes the right to obtain a copy of the document free of charge. The law guarantees the right to know the basis for refusal in case the information request is denied, and there is also a right to appeal. In addition, the Environmental Information Act, passed in 2003, ensures public access to environmental information, and public participation in decision-making processes on the environment.⁶ Citizens can request environmental information from both public authorities and private enterprises.

In 2010, the Electronic Public Records (OEP) was launched to facilitate easier publication of public records online. The Office of the Auditor General of Norway released a report in May 2017 concluding that archiving practices in several ministries and government enterprises are inadequate, and that several digital systems used among public authorities have shortcomings. This means that documents, which are required to be archived are to a considerable degree are not.⁷ This is especially relevant for the current OGP commitment regarding Electronic Public Records.

There is room for improvement when it comes to publication of government information in open data format. According to the Open Data Barometer results from 2016, some important datasets containing land ownership data, detailed data on government spending, national election results, and legislation data are not open.⁸

Norway is perceived to be one of the least corrupt countries in the world. The country consistently ranks among the top ten in Transparency International's Corruptions Perceptions Index (CPI). Administrative corruption and petty bribery are generally almost non-existent. The legal framework for combatting corruption is considered to be robust. Norway is a signatory to international conventions on the fight against corruption, and its penal code criminalizes active and passive bribery, trading in influence, fraud, extortion, breach of trust, and money laundering. Norway has implemented the EU Procurement

Directives, which has established conditions for mandatory exclusion of economic operators convicted of financial crimes, including corruption.

The Act on Working Environment and Employment Protection guarantees whistleblower protection to employees in both the public and private sectors,⁹ and the Political Parties Act¹⁰ regulates the financing of political parties.

Nonetheless, several cases in recent years have tainted the image of public sector integrity, and revealed challenges that, in the long run, may affect trust in public institutions. One such case is the Ministry of Defense's handling of the sale of old military equipment, which ended up in the hands of a Nigerian militia via shady third parties.¹¹ In 2016, the major Norwegian newspaper VG published a case showing how the International Law and Policy Institute (ILPI), which was established and owned by former ministry officials, had obtained funding from the Ministry of Foreign Affairs (MFA) without applying for project funding through public tenders.¹² The MFA has, since the revelation, tightened and streamlined its project acquisition guidelines and practices.

2.2 Scope of Action Plan in Relation to National Context

The scope of the action plan broadly reflects challenges and room for improvements related to OGP values in Norway. Yet, being a country with a relatively high level of transparency, there is an inkling perception in the government that it is difficult for Norway to identify commitments that are ambitious. The action plan consists of several commitments that, some ministries in the self-assessment report acknowledge, would have been carried out regardless of OGP.

Stakeholders consider electronic public records (OEP), country-by-country reporting, and a register for ultimate beneficial ownership to be the most important and relevant commitments carried out in the context of OGP. In addition, given the role of Norwegian companies abroad, review of the country-by-country reporting regulation is an important area taken up by the action plan. In December 2016, the Norwegian parliament approved the amendment to the Tax Administration Act, requiring country-by-country reporting (CBCR) for Norwegian companies. Under the new legislation, a parent company registered in Norway with operations abroad is required to submit by December 31 of the year following the relevant fiscal year a report with details on the distribution of income and tax in the countries where it operates.¹³ The action plan includes an evaluation of CBCR (Commitment 8), which is related to how subsidiaries and support functions in third countries can be included in CBCR.

Norway has been one of the key donors providing development aid globally, and support for climate mitigation measures. Through Norway's International Climate and Forest Initiative (NICFI), Norway has pledged "up to 3 billion NOK a year to help save the world's tropical forests while improving the livelihoods of those who live off, in, and near the forests."¹⁴ However, it is not fully clear how and where these funds are spent. It is the government's ambition to rectify this by increasing transparency related to NIFCI, as seen in the action plan's Commitment 5.

Among the issues highlighted in the previous section is the public authorities' procurement of contracts regarding various public services. This issue is not addressed by the current action plan.

¹ Transparency International, National Integrity System Assessment Norway, 2012, https://www.transparency.org/whatwedo/publication/national_integrity_system_assessment_norway_executive_summary_english.

² Freedom House, Freedom of the Press 2015 <https://freedomhouse.org/report/freedom-press/freedom-press-2015#.WjlmCoVQ-eu5>.

³ Transparency International, National Integrity System Assessment Norway, 2012, https://www.transparency.org/whatwedo/publication/national_integrity_system_assessment_norway_executive_summary_english.

⁴ The Norwegian Constitution is available in Norwegian from <https://lovdata.no/dokument/NL/lov/1814-05-17-nn?q=grunnloven>, and in English from <https://lovdata.no/dokument/NLE/lov/1814-05-17?q=grunnloven>.

⁵ The Freedom of Information Act is available in Norwegian from <https://lovdata.no/dokument/NL/lov/2006-05-19-16?q=offentlighetsloven>, and in English from <https://lovdata.no/dokument/NLE/lov/2006-05-19-16>.

⁶ Environmental Information Act, <https://www.regjeringen.no/en/dokumenter/environmental-information-act/id173247/>.

⁷ The Auditor General's full report on archiving and transparency in the central government administration is available in Norwegian only at <https://www.riksrevisjonen.no/en/Reports/Pages/ArchivingAndTransparency.aspx>.

⁸ Open Data Barometer, Norway http://opendatabarometer.org/4thedition/detail-country/?_year=2016&indicator=ODB&detail=NOR.

⁹ The law is only available in Norwegian at <https://lovdata.no/dokument/NL/lov/2005-06-17-62?q=varsler>.

¹⁰ The unofficial translation can be found at <http://app.uio.no/ub/ujur/oversatte-lover/cgi-bin/sok.cgi?type=LOV>.

¹¹ Available in Norwegian only from <http://2014.metoderapporter.skup.no/Nigeria%20full%20pakke%20-%20uten%20vedlegg.pdf>.

¹² Available in Norwegian only from <https://www.vg.no/spesial/2016/bistandsprofitorene/>.

¹³ Thomson Reuters, Tax and Accounting Blog, "Norway Implements Country-by-Country Reporting Requirements," <https://tax.thomsonreuters.com/blog/checkpoint/Norway-Implements-Country-by-Country-Reporting-Requirements>.

¹⁴ See <https://www.regjeringen.no/en/topics/climate-and-environment/climate/climate-and-forest-initiative/kos-insikt/hvorfor-norsk-regnskogsatsing/id2076569/>.

III. Leadership and Multi-stakeholder Process

Consultation with CSOs and stakeholders has been limited, and awareness-raising virtually non-existent, through all phases of the national OGP process. The appointed OGP council was involved in the drafting of the third action plan during summer 2015, and has provided the only framework for regular multi-stakeholder consultation throughout. The government’s self-assessment provided minimal evidence on and information related to stakeholder involvement in the individual commitments.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Norway. Table 3.1 summarizes this structure while the narrative section (below) provides additional detail.

Table 3.1: OGP Leadership

1. Structure	Yes	No
Is there a clearly designated Point of Contact for OGP (individual)?	✓	
	Shared	Single
Is there a single lead agency on OGP efforts?		✓
	Yes	No
Is the head of government leading the OGP initiative?		✓
2. Legal Mandate	Yes	No
Is the government’s commitment to OGP established through an official, publicly released mandate?		✓
Is the government’s commitment to OGP established through a legally binding mandate?		✓
3. Continuity and Instability	Yes	No
Was there a change in the organization(s) leading or involved with the OGP initiatives during the action plan implementation cycle?		✓
Was there a change in the executive leader during the duration of the OGP action plan cycle?		✓

Norway is a constitutional monarchy with a unitary government. The government branch in charge of OGP is the Department of ICT Policy and Public Sector Reform in the Ministry of Local Government and Modernization (KMD).¹ See Table 3.1 on the leadership and mandate of OGP in Norway. OGP is led by a single agency within the department, namely the “Unit for Administration Policy.” OGP is not legally mandated in Norway, and KMD relies on inter-ministerial directives and communication. The vertical organization of ministries and underlying agencies implies that when KMD invites other ministries to submit suggestions, those ministries will involve underlying agencies. However, KMD does not demand that they do so.

There is not a dedicated amount to the ministry’s work on OGP, but KMD has allocated 38,000 US dollars to the consultative OGP council it established in 2015. The Norwegian contribution to OGP is handled by the Ministry of Foreign Affairs, and currently stands at 300,000 US dollars. Approximately 75 percent of a full-time position is dedicated to coordinating OGP-related work, and this is shared between two staffers in the Department

of ICT Policy and Public Sector Reform. Work related to the various commitments that different ministries and agencies undertake is additional, but not estimated by any of the ministries.

The Ministry of Foreign Affairs was initially in charge of OGP in Norway, but this responsibility shifted to KMD ahead of the second action plan. There were no changes in mandate or organization between the second and third implementation cycles.

3.2 Intragovernmental Participation

This subsection describes which government institutions were involved at various stages in OGP. The next section will describe which nongovernmental organizations were involved in OGP.

Table 3.2 Participation in OGP by Government Institutions

How did institutions participate?	Ministries, Departments, and Agencies	Legislative	Judiciary (including quasi-judicial agencies)	Other (including constitutional independent or autonomous bodies)	Subnational Governments
Consult: These institutions observed or were invited to observe the action plan but may not be responsible for commitments in the action plan.	15 ²	0	0	0	0
Propose: These institutions proposed commitments for inclusion in the action plan.	4 ³	0	0	0	0
Implement: These institutions are responsible for implementing commitments in the action plan whether or not they proposed the commitments.	8 ⁴	0	0	0	0

Only ministries and agencies were consulted and involved in proposing OGP commitments. The same is true for implementation of commitments. Table 3.2 details which institutions were involved. KMD was involved in implementing the individual commitments to a limited degree, except for monitoring progress, which it did to a certain extent. Each commitment has a point of contact (PoC) in the responsible ministry or agency.

3.3 Civil Society Engagement

Countries participating in OGP follow a set of requirements for consultation during development, implementation, and review of their OGP action plan. Table 3.3 summarizes the performance of Norway during the 2016–2018 action plan.

Table 3.3: National OGP Process

Key Steps Followed: 3 of 7						
Before	1. Timeline Process & Availability			2. Advance Notice		
	Timeline and process available online prior to consultation	Yes	No	Advance notice of consultation	Yes	No
			✗		✓	
	3. Awareness Raising			4. Multiple Channels		
	Government carried out awareness-raising activities	Yes	No	4a. Online consultations:	Yes	No
			✗			✗
			4b. In-person consultations:	Yes	No	
				✓		
5. Documentation & Feedback						
Summary of comments provided				Yes	No	
					✗	
During	6. Regular Multi-stakeholder Forum					
	6a. Did a forum exist?	Yes	No	6b. Did it meet regularly?	Yes	No
	✓			✓		
After	7. Government Self-Assessment Report					
	7a. Annual self-assessment report published?	Yes	No	7b. Report available in English and administrative language?	Yes	No
		✓				✗
	7c. Two-week public comment period on report?	Yes	No	7d. Report responds to key IRM recommendations?	Yes	No
		✗	✓			

The Norwegian OGP council was established in 2015, and took part in the consultation process for the development of the third action plan. The council has three members (all non-governmental), including Guro Slettemark (general secretary of Transparency International Norway), Joachim Nahem (senior advisor at the Norwegian Institute for International Affairs), and Liv Freihow (director of corporate policy, ICT Norway). The council does not reflect a broad coalition of stakeholders, CSOs, and individuals taking an interest in OGP, but has among its ranks some of the most relevant NGOs and stakeholders in Norway. In effect, these three members of the council, appointed by the government, were considered to be among the few committed to OGP in Norway.⁵

KMD invited 15 organizations to attend the first consultation meeting. However, none showed up.⁶ Other ministries were encouraged to involve and invite other CSOs within their sectors as they saw fit. The OGP government point of contact reported that only one

CSO invited by KMD (the Norwegian Press Association)⁷ attended the consultation, along with the OGP council (on which Transparency International Norway is represented). Early on, the council became the key actor, and, in effect, was the principal source for consultation. Although it is neither elected nor appointed by CSOs, there is no indication, from CSO interviews the IRM researcher conducted, that other CSOs wanted or had the capacity to be more actively involved in action plan consultation.

The government did not publish the timeline and process for consultation, but gave advance notice via email of in-person meetings among government agencies in Oslo. There was no awareness raising or online consultation to solicit ideas from the public. The OGP council suggested broad themes and the action plan ended up being organized according to them. In the meetings with the government, the council discussed if the development of a new electronic public records, country-by-country-reporting and a registry for ultimate beneficial ownership could be included in the action plan. This was agreed upon and the government developed these topics into commitments. The OGP council was consulted and involved in the development of the third action plan, according to a timeline agreed upon by the council and ministry. Further, the council met in person with government representatives, and its meetings took place in Oslo. There were no online consultations.⁸

It is noteworthy that, although ministries responsible for commitments were invited to take part in consultative meetings during action plan implementation, and to bring with them CSOs they consulted, only KMD brought any agencies or CSOs. The same applied to involvement of CSOs in the various commitments.⁹ The entire consultation process took place in Oslo, and all CSOs consulted were based in Oslo.

Table 3.4: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.¹⁰ This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborative.”

Level of public influence		During development of action plan	During implementation of action plan
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.		
Involve	The government gave feedback on how public inputs were considered.		
Consult	The public could give inputs.	✓	✓
Inform	The government provided the public with information on the action plan.		
No Consultation	No consultation		

3.4 Consultation During Implementation

As part of their participation in OGP, governments commit to identify a forum to enable regular multi-stakeholder consultation on OGP implementation. This can be an existing entity or a new one. This section summarises that information.

The consultation process during implementation was not genuinely inclusive, though inputs could have been given on several occasions, especially during consultations on specific commitments. During the consultation process, all ministries were encouraged to invite relevant stakeholders and CSOs. Apart from KMD, however, no ministries invited CSOs to

participate in those meetings. The main instrument for involving stakeholders and civil society has been the OGP council (Transparency International is a member and participated). No minutes of the council's meetings or the consultation process itself were published. To track progress during implementation of the action plan, the OGP council met several times, including two times with the implementing ministry, KMD.

Since only one CSO showed up for consultation during development of the action plan, KMD assumes that OGP has failed to attract wider interest in Norwegian civil society. In interviews with CSOs carried out by the IRM researcher, it has been suggested that this apparent lack of interest has to do with three factors. Firstly, the form in which KMD organizes and invites CSO participation is not seen as relevant or interesting.¹¹ Secondly, some CSOs find it hard to prioritize spending time on such consultations, at the expense of more urgent work.¹² Thirdly, several CSOs are involved in consultations with relevant implementing agencies, outside the OGP framework.

The Norwegian Press Association met with implementing agencies outside the OGP for commitments 2 and 4.¹³ This shows that stakeholders and CSOs may gain high-level access to ministries and political leadership in cases relevant to OGP, though not within the OGP framework. At the same time, the only CSO mentioned as partner in the action plan, Tax Justice Network (TJN) in commitment 9, was not consulted by the government, and the limited level of contact between the organization and Ministry of Finance surrounds initiatives undertaken by TJN only.¹⁴

3.5 Self-Assessment

The OGP Articles of Governance require that participating countries publish a self-assessment report three months after the end of the first year of implementation. The self-assessment report must be made available for public comments for a two-week period. This section assesses compliance with these requirements and the quality of the report.

The government's self-assessment was submitted to OGP on 3 November 2017, then posted to the OGP website. At the time of writing, it is still not published on the government's OGP website. As far as the IRM researcher has been able to establish, there has been no comment period nor advertisement of the report. The self-assessment does not indicate that feedback from CSOs or other stakeholders were included in the report, even if such feedback exists.

The self-assessment refers to the consultation process during action plan development (i.e., by invoking the role of the OGP council). However, it states that the government found it difficult to engage and consult civil society, so moved not to invite CSOs to council meetings. Members of the council as well as CSO representatives who are not members of the OGP Council confirmed that, although many CSOs work on issues that are relevant to OGP, there is limited interest, time, and capacity to get involved in action plan activities.¹⁵ They also claim that the government could and should have done more to be more inclusive in its approach.¹⁶ The self-assessment refers to consultation efforts with regard to commitments two, three, and five. However, it did not provide any evidence of completion for seven of the nine commitments. While all commitments are covered, the IRM researcher notes that several (especially Commitments 2 and 7) lack vital information, such as start dates, contact information, activities, milestones, etc. For one of the commitments, the point of contact was not aware of having such a role, but provided information upfront about the commitment, and directed the IRM researcher to relevant actors within an underlying directorate. The self-assessment did not provide any reason for delays in implementation of most of the affected commitments, and for most commitments, no next steps were suggested.

3.6 Response to Previous IRM Recommendations

Table 3.5: Previous IRM Report Key Recommendations

	Recommendation	Addressed?	Integrated into Next Action Plan?
1	Prior to consultations, establish a public-facing web presence for OGP that is designed to facilitate interaction, in which OGP-related information is organized according to the interests and mandates of Norwegian civil society. Promote this web presence in forums and on websites where Norwegian civil society is already active, such as http://www.bistandsaktuelt.no/ . Use this web presence to track proposals and inputs to consultations, regardless of the format in which they are submitted, and to provide feedback on how and why individual proposals are incorporated into the action plan, or reasons they are not.	✗	✗
2	Develop and consult on the third national action plan according to a timeline that is developed in partnership with the OGP Council.	✓	✓
3	Prior to developing the next national action plan, seek ministerial-level political support for the OGP from key government agencies. Develop a communications strategy in collaboration with the OGP Council for promoting the OGP in national media to raise awareness and to facilitate civil society engagement ahead of consultations.	✗	✗
4	Strengthen institutional ownership of OGP commitments in government agencies by establishing a regular multi-agency process for sharing and monitoring of commitments before the next implementation cycle.	✗	✗
5	Include more ambitious and measurable commitments in the next National Action Plan and ensure that those commitments meet the SMART criteria, according to which, commitments should be Specific, Measurable, Answerable, Relevant, and Time-bound. These commitments should be based on issues that are prioritized in the critical media and by national CSOs.	✓	✓

Key recommendation one, related to increased interactive web presence, has not been addressed. The main function of the government's OGP website is to provide limited information, but is not designed for, nor does it promote in any way, public participation. The government addressed recommendation two, to develop a timeline together with the OGP council for consultation on action plan development and implementation. This was not published, however. The IRM researcher did not find, nor was he provided with any evidence suggesting that recommendation three, to develop a broader communication strategy to promote OGP, has been developed or planned. There has been no regular multi-

agency process for monitoring the commitments' implementation, though there have been some meetings and reporting measures.¹⁷ Some of the more successful commitments have obviously had regular meetings to follow up on implementation, but this has not informed the implementation of other commitments. While several commitments in the action plan were ambitious and measurable (especially Commitment 4), several were unclear as to their relevance, and limited in terms of measurability. Hence, key recommendation five was partially implemented.

¹ In the following- the Norwegian acronym KMD will be used for the Ministry of Local Government and Modernization.

² All government ministries, that is, Ministry of Agriculture and Food, Ministry of Children and Equality, Ministry of Climate and Environment, Ministry of Culture, Ministry of Defence, Ministry of Education and Research, Ministry of Finance, Ministry of Foreign Affairs, Ministry of Health and Care Services, Ministry of Justice and Public Security, Ministry of Labour and Social Affairs, Ministry of Local Government and Modernization, Ministry of Petroleum and Energy, Ministry of Trade, Industry and Fisheries, and Ministry of Transport and Communications. It was left to the discretion of the different ministries to invite underlying agencies.

³ Ministry of Climate and Environment, Ministry of Finance, Ministry of Foreign Affairs, and Ministry of Local Government and Modernization.

⁴ Ministry of Climate and Environment, Ministry of Finance, Ministry of Foreign Affairs, Ministry of Justice and Public Security, Ministry of Local Government and Modernization, Ministry of Trade, Industry and Fisheries, Norwegian Government Agency for Financial Management, and Agency for Public Management and eGovernment (Difi).

⁵ According to a statement in a telephone interview with government PoC Tom Arne Nygaard, KMD, 11 January 2018.

⁶ Ibid. The IRM researcher has received from Nygaard the invitation sent to CSO in June 2015.

⁷ Interview with government PoC Tom Arne Nygaard, 21 September 2017.

⁸ Telephone interview with government PoC Tom Arne Nygaard, KMD, 8 December 2017.

⁹ Government self-assessment report, pages 1-2, <http://bit.ly/2t6PDSX>.

¹⁰ http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf.

¹¹ Interview with OGP council members Guro Slettemark and Joachim Nahem, 24 November 2017,

¹² Telephone interview with Mona Thowsen, Publish What You Pay Norway, 30 November 2017,

¹³ Interview with advisor Kristine Foss, Norwegian Press Association, 5 December 2017. See also <http://presse.no/offentlighet-nyhet/pressens-offentlighetsutvalg-apne-data/> about a meeting the Norwegian Press Association held with State Secretary Paul Chaffey at the Ministry of Local Government and Modernisation regarding the new Electronic Public Records (Commitment 2).

¹⁴ Interview with Sigrid Klæboe Jacobsen, director of Tax Justice Network – Norway, 1 December 2017.

¹⁵ Interview with OGP council member Guro Slettemark, general secretary, Transparency International Norway, 24 November 2017, and telephone interview with Mona Thowsen, Publish What You Pay Norway, 30 November 2017.

¹⁶ Interview with OGP council members Guro Slettemark and Joachim Nahem, 24 November 2017.

¹⁷ According to the self-assessment report and interview with government PoC Tom Arne Nygaard, Head of Department Asgeir Fløtre, and Senior Advisor Terje Dyrstad (all KMD), 21 September 2017.

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.¹

What Makes a Good Commitment?

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan and analyzes the first year of their implementation.

The indicators used by the IRM to evaluate commitments are as follows:

- **Specificity:** This variable assesses the level of specificity and measurability of each commitment. The options are:
 - **High:** Commitment language provides clear, verifiable activities and measurable deliverables for achievement of the commitment's objective.
 - **Medium:** Commitment language describes activity that is objectively verifiable and includes deliverables, but these deliverables are not clearly measurable or relevant to the achievement of the commitment's objective.
 - **Low:** Commitment language describes activity that can be construed as verifiable but requires some interpretation on the part of the reader to identify what the activity sets out to do and determine what the deliverables would be.
 - **None:** Commitment language contains no measurable activity, deliverables, or milestones.
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
 - **Access to Information:** Will the government disclose more information or improve the quality of the information disclosed to the public?
 - **Civic Participation:** Will the government create or improve opportunities or capabilities for the public to inform or influence decisions?
 - **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions?
 - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?²
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.

Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

- Starred commitments will have "medium" or "high" specificity. A commitment must lay out clearly defined activities and steps to make a judgement about its potential impact.

- The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a "transformative" potential impact if completely implemented.³
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.

Based on these criteria, Norway's action plan contained one starred commitment, namely:

- Disclosure of financial data

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Norway and all OGP-participating countries, see the OGP Explorer.⁴

General Overview of the Commitments

The action plan has nine commitments. These broadly reflect Norway's high transparency and accountability ranking in the sense that the focus is on incremental—but not very ambitious—steps that may have been carried out in the absence of the OGP action plan. A feature of several commitments is the low level of specificity, and the inclusion of activities and milestones that take place prior to the action plan period. This has, in some cases, made it challenging to identify what was actually intended to be carried out within the action plan period, and what constitutes the baseline. In addition to a national point of contact for the entire action plan, all commitments have individually assigned points of contact.

Themes

The action plan is organized according to three thematic areas. Seven of the commitments address public integrity, one addresses effective management of natural resources, and one addresses corporate accountability.

¹ Open Government Partnership: Articles of Governance, June 2012 (Updated March 2014 and April 2015), https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf.

² IRM Procedures Manual. Available at: http://www.opengovpartnership.org/sites/default/files/IRM-Procedures-Manual-v3_July-2016.docx.

³ The International Experts Panel changed this criterion in 2015. For more information visit: <http://www.opengovpartnership.org/node/5919>.

⁴ OGP Explorer: bit.ly/1KE2Wil.

I. User orientation

Commitment Text:

Background: Better knowledge of the user's situation and experience of public services can make the services more accurate, relevant and effective. The government therefore wants, as part of the priority area "A simpler daily life for most people", that the public administration shall work more user-oriented.

Status quo or problem/issue to be addressed: The public administration shall be more user-oriented than today

Main Objective: A simpler daily life for most people.

Brief Description of Commitment: Instructions (called "common routing") from the government to all ministries: In all award letters to government enterprises, the ministries shall include an instruction that the enterprise shall, among other things, survey the users' perception of the enterprise (refer also to "Ambition").

Ambition: All state agencies shall: a) Survey how the users perceive the enterprise b) Assess the results of the survey c) Optionally initiate actions to follow up on a) and b) d) Report on the outcome of a) - c) in the Annual Report for 2016 The "Users" can be citizens, the voluntary sector, labour and business interests, local government, other government agencies or other sections of the enterprise, including politicians. Whoever is considered the "user" can therefore vary. Further details are provided in Circular no. H-14 / 2015.

Responsible institution: Ministry of Local Government and Modernization

Supporting institution(s): The Ministries and all government enterprises

Start date: 1 January 2016

End date: Not specified

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
I. Overall				✓		✓				✓			Yes			✓	

Context and Objectives

The Ministry of Local Government and Modernization (KMD), in 2015, instructed all ministries to ensure their underlying state enterprises carry out user surveys for the fiscal year 2016. Before 2016, 50 percent of state enterprises carried out such end user surveys.¹ The commitment further instructs the ministries to require state enterprises to report back on user survey results and measures undertaken to the Agency for Public Management and eGovernment (Difi).

As this commitment aims to improve public services by obtaining public feedback, it is relevant to the OGP value of civic participation. The objective is clear, and the commitment text contains verifiable activities on how state enterprises should carry out user surveys. If fully implemented, this commitment could contribute to increasing the number of state enterprises collecting user feedback, and, as such, would be an incremental step to improving user-orientation of the public sector.

Completion

At midterm, this commitment is substantially implemented. Ministries have published a dedicated website with the list of award letters and annual reports from underlying government enterprises.² A random sample of award letters and annual reports indicates that award letters provide instructions for carrying out user surveys. The annual reports checked also refer to the results of these surveys.³

According to the Difi report published in December 2017, approximately 50 percent of the reporting state enterprises referred directly to the 2016 award letter instruction, while the remaining 50 percent argued that such end user surveys were already being carried out on a regular basis. At face value, this implies a (major) positive step toward increased end user orientation in those state enterprises that did not do it regularly prior to the action plan.⁴ The report indicates that some state enterprises may have misunderstood the meaning to be establishing new ways of facilitating end user surveys, rather than using existing channels to identify and systematize findings.⁵ A stakeholder often involved in end user related meetings with a major Norwegian state enterprise was not aware of the award letter instruction.⁶ The survey results seem to be useful, and, according to the ministerial point of contact, this will be scaled up in a planned government white paper on innovation in the public sector.⁷

The government's self-assessment refers to a short delay in which Difi was granted a new deadline for compiling its report; the report was later submitted by the new deadline. The report was not referred to in the commitment text, though it appears to have been the most valuable tool in assessing it. It is an achievement in providing better oversight on how the commitment has been carried out across sectors and in state enterprises.

Next Steps

State enterprises carrying out regular user surveys is important to stakeholders.⁸ One way to scale this up is to involve end users at an earlier stage in the process of gauging how public services could be improved. It is recommended that:

- The government, as part of the planned white paper, identify best practices among state enterprises' user orientation.
- From 2019 onward, in their awards letters, government ministries instruct state enterprises to involve end users at an early stage to improve user orientation.

¹ Difi report 2017-11.

² Two examples are KMD (see <https://www.regjeringen.no/no/dokument/dep/kmd/tildelingsbrev/id522666/>), and the Ministry of Labour and Social Affairs (see <https://www.regjeringen.no/no/dokument/dep/asd/tildelingsbrev/id750471/>).

³ See, for instance, page 34 in the Annual Report for 2016 from the Norwegian Work and Welfare Directorate, available at https://www.regjeringen.no/contentassets/ccfdb1de77a04e41ad4989825a70e315/arsrapport_2015_arbeids_og_ve_lferdsdirektoratet.pdf.

⁴ The IRM researcher received this report several weeks ahead of official publication to be able to assess the work done under this commitment. Difi report 2017-11 is available in Norwegian at <https://www.difi.no/rapport/2017/12/hva-er-status-brukerrettingen-i-staten-na>.

⁵ Difi report 2017-11, pp. 34-35.

⁶ The Norwegian Association for Retirees, which often meet with NAV, the Norwegian Welfare Directorate. Telephone interview with General Secretary Harald Olimb Norman, Norwegian Association for Retirees, 15 December 2017.

⁷ Telephone interview with commitment PoC, Senior Advisor Ola Grønning, KMD, 1 December 2017.

⁸ Ibid.

2. Electronic Public Records (OEP)

Commitment Text:

Background: KMD is preparing a new publication of the OEP solution. This will reduce time consumption and provide easier access for those outside the public administration system (full text publication). A start-up grant has already been allocated.

Status quo or problem/issue to be addressed: The Electronic Public Records (OEP) has been a success since the ministry launched OEP in 2010 as a joint publishing solution for the public for public records on the internet for state enterprises.

Main Objective: A new OEP solution shall safeguard requirements for information security in a more satisfactory manner in the future and will be able to accommodate larger amounts of data. There will also be a goal that a new OEP solution will eventually streamline the work processes in the public administration connected to the work with transparency processing.

Brief Description of Commitment: Develop a new system solution for OEP to improve the security in OEP, streamline work processes in the public administration and streamline the transparency work. A new solution with better capacity to accommodate larger amounts of data and with a new technical solution that will provide enhanced search features and improved user experiences.

Responsible institution: Ministry of Local Government and Modernization

Supporting institution(s): Ministry of Justice

Start date: Not specified

End date: Not specified

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
2. Overall			✓		✓			✓			✓		Yes			✓	

Context and Objectives

The current Electronic Public Records (OEP, by its Norwegian acronym) includes 121 ministries, agencies, directorates, and other state enterprises. On the web-portal,¹ everyone can search for internal and external documents archived and recorded in the public journal. Documents can be requested, whereupon the user receives an email with the requested documents, or an explanation as to why some documents may have been exempted, with reference to the Freedom of Information Act.² The OEP is widely used by journalists and researchers. Due to the volume of requests and the limitations of the system, the Agency for Public Management and eGovernment (Difi) monitors traffic and information requests, and, from time to time, enforces a maximum of 10 requests per user visit.³

The new OEP solution aims to improve the security of records, and to streamline work processes in the public administration so as to accommodate larger amounts of data, new enhanced search features, and improved user experiences.⁴ In a report published by the Office of the Auditor General of Norway, it was emphasized that, although there is a progressive legal framework on access to information, practices among ministries and state agencies vary significantly. In many cases, they fail to live up to the standards and expedience envisaged in the Freedom of Information Act.⁵ The Auditor General warns that it cannot rule out that archiving and publication of records are intentionally delayed.⁶ This is an issue

of grave concern for journalists who rely on the relatively expedient archiving of documents and continuous updating of public records.⁷ There are various practices related to archiving and publication of electronic journals in the 121 government entities using OEP and the new solution (elnnsyn in Norwegian). For instance, eight out of 17 Norwegian ministries do not publish records of internal documents.⁸

This commitment aims to provide a better technological interface for public disclosure of information, and is relevant to the OGP values of access to information, and technology and innovation.

The commitment text includes specific activity, such as developing a new OEP, yet it is not entirely clear what the actual improvements would be. The commitment is, thus, coded as being medium specific. The potential impact would be moderate, as the changes, if fully implemented, represent a major step for improving the existing OEP. For this commitment to be considered as having a transformative potential impact, it should have fully addressed the challenges related to internal archiving routines referred to in the Auditor General's report.

Completion

This commitment was substantially completed after the first year of the action plan, as the beta version became available in July 2017. Although outside the assessment period, the new solution, called elnnsyn, was launched in February 2018. It included electronic public records from government enterprises and the Oslo Municipality.⁹ Elnnsyn allows for full-text documents to be published directly, but it will be up to the discretion of the various government entities using the new solution to decide whether to do this or not. Elnnsyn will also introduce a two-tier system in which, for example, journalists will gain access to more data than regular citizens. This is due to privacy concerns, and to the perceived risk of unauthorized web harvesting.¹⁰ However, the Norwegian Press Association would have wanted this mechanism to be available to everyone using elnnsyn, rather than privileged access for journalists only.¹¹

Next Steps

As elnnsyn will introduce a two-tier system of access, and due to the challenges related to archiving as revealed by the Auditor General, it is recommended that:

- The government evaluate the two-tier system, at the latest within one year after the launch of elnnsyn. This evaluation should be carried out in collaboration with representatives from the Norwegian press and Norwegian Data Protection Authority;
- The government streamline ministerial archiving practices to provide better access to information for Norwegian citizens.

¹ See www.oep.no.

² The IRM researcher has, as part of this research, requested documents related to most of the commitments in this action plan. Besides providing access to relevant information, this has provided a test case for the expediency of the OEP. Most requests were granted within days after the request was filed. Some of the documents requested are exempted from official publication, and has not been provided.

³ This information is provided in a banner on top of the OEP website, and can change frequently.

⁴ Telephone interview with senior advisor Stein Magne Os, Difi, 11 December 2017.

⁵ The report, *Dokument 3:10 (2016–2017) Riksrevisjonens undersøkelse av arkivering og åpenhet i statlig forvaltning* (available in Norwegian only), is available for download at <https://www.riksrevisjonen.no/presserom/Pressemeldinger/Sider/ArkiveringStatligForvaltning.aspx>.

⁶ Auditor General (2017), *Dokument 3:10 (2016–2017) Riksrevisjonens undersøkelse av arkivering og åpenhet i statlig forvaltning*, p. 13. The report refers to an established practice between the Ministry of Justice and Public Security and the National Police Directorate, in which documents in an early phase were kept away from the records. As it is possible to exempt documents from publication, the Auditor General holds that this practice violates the statutory objective of the Freedom of Information Act.

⁷ Interview with advisor Kristine Foss, Norwegian Press Association, 5 December 2017.

⁸ Auditor General (2017), *Dokument 3:10 (2016–2017) Riksrevisjonens undersøkelse av arkivering og åpenhet i statlig forvaltning*, p. 86.

⁹ The slightly delayed launch occurred 5 February 2018. See <https://www.einnsyn.no/sok>.

¹⁰ Telephone interview with Stein Magne Os, Difi, 8 December 2017.

¹¹ Interview with advisor Kristine Foss, Norwegian Press Association, 5 December 2017.

3. Transparency regarding environmental information

Commitment Text:

Status quo or problem/issue to be addressed: Lack of knowledge about and use of the Environmental Information Act relating to the right to environmental information and participation in decision making processes relating to the environment [Environmental Information Act] of 9 May 2013 no. 31.

Main Objective: Improved knowledge and use of the Environmental Information Act

Brief Description of Commitment: Improved knowledge and use of the Environmental Information Act.

Measure: Prepare guides; Internal courses at the Ministry.

Relevance: Increased knowledge about and wider use of the Environmental Information Act, both by the public and by the public administration, will result in increased transparency and engagement and will help to improve legislation, policies, governance, and thereby also the environment

Ambition: The Environmental Information Act is well known. It is used in accordance with its purpose: to ensure public access to environmental information and thereby make it easier for individuals to contribute to protecting the environment and to safeguard against health hazards and environmental degradation. This makes it easier to influence public and private decision-makers on environmental issues and it promotes public participation in decision-making processes that affect the environment.

Responsible institution: Ministry of Climate and Environment

Supporting institution(s): Public authorities handling environmental information (none specified)

Start date: 2014

End date: 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
3. Overall			✓		✓					✓			No		✓		

Context and Objectives

The Environmental Information Act was passed in 2003. Its purpose is to ensure public access to environmental information, and public participation in environmental decision-making processes.¹ It allows citizens to request environmental information not only from public authorities, but also from private enterprises. The Rainforest Foundation Norway has successfully used the law to request information from Norwegian food producers and retailers regarding palm oil content in their consumer products.² While environmental NGOs and activists are well aware of the act, they believe it is underutilized, , in particular, as more requests for environmental information could be requested from businesses. ³ Among Norwegian public authorities, sufficient knowledge of the act's provisions and how they can be applied in practice is lacking.⁴ One example is that journalists' and environmentalists' requests for environmental information from public authorities are often

considered only in light of the Freedom of Information Act, and not the Environmental Information Act.⁵

One of the reasons for the in-house courses and perceived need to raise awareness among public administration bodies is a case brought before the compliance committee of the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters (the Aarhus Convention). In this case, the Norwegian government was found not to be “expeditious” and “timely.” This led to an increased awareness and scrutiny of government practices, hence, the need for in-house courses.⁶

The commitment is clearly relevant to the OGP value of access to information. To promote better knowledge of the act within the public administration and among the public, the government has committed to improving information about it on the website, www.regjeringen.no, developing relevant guidelines, and providing courses for public authorities. The action plan lists milestones as having started prior to the current action plan and refers to them as ongoing activities.

The specificity of this commitment is medium, due to the relatively clear ambition and language, and the concrete results, such as guidelines and courses envisioned. However, the first milestone is not specific, and is more an aspirational goal of having improved information on the government website, rather than an activity. The third milestone is to provide courses to public officials. However, these activities commenced prior to the action plan period. According to the Ministry of Climate and Environment, several in-house courses were already held in 2014 and 2015. One course was provided to other public authorities, namely the Norwegian Directorate for Fisheries, in 2015. According to the ministry, the plan is to offer the course to different institutions, but it has not been decided to which ones. The ambition is to synchronize this with the launch of the delayed guidelines.⁷ The fact that activities were already taking place prior to the action plan diminishes the potential impact to minor.

Completion

Overall, the commitment has made limited progress. There is no indication on the government website that information regarding the act has been changed in any way since 13 January 2014.⁸ Neither is the milestone mentioned in the government’s self-assessment report from October 2017. It seems that this milestone, labelled as “ongoing” in the action plan, was included without any clear target for change within the current action plan period. The development of the act’s guidelines is delayed, the drafting of the guidelines is conducted by the Department for Marine Management and Pollution within the ministry, and is expected for public consultation by the end of 2017. No specific reason for the delay was provided in the self-assessment, or in the interview with the commitment’s PoC.⁹ A search of internal documents in the OEP database, using the search term ‘miljøinformasjon’ (environmental information in Norwegian), does not give any results indicating that work to develop guidelines has been archived.¹⁰

The information provided to the IRM researcher from the ministry indicates that there is no plan for conducting courses for public bodies.¹¹ There are no publicly available statistics on the number of requests addressed directly to private businesses, but the number of complaints directed to the Arbitration Committee on Environmental Matters is relatively stable.¹² According to the point of contact in the ministry, the courses for officials would have been held either way, although including them in the OGP action plan may have given them a “slightly higher priority.”

Next Steps

To complete this commitment, it is recommended that the government finish and distribute act related guidelines by the end of the action plan. The next action plan could include a commitment with courses targeting journalists, since the act has the potential to be a useful

tool for media to request environmental information from businesses. The Ministry of Climate and Environment could consider providing such courses in partnership with the Norwegian Press Association.

¹ Environmental Information Act, <https://www.regjeringen.no/en/dokumenter/environmental-information-act/id173247/>.

² Telephone interview with Nils Hermann Ranum, Rainforest Foundation of Norway, 15 December 2017. Based on this information, the Rainforest Foundation has published a web portal listing foods with information on their palm oil content. See (in Norwegian only) <https://www.regnskog.no/no/hva-du-kan-gjore/bruk-mindre-palmeolje/palmeoljeguiden>.

³ Interview with Silje Lundberg, chair, Friends of the Earth Norway, 15 December 2017.

⁴ Interview with Professor Ole Kristian Fauchald, Faculty of Law, University of Oslo, 22 November 2017.

⁵ Interview with Advisor Kristine Foss, The Norwegian Press Association, 5 December 2017, and Silje Lundberg, chair, Friends of the Earth Norway, 15 December 2017.

⁶ More information about the compliance committee case can be found at <http://www.unece.org/ru/environmental-policy/dejatelnost-po-usileniju-potenciala/public-participation/aarhus-convention/tfwg/envppcc/envpppubcom/acccc201393-norway.html>.

⁷ The IRM researcher received course material, dates for courses provided, and information regarding future plans in an email from commitment PoC Beate Berglund Ekeberg, Ministry of Climate and Environment, 16 November 2017.

⁸ The government information this refers to is available at https://www.regjeringen.no/no/dokument/dep/kld/lover_regler/rett-til-miljoinformasjon/id445355/. This website is checked by waybackmachine.org, and there are no changes within the action plan period. This is also confirmed in a telephone interview with the commitment PoC. Telephone interview with commitment PoC Beate Berglund Ekeberg, Ministry of Climate and Environment, 15 November 2017.

⁹ Ibid.

¹⁰ As the Ministry of Climate and the Environment registers internal documents, this indicates that work on the commitment's activities has left few concrete traces. The search was conducted for the entire action plan period.

¹¹ Ibid.

¹² Telephone interview with Hege Langeland, head of the Secretariat for the Arbitration Committee for Environmental Matters, 30 November 2017.

✪ 4. Disclosure of financial data

Commitment Text:

Background: Since 2010, the Government Agency for Financial Management (DFØ) has published government accounting data by chapter/item equivalent to the annual Report to the Storting 3 on government accounts. The publication has not been in machine-readable form until 2015. The Ministry of Finance has stated in the Yellow Book 2016 that the Ministry and the Government Agency for Financial Management will develop a publishing solution to make more financial information more easily accessible to more users. This is in line with fundamental values such as democratic participation, confidence in the public sector and public control of the public administration.

Status quo or problem/issue to be addressed: The Government Agency for Financial Management (DFØ) today publishes government accounting data by chapter/item equivalent to the annual Report to the Storting 3 on government accounts. St. 3 on government accounts. The data is difficult to use for analysis and is difficult to access. From January 2016, the publication will be supplemented with accounting data according to account type (standard chart of accounts) for gross budgeted administrative bodies that report accounting data to DFØ in machine-readable form as a data dump.

Main Objective: An overarching goal for the publication solution is to make more government financial information more accessible to both external and internal users in a user-friendly manner. The solution shall make it possible to search in published data, and provide a basis for analysis and comparison of resource consumption across enterprises and over time in open data format.

Brief Description of Commitment: Facilitate a solution for publishing financial data on an aggregated, 3-digit level according to a standard chart of accounts, for each enterprise, to be published every month. The solution shall also accommodate future expansions of the basic data (state-owned enterprises that do not report expense data to the government accounts today). Relevance: The publishing solution shall safeguard fundamental values such as democratic participation, confidence in the public sector and public control of the public administration.

Ambition: The solution shall be intended for users inside and outside the state administration, and shall be operational from 01/10/2017.

Responsible institution: The Ministry of Finance

Supporting institution(s): Government Agency for Financial Management (DFØ)

Start date: 1 May 2016

End date: 1 October 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
✪ 4. Overall				✓	✓			✓				✓	Yes			✓	

Context and Objectives

Norway ranks fourth globally on the Open Budget Index,¹ which means that the government provides the public with extensive budget information. However, the Government Agency for Financial Management (DFØ) publishes government accounting data by line items (such as tax revenues,² expenses related to the royal court,³ expenses on primary health services,⁴ etc.) in the annual government expenditure report. This makes it difficult to distinguish and analyze expenditure according to individual government agencies. The data are difficult to access and use for analysis. The commitment aims to publish disaggregated financial data according to public agencies, making this data available in a machine-readable and searchable format with monthly updates. The commitment is relevant to the OGP values of access to information and technology, and innovation for transparency and accountability.

The commitment activities are highly specific, and include steps that are necessary for publishing disaggregated financial data in open data format. The milestones identified by the government in the action plan are cumulative. The first two are related to technical requirements and tender specification, both of which are prerequisites for the publication of the web-portal disclosing financial data.

The potential impact of this commitment is considered transformative, as access to information about financial data and expenditure of various government agencies in such an accessible format would change business as usual, and significantly increase transparency of government expenditure. An overarching goal is to make government financial information more accessible to both external and internal users in a user-friendly manner. The new publication format would make it possible to search published data, and provide a basis for analysis and comparison of resource consumption across enterprises, and, over time, in open data format, which was not possible previously. The availability of the web-portal is considered—by investigative journalists and others interested in “big data”—a vital and significant undertaking.

Completion

The beta version of the web-portal “Statsregnskapet” (State public account) was made available in summer 2017. Although outside this report’s review period, it was publicly launched in October 2017, and is updated monthly.⁵ The new portal provides financial data for each gross budgeted central government agency. This commitment is completed on time.⁶

Currently, all government enterprises reporting to the Government Agency for Financial Management (DFØ) (212) are included in the state public account.⁷ The Ministry of Finance is satisfied with the results so far and believes the number of government enterprises that report to the DFØ will increase, and continuously be integrated into the system.⁸

The Norwegian Press Association has been consulted on several occasions during implementation and has provided advice on how information on financial data should be made available. As noted by the representative of the association in an interview, the edited format of the financial data in the new portal may make it less useful for journalists. It is too early to tell how useful the portal will be, and to what extent journalists and other stakeholders will use it.⁹

Next Steps

As Statsregnskapet is a new tool, and not all government enterprises report to DFØ, it is recommended that:

- The government evaluate the results and use of the web-portal to identify improvements and changes that may be implemented. This should be done by involving stakeholders and end users of this information, such as investigative journalists.
- The Ministry of Finance work to ensure that the number of public bodies reporting to the DFØ increases.

¹ International Budget Partnership, Open Budget Survey 2015, <http://survey.internationalbudget.org/#rankings>

² Tax revenues, Income chapter 5501.

³ Royal court, Expense chapter 0001.

⁴ Primary health services, Expense chapter 0762.

⁵ The financial data are available at <https://statsregnskapet.dfo.no/>.

⁶ The portal was made available to the public a few days later than the set end date in the action plan. This slight delay is irrelevant, however, when compared to the overall achievement.

⁷ The IRM researcher has reviewed the web portal and double-checked this. In addition to being presented in an edited format, the website of the directorate, www.dfo.no, also publishes monthly reports in Excel file format for state enterprises reporting to the directorate.

⁸ Interview with commitment PoC Knut Klepsvik, Ministry of Finance, 15 November 2017.

⁹ Telephone interview with journalist Siri Gedde Dahl, member of the Norwegian Press' Committee for Public Information, 15 November 2017.

5. Transparency regarding rainforest funds

Commitment Text:

Status quo or problem/issue to be addressed: Not enough information available about to whom the climate and forest funds have been disbursed and about the strategy of the initiative.

Main Objective: More transparent external communication about where the funds are going and how the partner countries are selected.

Brief Description of Commitment: Reader-friendly summaries on regjeringen.no about how the climate and forest funds are distributed and the underlying strategy of the initiative.

Relevance: Provides greater openness and transparency into the climate and forest funds. Easier for the public and the press to see where public funds are disbursed, to which countries and to which institutions.

Ambition: The website of the climate and forest initiative shall provide summaries that are equally as good as those on Norad's web pages for other aid funds. This provides easily accessible information to the public.

Responsible institution: Ministry of Climate and Environment

Supporting institution(s): None specified

Start date: Autumn 2015

End date: Spring 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
5. Overall			✓		✓						✓		No		✓		

Context and Objectives

Through Norway's International Climate and Forest Initiative (NICFI), the country has pledged “up to 3 billion NOK a year to help save the world's tropical forests, while improving the livelihoods of those who live off, in, and near the forests.”¹ This commitment aims to improve access to information on how these funds are distributed and spent in countries where NICFI funds projects. The commitment covers both the presentation of information at the dedicated government website,² and an ambition to develop an ICT tool to allow end users to generate data related to NICFI. Although much of this information can be accessed on recipient websites, stakeholders maintain that it is an important and laudable principle that a dedicated website provide good oversight of how public money is being spent on NICFI.³ The commitment is clearly relevant to access to information, yet certain aspects of the commitment lack specificity. Some of the activities have set start and end dates prior to the action plan period, and it is impossible to verify the ‘new information’ on a given website.

This commitment has a medium level of specificity. For instance, it is not clear what “new information” is still to be provided on regjeringen.no, a milestone that is included in the commitment even though it is listed as having been completed in autumn 2015, prior to the current action plan period. Other elements of the commitments are more specific, though not always measurable.

The activities proposed, especially the new ICT solution, will potentially lead to significant changes in how NICFI data are presented. More importantly, the solution will let end users generate what they consider relevant data. This commitment is coded as potentially having a moderate, rather than transformative, impact on transparency related to NICFI. This is due to the limited scale and scope of the commitment. A potentially transformative commitment could, for instance, have allowed end users to generate NICFI information based on open data, rather than merely promising an “enhanced graphic presentation.”

Completion

The new planning tool and public presentation of NICFI expenditure are delayed for technical reasons and budgetary constraints.⁴ According to the government’s point of contact, information on the government’s website improved in the first year of the action plan.⁵ The delay related to the ICT solution has partly to do with the various platforms used by the different ministries and agencies involved, and security challenges related to communication across these platforms.⁶ The Ministry of Foreign Affairs, embassies, and NORAD use one platform, whereas the Ministry of Climate and the Environment uses another.

With regard to publishing information about NICFI, the government website for Norwegian REDD+ disbursements has been somewhat updated. This website provides a list showing that Norway has disbursed close to 20 billion NOK over the period 2008–2016 to more than 10 countries, several regional initiatives, and 20 global programs or thematic areas.⁷ There are only three links on the entire page, two of which concern Guyana and lead to 404-error pages on the Norwegian government website.⁸ The third link is to Norway’s embassy in Tanzania, which contains some project related information. This website is effectively a dead end, and provides no information on disbursements totaling 20 billion NOK. The main NICFI website⁹ provides more detailed project information, divided by recipient countries or Norwegian funding for multilateral collaboration. Here, more links are provided, for instance, to the Amazon Fund. Although some improvements have been made, according to stakeholders interviewed, this commitment is far from completed.¹⁰

The IRM researcher finds that the pages, altogether, provide limited information on the amounts disbursed. The official from the Ministry of Climate and Environment acknowledges that the level of information available is suboptimal, and the IRM researcher has received no reply to an email asking for possible steps toward alleviating this shortcoming temporarily.¹¹ As far as the IRM researcher understands, the Ministry of Climate and Environment works together with NORAD and the MFA to facilitate more transparent communication of NICFI disbursements, possibly developed along the lines of the NORAD database on official development aid (ODA) expenditure. NORAD already has a dedicated website for NICFI disbursements to civil society.¹²

While the IRM researcher finds it plausible that technical and security obstacles have delayed the ICT planning and information tool, it is critical, nevertheless, that the government website provides such limited information.

Next Steps

Considering the size of the NICFI expenditure, it is important that transparency increases significantly. It is recommended that:

- The government explore a temporary measure to increase transparency, if nothing more, by providing useful links to pertinent information.
- The government carry forward this commitment to the next action plan, and implement it in close collaboration with NORAD. NORAD’s experience with ODA transparency measures would be of tremendous benefit to the government.

¹ See NICFI's website, <https://www.regjeringen.no/en/topics/climate-and-environment/climate/climate-and-forest-initiative/id2000712/>.

² Ibid.

³ Telephone interview with Nils Hermann Ranum, Rainforest foundation of Norway, 15 December 2017.

⁴ Self-assessment report and telephone interview with commitment PoC, Ane Broch Graver, Ministry of Climate and Environment, 29 November 2017.

⁵ Telephone interview with commitment PoC, Ane Broch Graver, Ministry of Climate and Environment, 29 November 2017.

⁶ Ibid.

⁷ See <https://www.regjeringen.no/en/topics/climate-and-environment/climate/climate-and-forest-initiative/kos-innsikt/how-are-the-funds-being-spent/id734170/>.

⁸ See <https://www.regjeringen.no/en/topics/climate-and-environment/climate/climate-and-forest-initiative/kos-innsikt/how-are-the-funds-being-spent/id734170/~link/ac72dcef3f65490b91072f796142a482.aspx?id=592318>, and <https://www.regjeringen.no/en/topics/climate-and-environment/climate/climate-and-forest-initiative/kos-innsikt/how-are-the-funds-being-spent/id734170/~link/c4ac10aac28f4a1791fb746c783d15f5.aspx>.

⁹ See <https://www.regjeringen.no/en/topics/climate-and-environment/climate/climate-and-forest-initiative/id2000712/>.

¹⁰ Telephone interview with Nils Hermann Ranum, Rainforest Foundation of Norway, 15 December 2017.

¹¹ Email sent to commitment PoC, 30 November 2017.

¹² See <https://www.norad.no/en/front/funding/climate-and-forest-initiative-support-scheme/grants-2013-2015/projects/>.

6. State employees' ownership of shares

Commitment Text:

Status quo or problem/issue to be addressed: There is no uniform regulation in the ministries' various policies regarding department employees' ownership and trading in securities

Main Objective: Facilitate the ministries' efforts to prevent problematic conflicts of interest by clarifying the ethical and legal limits on the ownership and trading of securities

Brief Description of Commitment: Prepare a legal clarification and specify in the ethical guidelines, which duties can be imposed on government employees in each ministry in terms of ownership and trading of securities.

Ambition: Raise ethical awareness regarding the ownership and trading of securities, and clarify the legal issues that arise

Responsible institution: Ministry of Local Government and Modernization

Supporting institution(s): Not specified

Start date: Spring 2016

End date: Autumn 2016

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
6. Overall				✓	Unclear						✓		Yes				✓

Context and Objectives

Norway has no standardized way to regulate various ministries' policies regarding department employees' ownership and trading in securities. This commitment will prepare a legal clarification and update the ethical guidelines for government employees. These were last updated in 2012. In 2016, Parliament called upon the government to consider how the economic interests of permanent secretaries in ministries could be registered. The government opted, instead, to provide guidelines on how the economic interests of all government employees should be registered.¹

While the commitment text is highly specific overall, the commitment itself is not clearly relevant to any OGP values. Ethical guidelines clearly address potential conflicts of interest of government employees who are also shareholders. However, the commitment text does not indicate any public facing measures to ensure compliance or increased accountability. This would have been a prerequisite if the commitment were considered relevant to the OGP value of public accountability.

The potential impact of preparing a legal clarification and updating ethical guidelines could represent a major step forward in ensuring public sector integrity. However, the commitment is limited in its ambition, since it does not indicate how compliance with the guidelines will be ensured, or whether this information will become public. As a result, the potential impact is seen as moderate.

Completion

This commitment is completed. New ethical guidelines for state employees have been published.² Compared to the 2012 version, the newly revised ethical guidelines contain

several amendments under chapter 4.2 on shareholder ownership and extra sources of income of government employees. The new guidelines clearly state that there is a potential conflict of interest for government employees who own shares in companies under inspection, or where licenses are being considered or have been granted. For instance, the guidelines emphasize how the Financial Supervision Act³ may restrict shareholder ownership in Norwegian companies among employees' in the Financial Supervisory Authority. The contact point at the Ministry of Local Government and Modernization believes that inclusion in the action plan bolstered the guidelines' implementation, especially when facing inter-ministerial opposition to changes in the ethical component.⁴ Hence, the inclusion of the commitment in the action plan has added value, a perspective confirmed by Transparency International Norway.⁵

Next Steps

To make this commitment more relevant to transparency, the next action plan should consider establishing a public register of high-level state employees' ownership.

¹ Interview with commitment PoC Daniel Elias Quinones Møgster, Ministry of Local Government and Modernization, 4 December 2017.

² <https://www.regjeringen.no/no/dokumenter/etiske-retningslinjer-for-statstjenesten/id88164/>.

³ For the Financial Supervision Act, see <https://lovdata.no/dokument/NL/lov/1956-12-07-1> (in Norwegian only).

⁴ Interview with commitment PoC Daniel Elias Quinones Møgster, Ministry of Local Government and Modernization, 4 December 2017.

⁵ Interview with Guro Slettemark, General Secretary Transparency International Norway, 1 December 2017.

7. Measures in foreign and development policy to promote freedom of expression and independent media

Commitment Text:

Status quo or problem/issue to be addressed: Information is an integral part of freedom of expression. Information is crucial for people to be able to make informed decisions about their own lives, and so that they are able to understand and exercise their rights. Freedom of expression is under pressure from both state and non-state actors. Some trends: Increase in the number of attacks against individuals who express themselves, e.g. journalists, bloggers and artists. Legislation is abused to prevent criticism and silence dissent. Public access to information is restricted. Internet censorship, filtering, blocking and monitoring. Increasing self-censorship. Concentration of ownership in media limits diversity. In September 2015, the UN member states adopted the new sustainable development goals (SDGs). Goal 16.10 deals with access to information and protection of fundamental freedoms. Access to information is one of three theme areas in the Ministry of Foreign Affairs' new strategy on freedom of expression.

Main Objectives: The Ministry of Foreign Affairs shall - initiate the development of international standards for the right to information, - contribute to the development of and compliance with legislation at the national level concerning the right to access information, advocate for more transparency and better access to information in the United Nations system and in other international organizations.

Brief Description of Commitment: Access to information as a priority area in foreign and development policy

Responsible institution: Ministry of Foreign Affairs

Supporting institution(s): Not specified

Start date: 18 January 2016

End date: 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
7. Overall		✓			✓					✓			No		✓		

Context and Objectives

In January 2016, the Norwegian Ministry of Foreign Affairs launched a new strategy for freedom of expression and an independent media.¹ The strategy addresses how Norway shall promote freedom of expression in its foreign and development policy. Access to information is one of three main aspects in the strategy. This OGP commitment flows directly from the strategy, although OGP is not mentioned in the strategy document, or elsewhere where the strategy is discussed.

The commitment addresses a challenge in the international arena, namely, the right of access to information around the globe. While generally relevant to the OGP value access to information, a weak link to OGP values exists in the domestic context. CSOs in Norway and the OGP council consider this commitment to be irrelevant within the context of a national action plan.² That the OGP council voiced its opposition to this commitment is acknowledged by the government PoC for OGP.³ The commitment aims to develop and

promote international standards for rights to access information in general, through consultation with civil society and other states. It further seeks to address compliance with national legislation regarding access to information around the globe, through the promotion of a multilateral initiative for the right to information.

The specificity of this commitment is considered low. Although the activities proposed are verifiable to a certain extent, it is not clear what they would entail (in other words, who and how many will be consulted, and what such a multilateral initiative would look like).

If fully implemented, the potential impact would be global support for Norway's increased attention to protect the right to information, freedom of speech, and an independent media. It would be up to the discretionary powers of the states involved—not Norway—to make any significant changes, however.

Completion

The commitment is completed to a limited degree, as the milestone to present a multilateral initiative on the “right to information” is no longer on the table.⁴ The MFA continues to promote freedom of speech in various international meetings, such as in sessions in the UN Human Rights Council.⁵ According to the MFA, Norway works together with other states such as Mexico and Germany, and with the international NGO Article 19.⁶ No Norwegian CSOs have been involved in this commitment.⁷ In essence, the ambition to promote a multilateral initiative for access to information is not something Norway believes it will get support for, hence, the country stresses the importance of freedom of speech internationally by other means.⁸ In this work, the commitment PoC ascertains that the OGP framework and partner countries have provided a useful network.⁹

A search of the OEP shows that no new documents on the freedom of expression strategy have been archived since its launch. A search for the term “ytringsfrihet” (freedom of expression in Norwegian) generated 93 hits, archived as incoming, outgoing, or internal MFA documents. The IRM researcher did not request all the documents, but document titles and case titles (which, according to the Archival Act, should be “meaningful”) indicate that no documents were archived between 1 January 2016 and 29 November 2017. This suggests that the MFA is not working actively to promote a multilateral initiative.¹⁰

The IRM researcher acknowledges that the presentation of such an initiative requires substantial international support—as well as the right timing. In essence, this points in the direction of not being a commitment that fits the OGP action plan guidance. It is not relevant for domestic OGP work and relies too heavily on international support; the Norwegian government alone would not be able to deliver this result on time.

Next Steps

This commitment is not recommended to be carried forward to the next action plan, mainly because it is irrelevant to access to information in Norway. However, the IRM researcher expects that Norway will continue working on these issues as measures in its foreign policy.

¹ See https://www.regjeringen.no/en/aktuelt/promote_freedom/id2470543/. The strategy document is available in Norwegian only. To download the document, visit

https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/mr/strategi_ytringsfrihet.pdf.

² Meeting with OGP council members, Guro Slettemark and Joachim Nahem, 24 November 2017.

³ Telephone interview with OGP PoC Tom Arne Nygaard, Ministry of Local Government and Modernisation, 8 December 2017.

⁴ Telephone interview with commitment PoC, senior advisor Siri Andersen, Ministry of Foreign Affairs, 12 December 2017.

⁵ 36th session, where Norway's delegation gave a speech. The speech was retrieved from the Public electronic records, December 2017.

⁶ Telephone interview with commitment PoC, senior advisor Siri Andersen, Ministry of Foreign Affairs, 12 December 2017.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Most documents in the set of hits seem to be related to specific projects on freedom of expression that the MFA supports. In itself, that could be an indication of an active approach to supporting the work for freedom of expression, which is commendable. Concerning the OGP commitment to work to develop a multilateral initiative, no documents seem to have been archived.

8. Country-by-country reporting

Commitment Text:

Title: 8. Country-by-country reporting: Study how relevant information related to country-by-country reporting from subsidiaries and support functions in third countries should be presented in the accounts, as well as possible supervisory schemes.

Background: Only a few relevant Norwegian companies are covered by the current regulations. 1. Start evaluating the Norwegian country-by-country regulations. 2. Investigate how relevant information related to country-by-country reporting from subsidiaries and support functions in third countries should be presented in the accounts. 3. Investigate how to establish supervision of entities with obligations to report according to the country-by-country regulations.

Status quo or problem/issue to be addressed: The Norwegian Parliament adopted new rules in December 2013 on "country-by-country reporting" (LLR), as proposed by the Ministry of Finance, cf. Prop. 1 LS (2013-2014) Chap. 20. The proposition announced that the Ministry of Finance intends to evaluate the Norwegian country-by-country regulations after three years. In Resolution no. 792 ((2014-2015), the Norwegian parliament asked the government to review the effects of the regulation on LLR reporting, measured against the parliament's goal to highlight adverse tax planning and ensure that relevant information related to the country-by-country reporting from subsidiaries and support functions in third countries is presented in the accounts. Parliament also asked the government to investigate how to establish supervision of entities with obligations to report according to the country-by-country regulations.

Main Objective: The primary purpose of the country-by-country regulations is to contribute to greater transparency about the activities of companies that extract non-renewable natural resources in order to provide the population in the various countries where such activities are conducted, the possibility to hold the authorities accountable for the public administration of revenues from the country's natural resources. A further objective of the regulations is to help draw attention to adverse tax planning.

Brief Description of Commitment: The government believes that the evaluation of the LLR regulations should be based on LLR reports from at least two financial years, i.e. for the financial years 2014 and 2015, and it should be possible to complete no later than spring 2017. The government will also examine how relevant information related to LLR reporting from subsidiaries and support functions in third countries shall be presented in the accounts, as well as possible supervisory schemes, with the intention to present the necessary regulatory amendments during 2016.

Relevance: Preparation of the LLR regulations could enhance transparency with respect to capital flows from companies operating in the extractive industries. Increased transparency could provide greater access to information that can help ensure that civil society will be increasingly able to hold the authorities to account for the administration of the country's natural resources in the country where the companies operate. Access to more information about the companies/corporations could also contribute to increased transparency, thereby highlighting any tax planning.

Ambition: Norway wants to evaluate and improve its LLR regulations and to contribute its experiences to the EU in connection with the evaluation that the EU plans to conduct on its own legislation in 2017/2018

Responsible institution: Ministry of Finance

Supporting institution(s): Pending evaluation in the Ministry

Start date: May 2015

End date: June 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
8. Overall		✓			✓					✓			Yes		✓		

Context and Objectives

Country-by-country reporting (CBCR) is a means to increase transparency vis-à-vis how extractive industries operate across the globe. CSOs and other stakeholders in Norway view this issue as critical, particularly due to the risk of tax avoidance. Because of the complexity of this issue, however, it does not get much attention.¹ In 2013, the Norwegian Parliament (Storting) adopted the regulation on country-by-country reporting (CBCR). Since then, extractive industries have been required to publish CBCR data in their annual reports, indicating the flows of income, costs, taxes paid, and sign-on fees per country in which they operate.

In 2015, the Norwegian parliament decided that the government should review the effect of CBCR regulation. This commitment seeks to conduct a review of the effect of CBCR on alleviating adverse tax planning, and to consider how relevant information from subsidiaries and support functions in third countries can be included in CBCR.² One of the objectives is to provide an account of what the ministry considers relevant CBCR information.

The commitment is relevant to the OGP value of access to information, since CBCR is a useful tool to access information about big Norwegian corporations with multinational operations. The specificity of this commitment is low, as the commitment language suggests aspirations for improving the existing regulation but does not necessarily commit to specific verifiable steps toward addressing the issue. Therefore, its potential impact is minor.

Completion

As of 2017, all Norwegian multinational enterprises with annual income above NOK 6,5 billion must provide CBCR for all countries in which they operate within 12 months after the end of the accounting year.³ Before this change, CBCR applied only to extractive companies.

According to stakeholders and CSOs, there are several major weaknesses in the current CBCR regulations. Publish What You Pay Norway (PWYP) holds that the current regulation protects tax havens, since CBCR is not required in cases where paid taxes are below NOK 800,000 per financial year, and CBCR is not part of the financial statement of companies.⁴ In its comment at the 2017 hearing on the CBCR evaluation, the Tax Justice Network (TJN) argued that the current CBCR regime does not include a sufficient number of companies, and that CBCR for extractive industries and CBCR for tax purposes ought to be harmonized.⁵

Outside the assessment period of this report, the government began consultations on the evaluation of CBCR regulation during autumn 2017, with a deadline of 7 December 2017 for comments.⁶ According to the self-assessment report provided by the Ministry of Finance, the commitment has been carried out, and legislative amendments came into effect on 1 July 2017. With the consultation paper, the commitment appears to be on time.

Next Steps

Given the potential of CBCR to increase corporate accountability domestically as well as globally, it is recommended that the government continue working to enhance CBCR regulations. The IRM researcher recommends carrying forward this commitment to the next action plan, with more clarity on intended results.

¹ Telephone interview with Mona Thowsen, Publish What You Pay Norway, 30 November 2017.

² <http://www.publishwhatyoupay.no/en/node/16781>.

³ See <http://www.skatteetaten.no/en/business-and-organisation/reporting-and-industries/Internprising/cbc-reporting/>.

⁴ Telephone interview with Mona Thowsen, Publish What You Pay Norway, 30 November 2017. See also <http://www.publishwhatyoupay.no/en/node/17147>.

⁵ TJN's comment and the other comments received are available at <https://www.regjeringen.no/no/dokumenter/horing-av-evalueringsrapport-om-land-for-land-rapportering-regelverket/id2576639/>.

⁶ See <https://www.regjeringen.no/no/dokumenter/horing-av-evalueringsrapport-om-land-for-land-rapportering-regelverket/id2576639/>, and <https://www.regjeringen.no/contentassets/355189369a02429cb74ff85f09ac777a/evalueringsrapport-llr.pdf>.

9. Register for ultimate beneficial ownership

Commitment Text:

Background: It is important to obtain knowledge about who has beneficial ownership in companies. Information about shareholders is currently publicly available, but there is not necessarily transparency about the underlying beneficial owners. It is important to clarify who should have access to information about beneficial owners and what kind of information should be provided. Investigate, send for consultation and promote proposals for a publicly accessible register with information about the beneficial owners in Norwegian companies.

Status quo or problem/issue to be addressed: Parliament has asked the government to bring a proposal for a Norwegian public ownership registry to ensure transparency of ownership in Norwegian businesses and to strengthen efforts against tax crime, corruption and money laundering. It is understood that such a registry should follow the Financial Action Task Forces' recommendations from 2012 on international standards for combating money laundering and combating the financing of terrorism and the proliferation of WMD, as well as EU regulations in this area. Government has appointed a commission to consider changes to Norwegian legislation in order to follow the Financial Action Task Forces' recommendations and the EU's fourth Money Laundering Directive. The committee second interim report, which includes an assessment of how ultimate beneficial ownership shall be made public, will be presented in autumn 2016. The report will be sent for general consultation and input from civil society will be considered. In parallel with this work, the Ministry of Trade, Industry and Fisheries and the Ministry of Finance will work together to facilitate access to information on beneficial ownership in Norwegian limited liability companies. A consultative document with various solution proposals was sent for consultation in winter 2016.

Main Objective: The purpose is to increase access to information about who owns and who has a controlling interest in Norwegian companies, as well as to follow up on our international obligations through the Financial Action Task Forces and our EEA membership. Openness about who owns companies are an important tool to combat corruption, money laundering, tax evasion and other economic crimes, while also helping to promote economic efficiency.

Brief Description of Commitment: Investigate, send for consultation and promote proposals for a publicly accessible register with information about the ultimate beneficial owners in Norwegian companies.

Relevance: A publicly accessible register with information about (direct) shareholders and ultimate beneficial ownership will facilitate access to information that is relevant to combat economic crime, both for public bodies, private actors and civil society.

Responsible institution: Ministry of Finance

Supporting institution(s): Ministry of Trade, Industry and Fisheries; Tax Justice Network; Money Laundering Law Committee, others

Start date: 2015

End date: November 2017

	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
9. Overall			✓		✓							✓	No		✓		

Context and Objectives

This commitment is pertinent to having publicly available information on the ultimate owners of companies registered in Norway. In a broader effort to combat tax evasion, corruption, and money laundering, in 2015, the Norwegian parliament (Storting) asked the government to develop a proposal for a registry of ultimate beneficial ownership (UBO).¹ Recent EU agreement on a revision of the EU 4 Anti-Money Laundering Directive is likely to include a mandatory UBO register.² This revision is relevant to Norway, since it is a member of the European Economic Area.

The commitment's intention is to develop and consult on the proposals for a publicly accessible register of ultimate beneficial owners (UBO) of Norwegian companies. The commitment text refers to the 5 June 2015 decision in Parliament to ask the government to establish a UBO registry based on international standards (Financial task force 2012 and relevant EU directives).³ However, the commitment text does not specify how the UBO registry will be set up.

Preparatory work on establishing the UBO register is critical. The stated ambition (i.e., the eventual establishment of a publicly accessible UBO registry) has the potential to dramatically increase the level of access to information on company ownership, and to reduce corruption and tax evasion.⁴ Currently, Norway has a registry of shareholders. In many cases, however, it does not indicate who the ultimate owners of shares are.⁵ Also in existence is a register of assets, economic interests, and public positions of cabinet members and members of the Storting.⁶ This commitment could be critical in deciding to provide public access to information about who owns and controls Norwegian companies, and is clearly relevant to the OGP value of access to information.

Among the action plan's nine commitments, this is the only one that involves a CSO, namely, the Tax Justice Network (TJN).

Completion

The Commission on the Money Laundering Act published a consultation paper with proposals for a UBO registry in December 2015⁷ (prior to the action plan), and its second report in December 2016.⁸ The proposals are currently being discussed in the Ministry of Finance and Ministry of Trade, Industry, and Fisheries.⁹ This commitment is not on time, given the action plan deadline of November 2017.

The Commission on the Money Laundering Act has suggested that a new registry not be open to the public, and that companies on the Oslo stock exchange be exempted.¹⁰ These recommendations seem to be based on the minimum requirement of the relevant EU directive, rather than the 2015 decision of Norway's parliament. Stakeholders and Parliament have not been satisfied with what they consider a lack of progress in the government's work on the UBO registry. They also see the commission's proposal as a major setback to the 2015 decision in Parliament.¹¹ In its final proposal for a new Money Laundering Act, the commission argues that a UBO registry covers a wider area than the

Money Laundering Act and the commission's mandate.¹² This implies that its proposals for a registry are based on the mandate related to considering revisions to the Money Laundering Act, and not the parliamentary decision. If this is the case, the question is why the government considers the reports from the commission as important benchmarks for an eventual UBO proposal. Transparency International Norway has voiced its concern about this issue.¹³ TJN has not been consulted during implementation, although it is listed as an "actor involved" in the action plan.¹⁴ The Ministry of Finance has participated in meetings called by TJN, but has neither invited nor consulted the organization.¹⁵

There seems to have been no further discussion of the UBO register in the two ministries. The IRM researcher has searched the OEP for the term "eierskapsregister" (UBO in Norwegian), and limited the search to the two ministries involved (Ministry of Finance and Ministry of Trade, Industry, and Fisheries) for the period 1 January 2016 to 15 December 2017. This resulted in twelve hits. The titles of those documents suggest, however, that none concerning the development of the UBO were sent between the two ministries during the current action plan period to date.¹⁶ Although not conclusive evidence, the IRM researcher believes that, had a registry for ultimate beneficial ownership been given a higher priority by the government, document traces would have been (considerably) larger.

Next Steps

It is recommended that the remainder of this commitment be implemented within the remaining period of the action plan. The commitment covers a very complex area in which big economic interests could benefit from a lack of transparency regarding ownership. With reference to the 2015 parliamentary decision to establish a UBO registry that is transparent and open to the public,¹⁷ it is recommended that:

- The government clarify whether or not the commission's mandate on the Money Laundering Act is narrower than that entailed in the 2015 parliamentary decision on UBO.
- Going forward, the Ministry of Finance should ensure better stakeholder involvement.

¹ The parliamentary decision is available in Norwegian at <https://www.stortinget.no/nn/Saker-og-publikasjoner/Vedtak/Vedtak/Sak/?p=61945>.

² See <http://taxjustice.no/ressurser/eu-vedtok-apenhet-om-eiere-i-selskaper>.

³ The parliamentary decision is available in Norwegian at <https://www.stortinget.no/nn/Saker-og-publikasjoner/Vedtak/Vedtak/Sak/?p=61945>.

⁴ Interview with Sigrid Klæboe Jacobsen, director of Tax Justice Network – Norway, 1 December 2017.

⁵ A searchable version of the shareholder registry is available from https://investor.dn.no/?&_ga=2.229826396.139344687.1513380456-2122819295.1513380456#!/NorgesAksjer/.

⁶ The register is available from <https://www.stortinget.no/no/Stortinget-og-demokratiet/Representantene/Okonomiske-interesser/>.

⁷ The consultation paper from 2015 is available (in Norwegian) from <https://www.regjeringen.no/no/dokumenter/horing---okt-afenhet-om-informasjon-om-eiere-i-aksjeselskaper/id2468940/>.

⁸ NOU 2016:27. Available (in Norwegian) from <https://www.regjeringen.no/no/dokumenter/horing---hvitvaskingslovutvalgets-utredning-nou-2016-27/id2525022/>.

⁹ According to the government's self-assessment, and further expressed via telephone by commitment PoC Kristina Wilhelmsen, Ministry of Finance, 30 November 2017.

¹⁰ See <https://www.regjeringen.no/no/aktuelt/utvalg-foreslar-ny-hvitvaskingslov/id2524658/>, and NOU 2016:27, <https://www.regjeringen.no/no/dokumenter/horing---hvitvaskingslovutvalgets-utredning-nou-2016-27/id2525022/>.

¹¹ Interview with Sigrid Klæboe Jacobsen, director of Tax Justice Network – Norway, 1 December 2017.

¹² Chapter 12.5 in NOU 2016:27, available (in Norwegian) from <https://www.regjeringen.no/no/dokumenter/horing---hvitvaskingslovutvalgets-utredning-nou-2016-27/id2525022/>.

¹³ See <http://taxjustice.no/ressurser/stor-sttte-for-afenhet-om-eiere> (in Norwegian).

¹⁴ Interview with Sigrid Klæboe Jacobsen, director of Tax Justice Network – Norway, 1 December 2017.

¹⁵ Ibid.

¹⁶ Among the 12 hits, seven were related to two recent instances of debate in Parliament. In those instances, the two ministries communicated about how to answer a question from a Member of Parliament. Four are related to

communication with the UK Chancellor. The remaining document is from 2015, but was archived in June 2016. A control search of OEP related to the same ministries in the same time period, but with the term 'beneficial ownership,' generated 19 hits. Seven concerned communication with the Financial Action Task Force on Money Laundering (FATF). The English term 'beneficial ownership' is used in the Norwegian version of the action plan.

¹⁷ See <https://www.stortinget.no/nn/Saker-og-publikasjoner/Vedtak/Vedtak/Sak/?p=61945>.

V. General Recommendations

Stakeholder priorities are the new public electronic journals, and the register for ultimate beneficial ownership. The scope of the action plan could be made more ambitious, and commitments need to be specific in activities and intended results.

This section aims to inform development of the next action plan and guide completion of the current action plan. It is divided into two sections: 1) those civil society and government priorities identified while elaborating this report and 2) the recommendations of the IRM.

5.1 Stakeholder Priorities

Among stakeholders, the current action plan commitments regarding electronic public records (OEP), country-by-country reporting, and a register for ultimate beneficial ownership were considered the most important.

For the next action plan, a recurring topic that CSOs, journalists, and businesses are concerned with is access to data that are not processed. Stakeholders consider the UBO register a setback to the 2015 decision in Parliament. They believe this work should be strengthened and carried forward.

5.2 IRM Recommendations

The current action plan—albeit with some positive exceptions—is not particularly ambitious, specific, or relevant. The five areas identified and described below attempt to improve this by addressing both process-related issues and content-specific recommendations.

Action plan development and reporting

The lead implementing ministry, KMD, should work to:

- Ensure that commitment texts are more specific. Envisioned activities, expected outcomes, and changes should be clearly stated. Activities need to be specific and measurable.
- Ensure a higher potential impact. Commitments should include planned activities and avoid milestones that have already been achieved prior to the start of the action plan.
- Ensure that the self-assessment report contains the status of completion for all commitments and is supported by relevant evidence and documentation.
- Increase the quality of future commitments by modelling them on 'best practice' commitments in the current action plan.

Multi-stakeholder involvement and consultation

As accounted for in the self-assessment, it may be difficult to engage civil society in OGP-related work. For Norwegian OGP membership to be meaningful, the government must strive to involve CSOs and other stakeholders. It could rectify this, for instance, by actively involving the Prime Minister's Office. OGP should be promoted in ways that go beyond the government's OGP website, such as social media. The government could invest in and make use of online consultations.

Open data

A recurring issue regarding five of the commitments is access to information via archiving mechanisms, registries, reports, and web-portals. In essence, this is a question about access to data, and in what form and format they should be made available. The government should view such commitments in connection with one another, and work to promote governmental standards for open data. In addition to being key to the OGP values, this can have cost-effective synergies with regard to modernizing government.

Anti-corruption and municipal procurement practices

Procurement of public contracts is well regulated in Norway. Regarding municipalities, there is room to improve transparency and ensure that decisions are taken at arm's length. With the anticipated publicly available register of ultimate beneficial ownership, efforts to promote anti-corruption efforts in Norwegian municipalities could gain traction. It is recommended that KMD work together with the Norwegian Association of Local and Regional Authorities (KS) to identify relevant commitments in this area.

Archiving practices and public records

Norway's legal framework and advanced technical solutions facilitate a high degree of transparency in public documents. The Office of the Auditor General has identified various, at times, lenient and even obstructive, practices regarding archiving, title assignments of documents, and publication of internal records.¹ This means that the internal handling of archiving and updated records ought to be scrutinized. It is recommended that the government evaluates this problem across ministries to enhance the internal handling of documents. Mandatory requirements for archiving internal documents and full-text publications should be considered.

Table 5.1: Five Key Recommendations

1	Improve action plan development and reporting through clear communication of commitment activities and intended results, and more comprehensive reporting on progress.
2	Multi-stakeholder involvement and consultation should be improved by facilitating online consultation, and expanding participation by promoting OGP beyond the government's OGP website. To signal higher ambition and, perhaps, foster broader engagement from civil society, the government should consider actively involving the Prime Minister's Office.
3	The government should consider establishing governmental standards for open data, thereby streamlining open data related commitments across various ministries. This should be done in close collaboration with CSOs and Norwegian businesses.
4	The government should view the establishment of an ultimate beneficial ownership registry as an opportunity to combat corruption and increase transparency of municipal procurements. This can be done in close collaboration with the Norwegian Association of Local and Regional Authorities (KS) and selected municipalities.
5	Archiving practices and the keeping of public records should be scrutinised across ministries to enhance internal handling of documents for the public good. Mandatory requirements for archiving internal documents and full-text publications should be considered.

¹ Discussed in section 2.1.

VI. Methodology and Sources

The IRM progress report is written by researchers based in each OGP-participating country. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organizations.

Each IRM researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency and therefore, where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each report.

Each report undergoes a four-step review and quality-control process:

1. Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology.
2. International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realization of OGP values through the action plan as a whole. (See below for IEP membership.)
3. Prepublication review: Government and select civil society organizations are invited to provide comments on content of the draft IRM report.
4. Public comment period: The public is invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.¹

Interviews and Focus Groups

Each IRM researcher is required to hold at least one public information-gathering event. Researchers should make a genuine effort to invite stakeholders outside of the "usual suspects" list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g., online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than is provided in the self-assessment or is accessible online.

The IRM researcher met with national OGP council members on 24 November 2017, and conducted follow-up meetings or interviews with two of its members. For all commitments, the IRM researcher conducted interviews in person or by telephone with relevant stakeholders and CSOs. He also conducted telephone interviews with points of contact for all nine commitments in different ministries, and in some implementing agencies.

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on an annual basis. The design of research and quality control of such reports is carried out by the International

Experts Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Hazel Feigenblatt
- Mary Francoli
- Brendan Halloran
- Hille Hinsberg
- Anuradha Joshi
- Jeff Lovitt
- Fredline M'Cormack-Hale
- Showers Mawowa
- Ernesto Velasco

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org

¹ IRM Procedures Manual, V.3 : <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

VII. Eligibility Requirements Annex

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.¹ When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

In September 2012, OGP officially encouraged governments to adopt ambitious commitments that relate to eligibility.

Table 7.1: Eligibility Annex for Norway

Criteria	2011	Current	Change	Explanation
Budget Transparency ²	4	4	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to Information ³	4	4	No change	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration ⁴	4	4	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	4 (10.00) ⁵	4 (10.00) ⁶	No change	<i>EIU Citizen Engagement Index</i> raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percent)	16/16 (100%)	16/16 (100%)	No change	75% of possible points to be eligible

¹ For more information, see <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>.

² For more information, see Table 1 in <http://internationalbudget.org/what-we-do/open-budget-survey/>. For up-to-date assessments, see <http://www.obstracker.org/>.

³ The two databases used are Constitutional Provisions, at <http://www.right2info.org/constitutional-protections>, and Laws and draft laws at <http://www.right2info.org/access-to-information-laws>.

⁴ Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), <http://bit.ly/19nDEfK>; Organisation for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009*, (OECD, 2009), <http://bit.ly/13vGtqS>; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009), <http://bit.ly/1clokyf>. For more recent information, see

<http://publicofficialsfinancialdisclosure.worldbank.org>. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at <http://bit.ly/1EjLJ4Y>.

⁵ "Democracy Index 2010: Democracy in Retreat," The Economist Intelligence Unit (London: Economist, 2010), <http://bit.ly/eLC1rE>.

⁶ "Democracy Index 2014: Democracy and its Discontents," The Economist Intelligence Unit (London: Economist, 2014), <http://bit.ly/18kEzCt>.