

# OPEN + OPEN RESPONSE RECOVERY

## A Post-Covid-19 Social Compact Rooted in Openness and Citizen Engagement

*'The coronavirus has shaken Europe and the world to its core, testing healthcare and welfare systems, our societies and economies and our way of living and working together.'*<sup>1</sup>

The European Commission has been instrumental in the swift European response to the pandemic, playing a critical role in flattening the curve. The bigger challenge is ahead. The European Commission's Recovery Plan for a sustainable, inclusive and fair recovery is laudable, as is its ambition to 'build back better'.

Open government principles and approaches can help create a new social compact that effectively improves the lives and livelihoods of the beneficiaries across Europe and creates trust and resilience in our societies. We believe that the Recovery Plan - together with the imminent 'Conference on the Future of Europe' - can encourage a longer-term shift to a governance model of engaged citizenry and responsive governments, with citizens at the center.

Following the 2019 European elections, open government thought leaders from across Europe had three [recommendations](#) for the Commission: Better quality dialogue and participation on issues people care about; Smarter use of technology, combined with citizen-centric regulation; More collaboration and leadership inside the EU and across the globe. These recommendations are a backbone for more concrete and actionable open government recommendations to the EU for the recovery phase of the pandemic that we provide below. They are based on the good work of the open government community - inside and outside government - from across Europe and beyond.

As shown in a recent comprehensive [review of global experiences](#), citizen trust, underpinned by openness, can be the most powerful antidote to the virus. Investing in building this trust will allow the EU, Member States, civil society, and private sector to better pull together, cutting through misinformation and strengthening Europe's response, recovery and resilience to future shocks.

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<sup>1</sup> [Press Release](#), May 27, Europe's moment: Repair and prepare for the next generation



Open government approaches can be applied to the four most vital aspects of COVID-19 reform and recovery for Europe: Stimulus packages; Green recovery; Citizen-centric digital transformation; Protection of civic space and institutional checks and balances.

Our **overall recommendation** is to ensure that transparency, participation and public oversight are an integral and mandated part of all response, recovery and resilience measures. More specific recommendations can be found in the below sections and the closing section.

[Open Response + Open Recovery](#) is a campaign led by the Open Government Partnership (OGP) to ensure open government values – transparency, accountability, participation and inclusion – are at the forefront as we move through COVID-19 response, recovery and a longer-term reimagining of how governments serve their citizens.

## **Include Transparency & Accountability Measures in Stimulus Packages**

Countering the socioeconomic impact of the pandemic will be a herculean effort, with large-scale stimulus packages - the proposed Next Generation EU plan, the reinforced long-term EU budget and the national stimulus packages - at the heart of it. The sheer unprecedented magnitude of these stimulus packages - such as the 750 billion euro Next Generation EU Plan or the 1.5 trillion euro Germany stimulus plan - combined with their vital purpose of saving lives and livelihoods and building a lasting recovery makes it imperative to ensure that these achieve their intended goals.

To this end, a key condition for their success is transparency, participation and public oversight of stimulus packages to ensure resources are put to good use and citizens' trust in government is sustained. The EU has good experience in introducing transparency and participation into policy making. Including it more squarely in its major spending programs and mechanisms, like the regional cohesion funds, international aid programs and of course the Recovery and Resilience Facility, could be a major component to ensure the recovery period not only sees more money being spent, but also leads to better results. The EU needs to **ensure that public input and oversight mechanisms are a key part of these programmes.**

### *Budget transparency, participation and oversight*

Even with the right conditions set at the EU level, serious concerns remain with regards to how and who disburses the money. Poor implementation through actors at the country level can undermine the best intentions, waste precious resources and make the recovery package ineffective. Public participation and oversight mechanisms can



significantly increase effective targeting of the right beneficiaries at the right time with the right amount of financial resources. In Italy, when an investigative journalist revealed that only 9 percent of EU funds were being used, the government leveraged OGP to disclose, via the online [OpenCoesione](#) platform, the details of 1.5 million projects, from large infrastructure to individual student grants, financed by more than 100 billion euros of EU funding. The transparency effort was complemented with a smart public awareness campaign to empower citizens to become on-the-ground monitors of projects they cared about. **The EU should urge all Member States to publish complete and detailed information about supplementary budgets, including the emergency response and fiscal stimulus measures, in accessible, machine-readable formats, and provide opportunities for citizens to monitor and provide feedback.** The fund should provide support for the setup of community monitoring, media engagement and accountability tools.

### *Beneficial ownership*

To ensure funds are not diverted through corruption or mismanagement, the EU can continue to build on its admirable work on beneficial ownership transparency. For instance, Denmark, France, Belgium and Poland have announced they will not give aid to companies with offshore tax accounts as part of their support packages. Where beneficial ownership information is public, such as in the UK and Slovakia, law enforcement, journalists, the parliament, and citizens themselves are also able to follow the money, find wrongdoing and provide an additional safeguard to ensure that the government's objectives are effectively met. In line with AMLD5, **the EU should mandate its members and aid recipients to publish registers with information on the beneficial owners of companies to prevent its support from being misused through money laundering and lost in tax evasion.**

### *Procurement*

The pandemic exposed challenges to emergency procurement of medical supplies, including price gouging, collapsing supply chains and corruption. This risks eroding trust in government efforts. In Latvia for example, emergency contracts for medical equipment were being made without going through the standard public procurement procedures and contracts were initially not published. The situation resulted in public criticism. The government responded by creating [a single webpage](#) for COVID-related procurement, where all contracts are listed with relevant information. In Ukraine, the government has continued to publish all emergency contracts in open data formats. This has empowered civil society to develop a business intelligence tool to monitor medical procurement and emergency spending, and provide feedback. As countries move from emergency response to recovery, there will be a growing demand for resilient health systems and preparation for future health crises. **The EU, including through the new EU4Health programme, should support national measures for greater transparency and public monitoring and push for open procurement at European and Member State level.**



## *Aid*

Internationally, Europe remains the world's biggest development donor, with [€74.4 billion](#) collective assistance provided in 2018 from the EU and Member States. The EU acknowledged the special assistance needed to tackle the pandemic globally early on, announcing a new aid package worth €232 million in [late February](#). The pandemic is especially worrying for partner countries outside the EU with fragile healthcare systems and economies. Ensuring that aid reaches the intended recipients at the right times with the right amounts is essential, especially in countries with weak capacity and accountability systems. **Integrating transparency, participation, inclusion and accountability in stimulus and safety net packages supported by the EU's aid programs is crucial to that end** and can be a vital contribution of Europe's global leadership role.

### Further Reading

- [A Guide to Open Government and the Coronavirus: Fiscal Openness](#)
- [A Guide to Open Government and the Coronavirus: Social Safety Nets](#)
- [A Guide to Open Government and the Coronavirus: Public Procurement](#)
- A Guide to Open Government and the Coronavirus: Tax [[coming soon](#)]

## **A Sustainable and Ambitious Green Recovery with Clear Targets**

The EU's Green New Deal has the potential to become the engine of Europe's post-pandemic economic recovery. Putting open government at the heart of the recovery roadmap can strengthen design, delivery and public support at the European, national and local level. The scale and breadth of the Green New Deal provides a prime opportunity for a paradigm shift by making explicit policy and technology choices, by adding conditions to the financial support – as we have seen in the aviation sector – and by designing and delivering initiatives in an open and inclusive way.

The [ambition](#) for the investments to not lock EU countries into industries that have a considerable environmental and socially negative impact and to 'do no harm' with regard to Europe's climate ambitions are critical to uphold. The EU should not only include clear requirements for EU funds to be put into the transition towards climate neutrality but also **require mechanisms for transparency, participation and public oversight to ensure (climate) targets are met and that subsidies and investments made are spent with accountability**. There is ample room for participatory design of green transitions across Europe as we've seen in Scotland, where the government is already soliciting public online input to inform its [Green Recovery](#) plan.

The proposed increase of the Just Transition Fund is a positive move, and with the appropriate legislative framework it can showcase what the EU recovery package can offer for longer-term climate goals, leading to increased resilience of societies and the



environment. **To that end it is critical for the EU to engage under-served communities most directly affected by crises** such as the pandemic and global warming.

**Further, the Commission should invest in climate-related data and tracking, for example through stimulus packages and research and development grants.**

Information around revenue, costs, and externalities during the life-cycle of market alternatives across each sector needs to be publicly available and publicly discussed, and policies should be explained and clear. Additionally, transparency and accountability must function across different financial and policy approaches, such as financial support provided through grants, subsidized lending, tax abatements, price controls and subsidies. An industry-by-industry approach will be significantly less effective.

Transparent and interoperable data on impacts by sectoral portfolio can help prioritize technologies and sectors with the highest return on investment.

#### Further Reading

- A Guide to Open Government and the Coronavirus: Green Transition: Climate and Environment [[coming soon](#)]

### **An Inclusive, Citizen-Centric Digital Transition**

Digital tools and social media have empowered people through widespread access to information and global connections. Citizens are using technology to hold governments to account and to exercise their civic rights. Governments are using technology to be more transparent, accountable and inclusive. During the crisis local communities got together virtually to create support systems for each other, fill supply gaps and join in civic activism to keep their governments accountable. Reimagining life and work, economy and society with a reliable, affordable and secure digital backbone will be an essential part of all the efforts, nationally and at the European level. The EU has a track record to lead on such efforts, as it did under ‘Better Regulation’ initiatives that delivered unprecedented openness and transparency and should **lead the way in protecting digital rights and create ambitious privacy and protection targets for the digital transition.**

Around the world developers inside and outside of government have helped bring rapid technological solutions online to assist with the pandemic response. Governments and civil society ranging from Costa Rica to Latvia, Germany and Nigeria have used digital technologies to expand civic engagement and scale relief efforts. However, an unprecedented amount of personal data is being collected by governments to support vital public health efforts and enforce quarantine, including through contact tracing apps. Rising concerns around privacy can be addressed by full transparency on measures taken and solutions developed. As of July 2020, [partner data tracked by OGP](#) shows that emergency measures in several European OGP countries explicitly cite surveillance as a tool used to fight the pandemic, more so than in other regions. For example, in Bulgaria,



mobile phone data may be subject to surveillance if individuals violate quarantine [orders](#). Germany is modelling a valuable approach by including tech and rights experts and citizens, while developing its own (open source) contact tracing app '[Corona-Warn-App](#)', that has no central database. The result is a tool that was better, cheaper and more trusted than many other examples. That said, questions of legal protections remain. **The EU should encourage countries to adopt clear legal and policy protections in the development and deployment of such technologies.**

The EU can show global leadership in balancing the rights and interests of the private sector, governments and citizens, as it has done before with data protection, setting standards that need cross border harmonisation and that carry weight even outside the EU27. The Recovery Fund will significantly accelerate Europe's investment in a digital future. By shaping that future in a transparent and inclusive manner, **the EU can ensure that the digital transition works for all stakeholders and that the developed standards are sound and trusted both from a technological and human rights perspective.**

#### Further Reading

- [A Guide to Open Government and the Coronavirus: Privacy Protections](#)
- [A Guide to Open Government and the Coronavirus: Open Data](#)

## **Restore Civic Freedoms and Strengthen Democratic Institutions**

Even prior to COVID-19, experts were witnessing an alarming rise in [authoritarianism](#) and [attacks on basic civic freedoms](#). The pandemic has further enabled a range of governments to rapidly centralize executive power, expand state surveillance, and restrict basic civic freedoms. In the EU, a glaring example is Hungary, where even though Prime Minister Viktor Orbán's rule by decree seemingly came to an end, closer scrutiny reveals the scrapping of the law still leaves the government more powerful than before the coronavirus crisis. **Measures adopted during the crisis should be short term and renewable and include automatic sunset clauses.**

As of July 2020, [OGP's monitoring](#) has shown that suspensions of right to information (RTI) activities in OGP countries have been more common in Europe than in several other regions. Examples include the extension of time limits for responding to requests (Moldova, Romania), suspension of time limits for responding to requests (France, Spain), and broader suspensions of RTI activities (Italy). In the Netherlands, the postponement of FOIA responses received significant criticism from journalists, academics and civil society. Not unlike other regions, Europe also witnessed a backsliding in judicial and legislative oversight mechanisms. The executive branch in many European OGP countries has the right to rule by decree on narrowly-defined pandemic-related issues. However, in [North Macedonia](#) and [Serbia](#), this may exceed pandemic-related issues.



Government changes to civic space must take a transparent, accountable, participatory, and legal approach to ensure that the freedoms of assembly, association, and expression are upheld despite the pandemic. Measures affecting freedoms of assembly or association, such as restrictions on public gatherings, should be of limited duration and require affirmative review and re-authorization by the legislature. Requirements to provide information to citizens “as soon as possible” should remain in place, and there should be investment in robust information collection and provision capabilities. The EU needs to take a clear stance on these measures and **restrict access to the Recovery Fund for governments acting contrary to the fundamental democratic principles of the EU. Additional resources should be made available to support actions that protect and enhance civic space and fundamental freedoms.**

The EU’s Fundamental Rights Agency stated in a [report](#) that “government responses to stop the virus particularly affect the rights of already vulnerable or at-risk people, such as the elderly, children, people with disabilities, Roma or refugees”. To ensure appropriate policy responses and resources are provided, the complexity of COVID-19’s impact has to be seen from a gender and inclusion perspective across all areas of action. **As part of the recovery fund, the EU could mandate grant recipients to collect and publish intersectional demographic data at national and state levels to inform recovery policy responses, keeping privacy and security in mind for person-level data.**

#### Further Reading

- [A Guide to Open Government and the Coronavirus: Civic Space](#)
- [A Guide to Open Government and the Coronavirus: Misinformation and Protecting Freedom of Expression](#)
- [A Guide to Open Government and the Coronavirus: Right to Information](#)
- [A Guide to Open Government and the Coronavirus: Inclusion and Gender](#)

### **EU and Open Government - Strive for More**

Our recommendations demand a real change in mindset, a genuine commitment from the highest to the lowest levels of government to ‘do government differently’ – not just for, but with the people. The social and political fallout of the crisis call upon the EU members and citizens to come together and unite for a fundamental, public debate on the future of Europe. The massive stimulus packages, the green recovery efforts and digital transformation initiatives all provide vital opportunities to integrate and institutionalize transparency, participation and oversight mechanisms that build back more robust citizen-centric governance that lasts well beyond the pandemic. There is a golden opportunity to connect with citizens on how the EU delivers for them through the recovery phase – how it shapes, protects, and changes their lived realities. Now is the time to leverage the Conference on the Future of Europe to regain and strengthen government and citizens’ trust in the EU’s ability to lead Europe through the recovery phase and into a better future. The Recovery Fund could permanently alter the nature of





the EU, so let us ensure this investment will help rebuild a Europe that delivers better for its citizens.

To recap, our **overall recommendation** is to ensure that transparency, participation and public oversight are an integral and mandated part of all response, recovery and resilience measures.

Our **specific recommendations:**

#### *Include Transparency & Accountability Measures in Stimulus Packages*

- Ensure that public input and oversight mechanisms are a key part of all stimulus and safety net packages to verify targets are met and guarantee that subsidies and investments made are spent with accountability.
- Ensure Member States and aid recipients publish registers with information on the beneficial owners of companies to prevent European support being misused through money laundering or lost in tax evasion.
- Push for open procurement of pandemic related procurement at European and Member State levels.
- Ensure that transparency, participation and public oversight are also included in stimulus and safety net packages supported by the EU's aid programs.

#### *A Sustainable and Ambitious Green Recovery with Clear Targets*

- Invest in climate data and tracking, for example through stimulus packages and research and development grants.
- Adopt an inclusive approach by ensuring intersectional demographic data is collected and published and by engaging under-served communities to inform recovery policy responses and a just transition.

#### *An Inclusive, Citizen-Centric Digital Transition*

- Ensure that the digital transition works for all stakeholders and that the developed standards are sound and trusted both from a technological and human rights perspective.
- Create ambitious privacy and protection targets for the digital transition and adopt clear legal and policy protections for the development and deployment of surveillance technologies.

#### *Restore Civic Freedoms and Strengthen Democratic Institutions*

- Government changes to civic space must take a transparent, accountable, participatory, and legal approach to ensure that the freedoms of assembly, association, and expression are upheld despite the pandemic.





- Restrict access to the Recovery Fund for governments acting contrary to the fundamental democratic principles of the EU.

**OGP is ready to assist wherever helpful. To follow up, please contact:**

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