

Independent Reporting Mechanism (IRM): Norway Design Report 2019 – 2021

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Executive Summary: Norway

Norway's fourth action plan focuses on the openness of public administration, open data, and anti-corruption. Notably, the action plan continues a commitment to establish a public register of ultimate beneficial owners of Norwegian companies. In future action plans, Norway could work towards greater lobbying transparency and improve commitment design by including milestones with measurable outcomes and clear outputs.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Norway joined OGP in 2011. Since, Norway has implemented three action plans. This report evaluates the design of Norway's fourth action plan.

General overview of action plan

Norway continues to perform among the top countries in the world on measurements of good governance, transparency, and anti-corruption. The fourth action plan continues some priorities of previous plans, such as improving the openness of public administration and beneficial ownership transparency. The action plan also focuses on improving access to data on energy revenue statistics and cultural data, as well as fully digitalising Norway's public procurement system.

The co-creation process of Norway's fourth action plan mainly involved one in-person consultation meeting in June 2018 where stakeholders could discuss potential topics for inclusion. While the process saw greater levels of civil society engagement compared to the previous plan, the government provided limited feedback to stakeholders on how proposals were integrated into the action plan. Following the submission of the fourth action plan, the Ministry of Local Government and Modernisation (KMD) formed a new OGP Council to help facilitate civil society's involvement during implementation.

While several commitments in the fourth action plan address relevant topics in Norway, many lack milestones with measurable outcomes and clear outputs. This makes it difficult to determine the level of ambition of the action plan or the intended changes that will result from the commitments. Notably, the action plan continues a commitment from the third plan (2016-2018) on establishing a publicly available register of ultimate beneficial owners of companies in Norway.

Table 1. At a glance

Participating since: 2011
Action plan under review: Fourth
Report type: Design
Number of commitments: 8

Action plan development

Is there a multistakeholder forum: No
Level of public influence: Consult
Acted contrary to OGP process: Yes

Action plan design

Commitments relevant to OGP values: 7 (88%)
Transformative commitments: 1 (13%)
Potentially starred commitments: 1



Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle
Commitment 8: Establish a publicly available register of ultimate beneficial owners of companies registered in Norway	Once Norway's ultimate beneficial ownership register is in place, the IRM recommends ensuring the data is published in open format, using the Beneficial Ownership Data Standard. The IRM also recommends introducing mechanisms to verify the accuracy of the information presented on the register.	Note: this will be assessed at the end of the action plan cycle.

Recommendations

IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan. Please refer to Section V: General Recommendations for more details on each of the below recommendations.

Table 3. Five KEY IRM Recommendations

Provide additional opportunities for stakeholders to jointly discuss and define the scale and scope of draft commitments. Publish the reasoning behind how proposals and comments were considered.
Consider formalising the OGP Council meetings in order to oversee stakeholder engagement in the OGP process, including during co-creation.
Improve commitment design by including milestones with measurable outcomes and clear outputs.
Take initial steps towards establishing an open register on lobbying.
Continue expanding archiving obligations for the state-level public authorities and municipalities.

OGP's Independent Reporting Mechanism (IRM) assesses the development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

This report was written by IRM staff in collaboration with Pål Wilter Skedsmo of the Fridtjof Nansen Institute.



I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments complete commitments. Civil society and government leaders use these evaluations to reflect on their own progress and determine if actions have impacted people's lives.

Norway joined OGP in 2011. This report covers the development and design of Norway's fourth action plan for 2019 - 2021.

The Independent Reporting Mechanism of OGP has partnered with Pål Wilter Skedsmo of the Fridtjof Nansen Institute to conduct this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology, please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>

II. Open Government Context in Norway

Norway continues to perform highly in most indicators of good governance, transparency, and anti-corruption. Its fourth action plan includes commitments on improving the openness of public administration, open data, and transparency of public procurement and beneficial ownership.

Norway continues to be one of the most robust democracies in the world and consistently ranks high on indices measuring civil liberties, rule of law,¹ and control of corruption.² Norway joined OGP in 2011 as one of the Partnership's founding members. The previous, third action plan (2016-2018) saw the launch of a portal for electronic public records and a new portal for financial information. The government also proposed legislation in parliament to establish a public register for ultimate beneficial ownership.³ The current, fourth action plan (2019-2021) focuses on improving the integrity and openness of the public administration, as well as improving open data. It also aims to fully digitalise the public procurement system and create the register of ultimate beneficial ownership of companies (continued from the third action plan).

Transparency and access to information (legal framework and practice)

The Norwegian Constitution's Article 100 recognises the right to information.⁴ The main law on access to information is the 2006 Freedom of Information Act (FoIA) which superseded the first FoIA from 1970.⁵ According to the FoIA, anyone, including non-Norwegian citizens, has the right to access public documents, as well as the record of public administration at the national and local level. 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 if the information request is denied, and the right to appeal. The 2018 Global Right to Information (RTI) rating gives Norway's legal framework around freedom of information a score of 78 out of 150 and ranks it 76 out of 123 countries.⁶ According to the RTI findings, areas for improvement in Norway's access to information legislation include stronger sanctions and protections, and more expansive promotion of requesting mechanisms.

In 2010, the Electronic Public Records (OEP) was launched to facilitate improved access to public records online. The Office of the Auditor General of Norway nevertheless reported in 2017 that several digital systems used by public authorities have shortcomings, leading to inconsistencies in archiving practices.⁷ Government agencies use the new electronic public records system (elnnsyn), launched as part of Commitment 2 in Norway's third OGP action plan in 2018.⁸ However, municipalities still have different practices for archiving and journaling of documents.⁹ This is relevant for Commitment 3 in the current action plan regarding expansion of e-access in the municipal sector. In addition, Commitment 1 aims to develop guidelines for public agencies in archiving documents.

In response to the COVID-19 pandemic, the Norwegian government set up a website with up-to-date information on national measures, questions and answers, and advice aimed at children and families.¹⁰ The website also posts the latest government press conferences about the COVID-19 situation. The Norwegian Institute of Public Health has a separate webpage, publishing brief information in several languages about COVID-19, aimed at people with a non-Norwegian language background.¹¹

Open data

The Agency for Public Management and eGovernment (Difi, from 2020 reorganised as the Norwegian Digitalisation Agency) launched Norway's open data portal [data.norge](https://data.norge.no) in 2011.¹² Norway's open data policy is embedded in the country's 2016 Digital Agenda¹³ and 2019 Digital Strategy for the Public Sector.¹⁴ Norway ranked 10th in the world in the 2016 Open Data Barometer.¹⁵ However, according to the Barometer, some important datasets containing land ownership data, detailed data on government spending, national election results, and legislation datasets are not open. The Barometer also notes that there is room for improvement when it comes to publishing government information in open data format. In the 2019 European Open Data Maturity Report, Norway is listed as a "Follower", ranking 17 out of the 31 EU+ countries.¹⁶ Commitment 4 in the fourth action plan seeks to identify and document priority datasets in Norway's cultural sector.¹⁷ In addition, Commitment 5 aims to prepare standards, guidance, and examples of digitalised and transparent spatial planning.¹⁸

Civil Liberties and Civic Space

Norway has a strong tradition of respect for civil liberties and freedom of expression. The country received 100 out of 100 possible points in Freedom House's 2020 Freedom in the World report in the areas of civil liberties and political rights. The CIVICUS Monitor rates conditions for civil society or civic space in Norway as "open".¹⁹ Norway ranked first in the world in Reporters Without Borders' 2020 Freedom of the Press Index for the fourth consecutive year.²⁰ Freedom House notes that freedom of the press is constitutionally guaranteed and generally respected in practice, and Norwegians have access to news and commentary from a wide variety of independent outlets.²¹

On 21 March 2020, in response to the pandemic, Norway enacted the Corona Act, which temporarily gave the government the authority to supplement or depart from existing law as needed.²² The Act stated that Parliament must be notified and retains some power to block such moves.²³ Initially, the government wanted the temporary law to last for three months, but Parliament restricted it to one month, with the option of prolongation. The law was prolonged for one month after the first, being in place until 27 May 2020. In addition, the Prime Minister, the Minister for Children and Families, and the Minister for Education have held two joint press conferences to answer questions from children about COVID-19.²⁴ Since 16 March 2020, the Norwegian Institute of Public Health has produced daily reports of confirmed cases, deaths, and test results for the COVID-19 pandemic.²⁵

Accountability and anticorruption

Norway remains one of the least corrupt countries in the world and consistently ranks in the top 10 in Transparency International's Corruption Perceptions Index (CPI).²⁶ Norway is a signatory to international conventions on the fight against corruption and its Penal Code criminalises active and passive bribery, trading in influence, fraud, extortion, breach of trust, and money laundering. The 2005 Working Environment Act and Employment Protection guarantees whistleblower protection to employees of both the public and private sectors.²⁷

The Political Parties Act regulates the financing of political parties.²⁸ Data on political party financing, including incomes, expenditures and assets, the amount of individual donations, and the identity of donors, is available at <https://partifinansiering.no/en/>. Although foreign entities, anonymous donors, and state-owned enterprises are banned from donating to political parties in Norway, there are no limits on the amount that can be donated.²⁹ MPs in Norway are required to declare assets to the Register of Member's Appointments and Economic Interests.³⁰ MPs must also disclose any position obtained in the year after leaving public service. Family members are not included in any disclosures.³¹

Like other Nordic countries, Norway does not have a regulatory framework regarding lobbying practices, nor does it currently publish records or data on the interactions between public officials and lobbyists. In 2018, Parliament rejected a proposal to set up a lobbying register for MPs and the executive.³² According to a 2019 report by Delna [Transparency International's chapter in Latvia], Transparency International Lithuania, and Open Knowledge Sweden, there are relatively close ties between politicians and lobbyists (particularly public relations advisers) in Norway.³³ Nonetheless, Norwegian MPs tend to have a positive perception of lobbying in Parliament in terms of its effect on democracy.³⁴

As a member of the European Economic Area, Norway is obliged to implement EU law on public procurement. As such, Norway has implemented the EU Procurement Directives which established conditions for mandatory exclusion of economic operators who have been convicted of financial crimes, including corruption.³⁵ Procurement tenders and awards are published in the central portal doffin.no, managed by the Norwegian Digitalisation Agency. However, the data is not available in open format.³⁶ Commitment 6 in the fourth action plan aims to fully digitise the public procurement process, a long-term undertaking from 2018 to 2024. According to the action plan, full digitalisation of the procurement process will be described in more detail in the forthcoming white paper on public procurement.³⁷

Norway's third action plan (2016-2018) included a commitment to develop proposals for a publicly accessible ultimate beneficial ownership (UBO) register of Norwegian companies. On 28 June 2018, the government submitted a draft law³⁸ to Parliament, which was up for consideration in the parliamentary

finance committee by the end of the action plan period.³⁹ The draft stated that the register should be open to the public and be free of charge. However, civil society criticised the proposed threshold criteria that only shareholders holding more than 25 percent of the shares would be obliged to register, and that companies on the Oslo stock exchange would likely be exempted.⁴⁰ In March 2019, parliament passed the Beneficial Ownership Act, mandating for a publicly accessible register in user-friendly format. The law is now awaiting supplementary regulations concerning the location of the register as well as technical details for accessing information. Commitment 8 in the fourth action plan calls for creating the UBO register, now that Parliament has passed the Beneficial Ownership Act.⁴¹

Budget Transparency

The Norwegian Agency for Public and Financial Management (DFØ), under the Ministry of Finance, publishes key budget and public expenditure at www.statsregnskapet.no. In the International Budget Partnership (IBP)'s 2019 Open Budget Survey, Norway received 80 out of 100 in transparency, ranking 7 out of 117.⁴² This score is well above both the global average (45) and the OECD average (68), and similar to its own 2017 Open Budget Survey score of 85.⁴³ Norway received 22 out of 100 points in public participation in the budget process (compared to global and OECD averages of 14 and 23 points, respectively). IBP notes that the public currently has few opportunities to participate in budget formulation and implementation processes in Norway.⁴⁴

Under Commitment 4 from Norway's third action plan (2016-2018), the Ministry of Finance and DFØ launched the "Statregnskapet" ("State public account") portal in October 2017.⁴⁵ The portal provides financial data for each gross budgeted central government agency. According to the IRM End-of-Term Report, this portal significantly improved the accessibility of financial data, making it possible to compare resource consumption across government enterprises, fluctuations in costs compared to previous years, and monthly costs compared to the last year reported.⁴⁶

¹ World Justice Project, Rule of Law Index 2020, <https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2020>

² Transparency International, Corruption Perceptions Index 2019, <https://www.transparency.org/en/cpi/#>

³ Independent Reporting Mechanism, Norway End-of-Term Report 2016–2018, pg 28, https://www.opengovpartnership.org/wp-content/uploads/2019/03/Norway_End-Term_Report_2016-2018_EN.pdf

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

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

⁶ Centre for Law and Democracy & Access Info Europe, Global Right to Information Rating: Norway, <https://www.rti-rating.org/country-detail?country=Norway>

⁷ The Auditor General's full report on archiving and transparency in the central government administration, in Norwegian only, <https://www.riksrevisjonen.no/rapporter-mappe/no-2016-2017/arkivering-og-apenhet-i-statlig-forvaltning/>

⁸ Independent Reporting Mechanism, Norway End-of-Term Report 2016–2018, pg 13, https://www.opengovpartnership.org/wp-content/uploads/2019/03/Norway_End-Term_Report_2016-2018_EN.pdf

⁹ IRM researcher, telephone interview with Stein Magne Os, Norwegian Digitalisation Agency, 26 March 2020.

¹⁰ Government of Norway, COVID-19 information, in Norwegian, <https://www.regjeringen.no/no/tema/Koronasituasjonen/id2692388/>

¹¹ Norwegian Institute of Public Health, "Information letters and videos about coronavirus in other languages", 16 March 2020, updated 17 April 2020, <https://www.fhi.no/nettpub/coronavirus/infomateriell/generell-informasjon-koronavirus-pa-flere-sprak/>

¹² E-government, Norway's open data portal, <https://joinup.ec.europa.eu/collection/egovernment/document/norway-ready-full-open-data-services>

¹³ 2016 Digital Agenda, in Norwegian, <https://www.regjeringen.no/no/dokumenter/meld.-st.-27-20152016/id2483795/>

¹⁴ 2019 Digital Strategy for the Public Sector, <https://www.regjeringen.no/en/dokumenter/one-digital-public-sector/id2653874/sec1>

¹⁵ 2016 Open Data Barometer, https://opendatabarometer.org/4thedition/?_year=2016&indicator=ODB

¹⁶ European Data Portal, Open Data Maturity Index 2019, pg 5, https://www.europeandataportal.eu/sites/default/files/open_data_maturity_report_2019.pdf

¹⁷ Norwegian Ministry for Local Government and Modernisation, Fourth Norwegian Action Plan Open Government Partnership (OGP), pg 31, https://www.opengovpartnership.org/wp-content/uploads/2019/04/Norway_Action-Plan_2019-2021_EN.pdf, pgs.23-24

¹⁸ Ibid 25-26.

¹⁹ Monitor, Tracking civic space: Norway, <https://monitor.civicus.org/country/norway/>

²⁰ Reporters without Borders, Norway, <https://rsf.org/en/norway>

²¹ Freedom House, Freedom of the World 2020, <https://freedomhouse.org/country/norway/freedom-world/2020#CL>

²² The Corona Act, March 2020, <https://www.stortinget.no/en/In-English/About-the-Storting/News-archive/Front-page-news/2019-2020/the-corona-act/>

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- 24 Minister for Education, COVID-19 press conferences, in Norwegian, <https://www.regjeringen.no/no/aktuelt/ny-pressekonferanse-for-barn/id2697243/>
- 25 Our World in Data, Coronavirus (COVID-19) testing, <https://ourworldindata.org/coronavirus-testing>
- 26 Transparency International, Corruption Perceptions Index 2019, <https://www.transparency.org/en/cpi#>
- 27 The 2005 Working Environment Act, in Norwegian, <https://lovdata.no/dokument/NL/lov/2005-06-17-62?q=varsler>
- 28 An unofficial English translation of the law, <http://app.uio.no/ub/ujur/oversatte-lover/cgi-bin/sok.cgi?type=LOV>
- 29 Institute for Democracy and Electoral Assistance, Norway, <https://www.idea.int/data-tools/country-view/228/55>
- 30 Register of Members' Interests, <https://www.stortinget.no/en/In-English/Members-of-the-Storting/Registered-Interest/>
- 31 European Public Accountability Mechanisms, Norway, <http://europam.eu/index.php?module=country-profile&country=Norway>
- 32 Parliament rejects lobbying register proposal, <https://www.stortinget.no/no/Saker-og-publikasjoner/Vedtak/Vedtak/Sak?p=69788>
- 33 Transparency International Latvia, Transparency International Lithuania, and Open Knowledge Sweden (2019), Open Data and Political Integrity in the Nordic Region, https://delna.lv/wp-content/uploads/2019/11/NB7_OD4PI_Final_cmp.pdf, pg 31
- 34 Ibid, pg 31.
- 35 Norway: Public Procurement Laws and Regulations 2020, <https://iclg.com/practice-areas/public-procurement-laws-and-regulations/norway>
- 36 Transparency International Latvia, Transparency International Lithuania, and Open Knowledge Sweden (2019), Open Data and Political Integrity in the Nordic Region, https://delna.lv/wp-content/uploads/2019/11/NB7_OD4PI_Final_cmp.pdf, pg 52 https://delna.lv/wp-content/uploads/2019/11/Open-Data_TI-LV_2019.pdf
- 37 Norwegian Ministry for Local Government and Modernisation, Fourth Norwegian Action Plan Open Government Partnership (OGP), https://www.opengovpartnership.org/wp-content/uploads/2019/04/Norway_Action-Plan_2019-2021_EN.pdf, pg 27,
- 38 Draft law on UBO, in Norwegian, <https://www.regjeringen.no/no/dokumenter/prop.-109-l-20172018/id2604993/>
- 39 Independent Reporting Mechanism, Norway End-of-Term Report 2016–2018, pg 29, https://www.opengovpartnership.org/wp-content/uploads/2019/03/Norway_End-Term_Report_2016-2018_EN.pdf
- 40 Ibid.
- 41 Norwegian Ministry for Local Government and Modernisation, Fourth Norwegian Action Plan Open Government Partnership (OGP), pg 31, https://www.opengovpartnership.org/wp-content/uploads/2019/04/Norway_Action-Plan_2019-2021_EN.pdf
- 42 Open Budget Survey 2019: Norway, <https://www.internationalbudget.org/open-budget-survey/country-results/2019/norway>
- 43 Ibid.
- 44 Ibid.
- 45 Ministry of Finance, State public account portal, <https://statsregnskapet.dfo.no/>
- 46 Independent Reporting Mechanism, Norway End-of-Term Report 2016–2018, pg 17, https://www.opengovpartnership.org/wp-content/uploads/2019/03/Norway_End-Term_Report_2016-2018_EN.pdf

III. Leadership and Multistakeholder Process

Overall, the development of Norway's fourth action plan saw greater civil society participation as compared to the previous plan, particularly during the initial stage of ideas gathering. While civil society could submit proposals and comment on the draft action plan, the government's follow-up to their proposals was minimal. Following the finalisation of the action plan, the Ministry of Local Government and Modernisation (KMD) established a new OGP Council to facilitate civil society oversight during the plan's implementation.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Norway.

The Department of ICT Policy and Public Sector Reform at the Ministry of Local Government and Modernisation (KMD) oversees the OGP process in Norway. A single agency within the department leads on OGP, namely the "Unit for Administration policy". OGP is not legally mandated in Norway, and KMD relies on interministerial directives and communication. While initially the Ministry of Foreign Affairs was in charge of OGP in Norway, this responsibility shifted to KMD ahead of the second action plan (2014-2016). There have been no changes in mandate or organisation between the third and fourth action plan cycles. Two staff within the Department of ICT Policy and Public Sector Reform work approximately 75 percent of a full-time position to coordinate OGP-related work.¹ State secretaries have attended meetings with stakeholders in the co-creation process, such as the first consultation meeting in 2018 where suggestions for new commitments were discussed, and the meeting for interested parties in November 2019.²

In June 2019, following the submission of the fourth action plan, KMD established a new OGP Council consisting of five members from the following organisations: Transparency International Norway, Abelia (a Norwegian trade and employers association), Tax Justice Network Norway, Publish What You Pay Norway, and a representative of the private sector.³ The OGP Council assists KMD in its OGP activities and serves as an interlocutor between the government and non-government stakeholders. Its tasks include facilitating civil society's involvement, following up on the implementation of the action plans and improving the visibility of OGP in Norway.⁴ The OGP Council itself does not have any representatives from the government, and KMD appoints members directly for two-year periods (though civil society can propose candidates to represent their organisations on the Council). The government has allocated funds to the OGP Council (around US\$38,000 annually).⁵ Although the OGP Council was re-established only after the finalisation of the co-creation process for the fourth action plan, several stakeholders on the Council participated in the 19 June 2018 consultation meeting (discussed below).

3.2 Action plan co-creation process

On 19 June 2018, KMD held a meeting in Oslo to kickstart the development of the fourth action plan.⁶ KMD sent invitations to 32 ministries and civil society organisations (CSOs), which included background information on OGP and an overview of the agenda to develop the action plan (but not the timeline).⁷ 25 stakeholders attended the meeting, with an approximately even balance between ministries and civil society.⁸

At the meeting, participants could propose and discuss possible commitments for the action plan. Stakeholders could also submit proposals to KMD online.⁹ KMD suggested three general themes in its invitation to stakeholders: 1) beneficial ownership and anti-corruption, 2) re-use of public sector data, and 3) integrity and openness in public administration. The participating stakeholders organised themselves in smaller groups around these themes to jointly discuss possible commitments. Civil society participants helped shape three of the final eight commitments in the action plan, related to the guidance on archiving practices in the public sector (Commitment 1), e-access to archived documents in the municipal sector (Commitment 3), and ultimate beneficial ownership transparency (Commitment 8).

On 4 July 2018, KMD posted a summary of the ideas developed by the thematic groups during the June meeting.¹⁰ Stakeholders then had the opportunity to provide further comments on the draft action plan

until 20 August 2018. During this period, the Ministry of Trade, Industry and Fisheries and the Ministry of Justice submitted additional proposals, which KMD incorporated into the final action plan, namely Commitment 6 (public procurement digitalisation) and Commitment 8 (ultimate beneficial ownership registry).¹¹ On 3 October 2018, KMD posted the draft action plan to Norway's OGP webpage for commenting until 22 October 2018.¹² During this period, five CSOs provided additional comments, and these comments were posted to Norway's OGP webpage.¹³ Some of these comments were criticisms of the co-creation process itself. One comment from Publish What You Pay (PWYP) Norway proposed five additional commitment proposals to KMD: one on the Extractive Industries Transparency Initiative (EITI), two on country-by-country reporting (a follow-up to Commitment 8 in the third action plan), one on contract transparency, and one on ultimate beneficial ownership.¹⁴ However, PWYP Norway did not receive any written feedback from KMD on these proposals, nor did it follow up directly on the additional comments received to the draft action plan.¹⁵ KMD subsequently published the final action plan on 3 March 2019.¹⁶

Overall, the co-creation process for Norway's fourth action plan saw several improvements compared to the process for the third plan (2016-2018). First, the June 2018 consultation meeting had greater and more diverse civil society participation. About half of the 25 participants at the June 2018 meeting came from civil society, while only two civil society stakeholders attended the consultation meeting for the third action plan.¹⁷ This greater level of participation helped increase awareness of OGP among Norwegian stakeholders, even if the overall ambition of the fourth action plan did not improve compared to the third plan. Second, the format of stakeholder discussions during the June 2018 meeting allowed for greater levels of dialogue during the initial stage of the action plan's development. While the discussions centered around three themes that KMD had pre-selected, civil society stakeholders, generally, perceived that their participation was meaningful and that the government was open to their suggestions at the meeting. Several civil society priorities were included in the final action plan, notably Commitment 8 on ultimate beneficial ownership transparency (though this commitment was also a logical follow-up to the third plan).¹⁸

Despite these positive improvements, the co-creation process for the fourth action plan still had several key shortcomings. The Norwegian Bar Association criticised several aspects of the format of the June 2018 meeting, namely that participants lacked sufficient background information and time to develop well-formulated proposals.¹⁹ The ideas generated by the thematic groups needed further deliberation to be converted into concrete commitments. According to the Norwegian Bar Association, this lack of further deliberation resulted in vaguely-formulated commitments that lacked clear milestones and outcomes (both in the draft and final action plans).²⁰

In addition, there was minimal follow-up to stakeholder proposals and comments. For example, while KMD published a summary of the proposals developed by the thematic groups during the June meeting,²¹ it then published the draft action plan without explaining to stakeholders how these proposals were converted into the draft commitments. Subsequently, while stakeholders were able to provide additional comments on the draft action plan, KMD published the final plan without any follow-up on how the additional comments were considered (though the comments themselves were published²²). For example, a proposal from the Ministry of Trade, Industry and Fisheries received during the online commenting period (after the June 2018 meeting) on fully digitalising the public procurement system was included in the draft action plan without further consultations among stakeholders. The Norwegian Society of Records Managers and Archivists noted that this was a good idea but would have preferred a more detailed description of the planned activities.²³

To address these deficiencies and further improve the next co-creation process, the IRM recommends the following:

- Prior to the start of co-creation, provide stakeholders with more detailed background information on OGP process and the planned timeline for the development of the action plan.
- Allow for further deliberation on proposals once initial ideas have been gathered. While the co-creation process of Norway's fourth action plan saw high levels of discussion during the initial ideas-gathering stage (at the June 2018 meeting), there was limited opportunity for stakeholders to jointly transform these ideas into concrete commitments in the draft action plan. However,

many of the ideas generated by the thematic groups at the June 2018 meeting required further refinement among relevant stakeholders regarding the scale and scope.

- Provide reasoned response to major stakeholder proposals and comments throughout the co-creation process and allow more time for both comments and responses. As mentioned above, KMD published a summary of the main ideas generated by the thematic groups, but it was unclear how KMD converted these ideas into the draft commitments. To ensure maximum transparency, the IRM recommends KMD publish an explanation on how it made its decisions regarding the inclusion or exclusion of stakeholder proposals when posting future draft action plans for commenting, and whom KDM consulted in the drafting phase. This will also help ensure that Norway avoids acting contrary to OGP process Participation and Co-creation Standards, which require governments or multi-stakeholder forums to clearly state their reasoning behind the final selection of commitments included in the action plan.²⁴
- Lastly, KMD's establishment of a new OGP Council (after the finalisation of the fourth action plan) is a positive development and could allow for civil society oversight during the plan's implementation. As described above, the new OGP Council consists entirely of non-government stakeholders. Moving forward, the IRM recommends converting the OGP Council into a formal multi-stakeholder forum with representation of government stakeholders to help oversee the entire OGP process in Norway. A formal multi-stakeholder forum could help to facilitate greater civil society involvement during the co-creation of future action plans. At a minimum, the IRM recommends that KMD ensures that the OGP Council is in place before the beginning of future co-creation processes.

Table 4: Level of Public Influence

The IRM has adapted the International Association for Public Participation's (IAP2) "Spectrum of Participation" to apply to OGP.²⁵ 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 "collaborate."

Level of public influence		During development 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.	
Involve²⁶	The government gave feedback on how public input were considered.	
Consult	The public could give inputs.	✓
Inform	The government provided the public with information on the action plan.	
No Consultation	No consultation	

OGP Participation and Co-Creation Standards

In 2017, OGP adopted OGP Participation and Co-Creation Standards to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

Norway acted contrary to OGP process during the co-creation of the fourth action plan. This is because there is no evidence that the government reported back or provided feedback to stakeholders on how their contributions were considered during the co-creation, either publicly through Norway's OGP webpage or in private to individual stakeholders. Therefore, the government did not meet the "Involve" requirement on IAP2 spectrum (see Table 4) during development of the action plan, as assessed by the IRM.²⁷

The following table provides an overview of Norway's performance implementing the Co-Creation and Participation Standards throughout the action plan development.

Key:

Green = Meets standard

Yellow = In progress (steps have been taken to meet this standard, but standard is not met)

Red = No evidence of action

Multi-stakeholder Forum	Status
<p>1a. Forum established: Although no formal multi-stakeholder forum existed during the development of Norway's fourth action plan, stakeholders discussed the commitments in working groups at the June 2018 consultation meeting. In June 2019, KMD established a new OGP Council to facilitate non-government oversight of the action plan. The OGP council consists of five members, all appointed by KMD. The OGP Council was not in place during the development of the fourth action plan.</p>	Yellow
<p>1b. Regularity: There was no multi-stakeholder forum in place during the development of the fourth action plan and stakeholders met once (in June 2018) to discuss the commitments. Following the submission of the action plan, the newly created OGP Council has so far met twice with government representatives to discuss the action plan's progress: 17 June 2019 and 25 November 2019. The OGP Council has met several times separately, but the minutes from these meetings are not publicly available.</p>	Red
<p>1c. Collaborative mandate development: There was no multi-stakeholder forum in place during the development of the fourth action plan, and KMD set the agenda for the June 2018 meeting. The members of the new OGP Council jointly develop its remit, but its members are appointed by KMD.</p>	Red
<p>1d. Mandate public: Information on the OGP Council remit, membership, and governance structure is only partly available on Norway's OGP webpage.²⁸</p>	Yellow
<p>2a. Multi-stakeholder: The June 2018 consultation meeting to develop the fourth action plan saw participation of government and nongovernment stakeholders. The new OGP Council consists entirely of nongovernment representatives (five in total). However, the June 2018 consultation meeting held to develop the fourth action plan was multi-stakeholder, as it involved representatives from government and civil society.</p>	Yellow
<p>2b. Parity: The OGP Council consists of non-government representatives. However, there was a mostly even balance of government and non-government participation at the June 2018 consultation meeting for the fourth action plan.</p>	Yellow
<p>2c. Transparent selection: There was no formal multi-stakeholder forum in place during the development of the fourth action plan. KMD directly selected the organisations for the new OGP Council based on levels of involvement in the OGP process. However, the organisations themselves could suggest their own candidates for the OGP Council.</p>	Yellow
<p>2d. High-level government representation: The State Secretary Paul Chaffey attended the multi-stakeholder meetings in June and November 2019, and the June 2018 consultation meeting.</p>	Green

3a. Openness: KMD accepted input during the consultation process for the fourth action plan from any interested civil society or other outside stakeholders.	Green
3b. Remote participation: Interested stakeholders could submit ideas and comments for the fourth action plan online. The opportunity for remote participation during multi-stakeholder meetings has not been tested or carried out. During the development of the fourth action plan, stakeholders had the opportunity to submit proposals online. ²⁹	Yellow
3c. Minutes: KMD published a summary of the main ideas generated by the three working groups at the June 2018 meeting. Minutes from the multi-stakeholder meeting in July 2019 are published, ³⁰ however, the minutes for the second meeting (November 2019) are not available.	Yellow

Action Plan Development	
4a. Process transparency: There is a national OGP-dedicated webpage on the KMD website, where the most important information is published. ³¹ The most important information during the co-creation process for the fourth action plan was made available on this webpage.	Green
4b. Documentation in advance: KMD shared information on OGP with stakeholders prior to the start of the co-creation process of the fourth action plan in its invitation to the June 2018 meeting.	Green
4c. Awareness-raising: KMD invited relevant stakeholders to participate in the co-creation of the fourth action plan.	Yellow
4d. Communication channels: KMD facilitated direct communication with relevant stakeholders prior to and during the development of the fourth action plan. Following the submission of the action plan, the new OGP Council will help facilitate communication between government and non-government stakeholders on OGP matters.	Green
4e. Reasoned response: Following the June 2018 consultation meeting, KMD published a summary of ideas generated. KMD subsequently published a draft action plan without providing explanations for how it took these ideas into account. ³² In addition, KMD published the final action plan without explaining how the additional comments received on the draft plan were considered (though it published the comments themselves). ³³	Red
5a. Repository: KMD maintains a dedicated OGP webpage at www.open.regjeringa.no where it published OGP-related documents and information during the co-creation period of the fourth action plan (with the exception of reasoned response to stakeholder proposals and comments, as explained above). Minutes from the multi-stakeholder meeting in July 2019 are available, but not for the second meeting in November 2019. It should be noted that the webpage does not currently (as of August 2020) include updates on the status of the commitments in the action plan.	Yellow

¹ IRM researcher, telephone interview with government point of contact Tom Arne Nygaard, Ministry of Local Government and Modernisation, 12 March 2020.

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- ² The IRM researcher attended these meetings as an observer. Minutes from the first meeting, <https://open.regjeringa.no/> (accessed 8 June 2020), whereas minutes from the meeting on 25 November 2019 are not yet published but circulated among the participants.
- ³ The new OGP Council originally included a representative from the Bergen School of Business, but this person was eventually withdrawn, https://data.regjeringen.no/sru/organ/ORGAN_00001771_2015_01_01/false/visning
- ⁴ OGP Council, <https://open.regjeringa.no/nyheter/nytt-ogp-rad/>
- ⁵ According to telephone interview with government point of contact from KMD, Tom Arne Nygaard, 9 September 2020, and KMD's letter of allocation to the OGP Council, dated 26 February 2020, sent to the IRM researcher.
- ⁶ The Fourth Norwegian Action plan, https://nettsteder.regjeringen.no/opengovernment/files/2019/03/H-2441-B_Norges-handlingsplan-4.pdf.
- ⁷ KMD invitation to consultation meeting, <https://open.regjeringa.no/nyheter/invitasjon-til-mote-for-a-utvikle-forpliktelser-til-handlingsplan/>
- ⁸ The IRM researcher attended this meeting as an observer, with the minutes, https://open.regjeringa.no/files/2018/07/OGP_oppfolging_seminar_1.pdf, and the list of participants, <https://open.regjeringa.no/files/2019/07/Interessentforum-juni-2019-deltakerliste.pdf>.
- ⁹ Stakeholder proposals, <https://open.regjeringa.no/innsspill/>
- ¹⁰ KMD, Thematic group ideas at June 2018 meeting, <https://open.regjeringa.no/nyheter/oppsummering-fra-ogp-seminar-19-juni-2018/>
- ¹¹ Additional proposals, <https://open.regjeringa.no/nyheter/orslag-til-forpliktelser-i-handlingsplan-4/>
- ¹² Draft action plan, <https://open.regjeringa.no/nyheter/forslag-til-forpliktelser-i-handlingsplan-4/>
- ¹³ Norway's OGP webpage, additional comments, in Norwegian, <https://open.regjeringa.no/nyheter/sivilsamfunnsorganisasjonenes-innsspill-til-handlingsplan-4/> The summary, in Norwegian, https://open.regjeringa.no/files/2018/07/OGP_oppsummering_gruppene.pdf
- ¹⁴ Publish What You Pay Norway, in Norwegian <https://open.regjeringa.no/files/2018/10/PWYP-Innsspill-til-OGP-fra-PWYP-Norge.pdf>
- ¹⁵ IRM researcher, telephone interview with Mona Thowsen, PWYP Norway, 9 September 2020.
- ¹⁶ KMD, final action plan, <https://open.regjeringa.no/nyheter/norges-fjerde-ogp-handlingsplan/>
- ¹⁷ These two CSOs were Transparency International Norway and the Norwegian Press Association, p 14, https://www.opengovpartnership.org/wp-content/uploads/2018/11/Norway_Midterm_Report_2016-2018_EN_0.pdf
- ¹⁸ Independent Reporting Mechanism, Norway End-of-Term Report 2016–2018, pgs. 28-30, https://www.opengovpartnership.org/wp-content/uploads/2019/03/Norway_End-Term_Report_2016-2018_EN.pdf
- ¹⁹ The Norwegian Bar Association criticised the meeting, https://open.regjeringa.no/files/2018/10/Advokatforeningen-Departementenes_utkast_til_forpliktelser.pdf
- ²⁰ Ibid.
- ²¹ Summary of proposals at June 2018 meeting, in Norwegian, <https://open.regjeringa.no/nyheter/oppsummering-fra-ogp-seminar-19-juni-2018/>
- ²² KMD, Final plan, in Norwegian, <https://open.regjeringa.no/nyheter/sivilsamfunnsorganisasjonenes-innsspill-til-handlingsplan-4/>
- ²³ This comment was made during the commenting period on the draft action plan (3-22 October 2018), <https://open.regjeringa.no/nyheter/sivilsamfunnsorganisasjonenes-innsspill-til-handlingsplan-4/>
- ²⁴ IRM Guidance on minimum threshold for “involve”, <https://www.opengovpartnership.org/wp-content/uploads/2020/02/IRM-Guidance-Involve.pdf>
- ²⁵ IAP2's Public Participation Spectrum (IAP2, 2014), https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf
- ²⁶ OGP's Articles of Governance also establish participation and co-creation requirements a country must meet in their action plan development and implementation to act according to OGP process. Based on these requirements, Norway **acted contrary** to OGP process during the development of the 2019 – 2021 action plan.
- ²⁷ IRM Guidance on minimum threshold for involve, <https://www.opengovpartnership.org/wp-content/uploads/2020/02/IRM-Guidance-Involve.pdf>
- ²⁸ Norway's OGP mandate, in Norwegian, <https://www.regjeringen.no/no/dep/kmd/org/styrer-rad-og-utvalg/ogp-radet/mandat-for-ogp-radet/id2577506/>
- ²⁹ Submitting proposals online, <https://open.regjeringa.no/innsspill/>
- ³⁰ Minutes of July 2019 multi-stakeholder meeting, <https://open.regjeringa.no/nyheter/referat-fra-forste-mote-i-interessentforum/>
- ³¹ KMD, National OGP page, <https://open.regjeringa.no/>
- ³² KMD plan, in Norwegian, <https://open.regjeringa.no/nyheter/forslag-til-forpliktelser-i-handlingsplan-4/>
- ³³ KMD plan, in Norwegian, <https://open.regjeringa.no/nyheter/norges-fjerde-ogp-handlingsplan/>

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 circumstances and challenges. OGP commitments should also be relevant to OGP values detailed in the *OGP Articles of Governance and Open Government Declaration* signed by all OGP-participating countries.¹ Indicators and methods used in the IRM research can be found in the IRM Procedures Manual.² A summary of key indicators the IRM assesses can be found in the Annex of this report.

General Overview of the Commitments

Norway's fourth action plan is organised around three themes:

- Integrity and openness in public administration (Commitments 1 – 3)
- Open data and reuse of public data (Commitments 4 and 5)
- Public procurement, information on beneficial owners and anticorruption (Commitments 6 – 8).

Three of the eight commitments are related or continue commitments from the previous action plan (2016-2018). Commitments 1 and 3 are related to a previous commitment on establishing a new electronic records system, while Commitment 8 (establishing a registry for ultimate beneficial ownership-UBO) continues from the development of a legal framework achieved during the previous action plan. Commitment 8 on the UBO register directly responds to stakeholder priorities,³ and is the most ambitious in the action plan. Some of the commitments refer to Sustainable Development Goals (SDG), but this is not an organising principle for the action plan.

¹ OGP, Open Government Partnership: Articles of Governance, 17 June 2019, <https://www.opengovpartnership.org/articles-of-governance/>

² OGP, IRM Procedures Manual, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

³ Tax Justice Network and Transparency International have been involved in the process related to an eventual establishment of an UBO registry for years, provided comments at public hearings, and published reports on the issue, such as a report on ultimate ownership, in Norwegian, <https://taxjustice.no/artikkel/ny-rapport-direkte-og-indirekte-eierskap>

I. Guidance for the fulfilment of the duty to journaling and archiving documents

Main Objective

“The central government shall give everyone the opportunity to both control the administrative procedures in public agencies and to participate in democratic processes. Access to public agency documents requires that the agencies record and archive case documents and give the population access to the records. With the increasing production of digital case documents and the increasing communication of these via e-mail, there is a risk that digital case documents are not journaled or archived.

Produce guides and educational materials for government agencies on the duty to journal and archiving documents.”

Milestones

- Survey the current guides, and survey the needs and problem areas (1 February 2018 - 30 June 2018).
- Prepare requirements for new guidance materials (30 June 2018 - 30 September 2018)
- Produce new guides and educational materials. Test these out (1 October 2018 - 31 March 2019)
- Finalise the guidance materials (1 April 2019 - 1 June 2019).

Editorial Note: For the complete text of this commitment, please see Norway’s action plan at <https://www.regjeringen.no/en/dokumenter/norges-handlingsplan-4---open-government-partnership-ogp/id2638814/>

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to information
Potential impact:	Minor

Commitment Analysis

This commitment aims to improve the archiving practices of Norwegian public authorities. All public authorities in Norway are required to archive incoming and outgoing documents, per the country’s Freedom of Information Act. However, in 2017, the Office of the Auditor General reported that governmental bodies in Norway do not always sufficiently live up to these mandatory archiving and recording-keeping practices.¹ Poor record keeping by government bodies can negatively impact the work of journalists, who rely on expedient archiving and up-to-date public documents. According to a representative from the Ministry of Culture, the situation is exacerbated by communication via email, where the emails themselves (not just attachments) need to be archived.²

Although Norway already has a good technical solution for archiving documents through the public electronic records (elInnsyn),³ record keeping has been practiced differently among the 121 governmental bodies currently using the system.⁴ For example, according to the Auditor General’s 2017 report, eight out of 17 Norwegian ministries do not publish records of internal documents.⁵

Under this commitment, the Ministry of Culture will survey current guidelines, needs, and practices in the area of record keeping among government bodies. It will then use the findings to develop new guidelines and educational materials, which will be tested out before they are finalised. While the commitment will not directly lead to the publication of information, the new guidelines aim to improve the availability of government documents through better archiving practices. Therefore, the commitment is relevant to the OGP value of access to information. The new guidelines and educational

materials are verifiable, though the commitment lacks details on the planned survey of current practices among government bodies.

If developed and circulated, the new guidelines could help standardise record-keeping practices among Norwegian public authorities. This in turn could improve the ability of public authorities to respond to FoI requests in a timely manner and provide authorities with better information on how to fulfill their duties to archiving and record keeping. However, according to the action plan, the Ministry of Culture expected to conduct the survey of current practices was expected to be completed by 30 June 2018, and finalise the new guidance materials by 1 June 2019, prior to the official start of the action plan (1 July 2019). Furthermore, according to the Norwegian Union of Journalists, the development of guidelines alone is unlikely not sufficient to improve the situation.⁶ As this commitment seeks to take preliminary steps towards better archiving practices, the potential impact is considered minor.

Moving forward, after the guidance materials are tested and finalised, the IRM recommends conducting follow-up activities to ensure they are followed by public authorities and adjusted as needed. Furthermore, the IRM recommends that the new materials include guidance for public authorities on record keeping and responding to FoI requests in a timely manner during the COVID-19 pandemic. The government could consider working with the Norwegian Union of Journalists to jointly develop these guidelines on record-keeping practices during the pandemic.

¹ Auditor General, Dokument 3:10 (2016–2017) Riksrevisjonens undersøkelse av arkivering og åpenhet i statlig forvaltning (available in Norwegian): <https://www.riksrevisjonen.no/rapporter-mappe/no-2016-2017/arkivering-og-apenhet-i-statlig-forvaltning/>, accessed 24 April 2020.

² IRM researcher, telephone interview with Magnar Nordtug, Ministry of Culture, 26 March 2020.

³ For more information see: <https://einnsyn.no/sok?sort=>

⁴ Auditor General (2017), Dokument 3:10 (2016–2017) Riksrevisjonens undersøkelse av arkivering og åpenhet i statlig forvaltning (available in Norwegian): <https://www.riksrevisjonen.no/rapporter-mappe/no-2016-2017/arkivering-og-apenhet-i-statlig-forvaltning/>, accessed 24 April 2020.

⁵ Ibid, p. 86

⁶ Statement by representative of Norwegian Union of Journalists at multi-stakeholder meeting for the implementation of the fourth action plan, 25 November 2019.

2. Making energy statistics available

Main Objective

“Norway is a major energy nation, and energy production is important to revenues and workplaces. Energy statistics are often technical, and they are not always user-friendly and readily available. Making energy statistics more available to the general public.

A new website has been created, with an easy-to-understand and user-friendly overview of Norwegian energy production, for both renewable energy and petroleum.”

Milestones

No milestones provided.

Editorial Note: For the complete text of this commitment, please see Norway’s action plan at <https://www.regjeringen.no/en/dokumenter/norges-handlingsplan-4---open-government-partnership-ogp/id2638814/>

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information
Potential impact:	Minor

Commitment Analysis

According to the Extractives Industries Transparency Initiative (EITI), the petroleum sector represents 15 percent of Norway’s GDP, while the country is the 10th largest oil exporter and the third largest gas producer in the world.¹ This commitment aims to improve the accessibility and understandability of Norway’s statistics on energy production. Specifically, the Communication Unit of the Ministry of Petroleum and Energy aims to increase availability of information on two different websites, one dedicated to petroleum² and one to renewable energy.³

The Ministry of Petroleum and Energy already publishes information related to petroleum production, but not to renewable energy.⁴ According to an interviewed representative of the Ministry of Petroleum and Energy, this commitment will involve finding ways to publish complex energy-related information in a way that is understandable for the general public, rather than providing open data to journalists, researchers, and other specialists.⁵ In this sense, the ministry plans to improve the existing website on petroleum production, and create a similar website for renewable energy. The commitment is relevant to the OGP value of access to information as it aims to improve the quality and accessibility of statistics related to these two areas. While potential improvements to the website and the launch of the new website are verifiable, the action plan does not specify what improvements are envisaged, beyond “graphics and other pedagogical instruments”.

Overall, this commitment could improve the accessibility of Norway’s energy statistics by making the available information more understandable for the general public, including young students (which appears to be a target demographic for the commitment according to the action plan). However, the lack of details regarding how the Ministry of Petroleum and Energy plans to make this information more understandable makes it difficult to assess the potential impact as higher than minor.

¹ EITI Norway, Overview, <https://eiti.org/norway>

² Norsk Petroleum, <https://www.norskpetroleum.no/>

³ Energifakta Norge, <https://energifaktanorge.no/>.

⁴ IRM researcher, telephone interview with Trude Nagell, Ministry of Petroleum and Energy, 26 March 2020.

⁵ Ibid.

3. E-access and potential expansion of e-access in the municipal sector

Main Objective

“The Ministry of Local Government and Modernisation is requesting Difi to conduct a survey of the potential for expansion of the e-access solution in the municipal sector. Many municipalities already use online solutions for publication of their electronic journals. The survey should be able to provide an overview of which municipalities currently have alternative solutions for publication and access and those which do not have any such solutions at all. The survey should be able to comment on the prerequisites of the municipalities to implement the common solution and the administrative and economic consequences of such use, both for the owners of the solution and for the individual municipalities.

Survey the potential for expansion of the e-access solution in the municipal sector.

The survey results will not contribute to solving the problem, but they will give the Ministry a better basis for determining how expansion of e-access in the municipal sector should be organised, with a view to increasing the number of municipalities that have access solutions.”

Milestones

- Survey (2019)

Editorial Note: For the complete text of this commitment, please see Norway’s action plan at <https://www.regjeringen.no/en/dokumenter/norges-handlingsplan-4---open-government-partnership-ogp/id2638814/>

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information
Potential impact:	Minor

Commitment Analysis

Under Commitment 2 from Norway’s third action plan (2016-2018), the Norwegian Digitalisation Agency launched the elnnsyn platform for electronic public records. elnnsyn improved the availability of electronic journaling as compared to the previous public electronic records system.¹ However, this platform is not currently used by municipalities (except for Oslo). With the elnnsyn platform already in place, this commitment in the current action plan seeks to gather knowledge on its potential usage for municipalities. Currently, the quality and availability of archived documents in municipalities varies significantly, and municipal authorities lack systematic information on archiving practices.² According to the regulations following the Freedom of Information Act, it is not mandatory for municipalities to publish journals online.³ For state public authorities, elnnsyn is free to use, whereas municipalities will have to pay Norwegian Digitalisation Agency for the service provided.

For this commitment, Norwegian Digitalisation Agency will conduct a survey of Norwegian municipalities to analyse how they currently publish their records. The Ministry of Local Government and Modernisation (KMD) will then use the survey’s results to determine how best to expand e-access in the municipal sector, with the aim of increasing the number of municipalities that have access solutions. While the survey itself will not directly lead to greater public access to government-held information, its findings could result in more Norwegian municipalities providing electronic access to their records. Therefore, the commitment is relevant to the OGP value of access to information.

The planned survey could provide KMD with better understanding of how it may improve archiving practices in Norwegian municipalities. However, the potential impact of this commitment is minor, as the survey would only serve as an internal diagnostic tool for the government. The Association of Norwegian Editors, Norwegian Press Association, and Norwegian Union of Journalists have previously voiced their concern that it should be mandatory for municipalities to publish their journals. This may be done by changing the regulations related to the Freedom of Information Act, mainly by adding regions and municipalities as public authorities obliged to publish their records.⁴

The IRM recommends the government initiate a legal review to strengthen and harmonise record-keeping and archiving requirements for municipalities and state public authorities. Similar to Commitment I (which pertained to archiving practices among national-level government bodies), the IRM also recommends developing guidelines for Norwegian municipalities on maintaining good archiving practices during the COVID-19 pandemic.

¹ Independent Reporting Mechanism, Norway End-of-Term Report 2016–2018, pg 13, https://www.opengovpartnership.org/wp-content/uploads/2019/03/Norway_End-Term_Report_2016-2018_EN.pdf

² IRM researcher, telephone interview with Stein Magne Os, Norwegian Digitalisation Agency, 26 March 2020

³ Freedom of Information Act regulations, <https://lovdata.no/dokument/SF/forskrift/2008-10-17-1119> (in Norwegian only)

⁴ Letter sent from the three organisations to the government as part of the consultation process for the development of the fourth action plan, 18 October 2018.

4. Implementing a strategy for open cultural data

Main Objective

“Open cultural data will be able to contribute to better services, richer experiences and greater efficiency and value creation. The prerequisite here is that the data exists, is readily available to both humans and machines, and that it can easily be reused and compiled with other data in new contexts. The most important contribution of cultural institutions would be to contribute more data and better data, i.e. more consistent and 22adaster22ed22 data, and to make the data openly available. In the cultural area, intellectual property rights limit making data with more recent cultural content publicly available, such as digital photos, digital books, etc. Privacy protection considerations also set limits for making data publicly available, and this is particularly relevant in the archival area.

The cultural sector should have a culture of transparency and openness, in which data is generally actively made publicly available. Priority data sets in the cultural sector shall be identified, documented and made available as open data. Standards and authority registers shall be identified and implemented.

Prioritised cultural data will be made available for use – both for developing services, providing richer experiences and increasing efficiency and value creation.”

Milestones

- Relevant standards have been surveyed and identified (1 March 2018 – 31 December 2019)
- Recommendations for making cultural data publicly available have been formulated and published (1 March 2018 – 31 December 2019)
- Relevant authority registers have been surveyed and identified (1 March 2018- 31 December 2019)

Editorial Note: For the complete text of this commitment, please see Norway’s action plan at <https://www.regjeringen.no/en/dokumenter/norges-handlingsplan-4---open-government-partnership-ogp/id2638814/>

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information
Potential impact:	Minor

Commitment Analysis

Under this commitment, the Ministry of Culture aims to coordinate with public authorities in identifying and publishing in open format priority datasets in the culture sector. Currently, a broad range of cultural datasets exists, including databases of photographers,¹ protocols on emigration,² a database on Soviet prisoners of war in Norway,³ and the Norwegian Language Bank.⁴ However, not all of this data is currently available in open format and the datasets are scattered among a variety of sources.

In addition to identifying priority datasets in consultation with other public authorities, the commitment also calls for developing recommendations for making cultural data more publicly available, as well as surveying “authority registers”. This work will be mainly carried out by the National Archives of Norway, the National Library of Norway, the Norwegian Directorate for Cultural Heritage, and the Arts Council Norway, which together have formed a cooperative forum.⁵

The identification and publication of priority cultural datasets in open format makes the commitment relevant to the OGP value of access to information. If implemented fully, this commitment could be a first step towards better standardised and more open cultural datasets in Norway. In February 2020, the Arts Council Norway published recommendations on behalf of the working group for making cultural data publicly available.⁶ Moving forward, the Ministry of Culture and the working group could consider

collaborating with CSOs active in the field of culture, such as the National Trust of Norway, to help identify priority and promote high-value data.

¹ Kultur Nav, <https://kulturnav.org/508197af-6e36-4e4f-927c-79f8f63654b2>

² Protocols on emigration, <http://emigrant.arkivverket.no/>

³ Digital Arkivet, <https://www.digitalarkivet.no/source/100073>.

⁴ The Norwegian Language Bank, <https://www.nb.no/sprakbanken/en/sprakbanken/>

⁵ IRM researcher, telephone interview with Inger Lise Kurseth, Ministry of Culture, 26 March 2020.

⁶ Recommendations from the Arts Council, 27 February 2020.

5. Digital Spatial planning processes with adapted guidance and Area statistics Profiles

Main Objective

“Lack of adapted statistics and analyses on the area situation and land use and development. Inadequate models, standards and interfaces between different systems and communications to different user groups.

Inadequately adapted guidance as a basis for participation, early conflict resolution and good dialogue in digital spatial planning processes.

Prepare standards, specifications, guidance and examples of digitalised and transparent spatial planning on processes. Support R&D projects, piloting and demonstrators. Prepare relevant and detailed statistics for municipal and regional spatial planning. Prepare better self-service solutions for public spatial geographic information, spatial planning data, building and property information.

A better knowledge base and clearer land-use plans, better basis for participation, better and more targeted guidance, early conflict resolution, more predictable processes for land use and development.”

Milestones

- Digital spatial planning registers, increased income-to-cost ratio in the municipalities (1 June 2015 – 31 December 2019)
- Template and model for digital spatial planning regulations (1 February 2017 – 31 December 2019)
- Area statistics Profiles – adapted statistics for municipal spatial planning (1 March 2018 – 31 December 2022)
- Area statistics Profiles – adapted statistics for municipal spatial planning (1 August 2018 – 31 December 2022)

Editorial Note: For the complete text of this commitment, please see Norway’s action plan at <https://www.regjeringen.no/en/dokumenter/norges-handlingsplan-4---open-government-partnership-ogp/id2638814/>

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to information
Potential impact:	Minor

Commitment Analysis

This commitment aims to improve spatial planning processes by preparing standards, specifications, guidance, and examples of digitalised and transparent spatial planning. The Ministry of Local Government and Modernisation (KMD) plans to develop a digital guideline for spatial planning by 2023.¹

The most important acts in place relevant to spatial planning are the Geodata Act, the Planning and Building Act, and the Cadastre Act. In a white paper from 2017, KMD found that Norwegian cities and municipalities needed better area statistics profiles.² Furthermore, in a report on such profiles, it was suggested various indicators for how this could be achieved and measured.³ Currently, datasets related to spatial planning in Norway are spread across a variety of different cadastres and databases. For example, maps are available at a cadaster administered by the Norwegian Mapping Authority,⁴ and data on cultural heritage sites is available from a database administered by the Norwegian Directorate for Cultural Heritage.⁵ Therefore, KMD plans to collect area statistics profiles at the municipal and regional levels, and standardise the information in them, such as changes in land use, construction, cultural

heritage sites, etc. According to the white paper, area profiles may lead to better spatial planning processes.⁶

The commitment broadly seeks to provide the public with better access to detailed statistics on municipal and regional spatial planning, including building and property information. It also plans to make the spatial planning process more transparent overall. It is therefore relevant to the OGP value of access to information. According to the white paper⁷ and the action plan, better access to spatial area profiles may lead to more participatory spatial planning processes, though this is not specific in the commitment. The planned outputs are mostly verifiable, such as the digital spatial planning registers, the template and model for digital spatial planning regulations, and the adopted statistics for municipal spatial planning. However, the milestones are vaguely formulated, and some will exceed the 2021 end date of the action plan.

Improved statistics on spatial planning, such as land use, could lead to a more nuanced debate on changes in land use from agriculture to business development (some of the best areas for agriculture are commercially more attractive to use for constructing shopping malls etc.). In addition, improved spatial area profiles across Norwegian municipalities could help reduce the risk of building houses in areas vulnerable to flooding or where quick clay incidents may occur.⁸ However, given the aspirational nature of the commitment and the lack of details in the milestones, it is difficult to assess the potential impact as higher than minor.⁹

¹ According to the minutes from the multi-stakeholder meeting, 25 November 2019. However, the action plan lists the official end date for this commitment as 31 December 2022.

² White paper “Berekraftige byar og sterke distrikt” (‘Sustainable cities and strong districts’), in Norwegian, <https://www.regjeringen.no/no/dokumenter/meld.-st.-18-20162017/id2539348/>

³ Report from 2018, https://www.regjeringen.no/contentassets/f0d114f429fd48f38009ba584b88669e/rapport_arealprofiler_amboll2018.pdf (in Norwegian only)

⁴ The Norwegian Mapping Authority, www.seeiendom.no

⁵ Norwegian Directorate for Cultural Heritage, <https://miljoatlas.miljodirektoratet.no/MAKartWeb/KlientFull.htm?>

⁶ White paper “Berekraftige byar og sterke distrikt” (‘Sustainable cities and strong districts’), in Norwegian, <https://www.regjeringen.no/no/dokumenter/meld.-st.-18-20162017/id2539348/>, p 8.

⁷ White paper “Berekraftige byar og sterke distrikt” (‘Sustainable cities and strong districts’), in Norwegian, <https://www.regjeringen.no/no/dokumenter/meld.-st.-18-20162017/id2539348/>, p 8.

⁸ Spatial area profiles, <https://www.vg.no/nyheter/innenriks/i/RRLk7A/seks-bygninger-og-en-hund-tatt-av-flere-jordras-i-alta>

⁹ In March 2020, the IRM researcher sent an email to the lead contacts for this commitment in KMD and was redirected to two senior advisors who have not responded to the IRM researcher’s calls.

6. Streamline and improve public procurement by full digitalisation of the procurement process

Main Objective

“Public procurement processes are only partially digitalised – the potential gains have not been realised.

Create more efficient procurement and simpler processes, eliminate time thieves, provide better coverage of needs and better regulatory compliance. Streamline and improve public procurement by fully digitalising the procurement process.”

Milestones

No milestones provided. According to the action plan, the commitment will run from 2018 to 2024.

Editorial Note: For the complete text of this commitment, please see Norway’s action plan at <https://www.regjeringen.no/en/dokumenter/norges-handlingsplan-4---open-government-partnership-ogp/id2638814/>

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information
Potential impact:	Minor

Commitment Analysis

This commitment aims to fully digitalise Norway’s public procurement process to streamline it and improve its transparency. In Norway, procurement tenders, bids, and awards are published to the central portal doffin.no, managed by the Norwegian Digitalisation Agency. However, the documents that bidders are required to provide (such as tax statements) are not always digitalised, not always up-to-date, and can be easier to falsify.¹ For this reason, the Norwegian Digitalisation Agency plans to introduce a system called eBevis (“eProof”) to Norway’s procurement process. The main advantage of eProof will be that economic information on bidders (taxes paid, VAT, etc.) will be available and updated regularly, rather than with significant delays (as is often currently the case).²

The full digitalisation of the public procurement process is relevant to the OGP value of access to information. While this goal is verifiable, the commitment lacks any milestones or measurable activities that allow for greater understanding of the intended results. In addition, the commitment is expected to run from 2018 to 2024, well beyond the 2021 end date of the action plan.

If fully introduced, the eProof system could render the procurement process fully digitalised and provide updated information at the aggregated level and in real time. It is in the public interest that more information on procurements is made available to journalists, researchers, and other interested parties.³ However, it is not clear from the commitment text nor from the interview how this will happen, nor is it clear what will be achieved within the two-year timeframe of the action plan (2019-2021). Therefore, it is difficult to assess the potential impact of the commitment (as written in the action plan) as higher than minor.

According to a 2019 report, data on the doffin.no portal is not currently available in open format.⁴ Therefore, going forward, the IRM recommends making sure that data is available in open format and follows the Open Contracting Partnership’s Open Contracting Data Standard.⁵ Following the Open Contracting Partnership’s recommendations on managing procurement during the COVID-19 pandemic, the IRM recommends collecting and clearly tagging all contracting processes and budget lines that are related to COVID-19 in the doffin.no portal to ensure high-quality, open, and complete data on emergency contracts and tenders.⁶

¹ IRM researcher, telephone interview with André Hoddevik, Norwegian Digitalisation Agency, 30 March 2020.

² Ibid.

³ IRM researcher, telephone interview with Tor Dølvik, Transparency International Norway, 28 March 2020.

⁴ Transparency International Latvia, Transparency International Lithuania, and Open Knowledge Sweden (2019), Open Data and Political Integrity in the Nordic Region, https://delna.lv/wp-content/uploads/2019/11/Open-Data_TI-LV_2019.pdf, pg 52.

⁵ Open Contracting Data Standard: Documentation, <https://standard.open-contracting.org/latest/en/>

⁶ Open Contracting Partnership, Emergency procurement for COVID-19: Buying fast, smart, and open, <https://www.open-contracting.org/what-is-open-contracting/covid19/>

7. Preventing corruption

Main Objective

“1) Systematisation and support of more, and better, dialogue between the authorities and the general public to prevent corruption, by improving the coordination of information to the population on the authorities’ initiatives to combat corruption, among other things

2) Better access to information for the general public with regard to the requirements that apply to good work to combat corruption and the consequences of inadequate implementation or breach of the regulations. Strive to make risk and threat assessments in the area of anti-corruption better known to the general public.

An overall clarification of the authorities’ attitudes towards corruption, various measures for the prevention and detection of corruption and the consequences of violations, are expected to have a preventive effect in relation to both the general public and the public authorities.”

Milestones

Comment by the Ministry of Justice in the action plan:

“It is difficult to set milestones for this work, because the start-up date has been set to January 2019. The first item on the agenda will likely be to establish an outline for further work, which will include milestones.”

Editorial Note: For the complete text of this commitment, please see Norway’s action plan at <https://www.regjeringen.no/en/dokumenter/norges-handlingsplan-4---open-government-partnership-ogp/id2638814/>

IRM Design Report Assessment	
Verifiable:	No
Relevant:	Unclear
Potential impact:	None

Commitment Analysis

This commitment aims to strengthen the dialogue on anti-corruption among public authorities and between them and the public. Norway performs well in measures on anti-corruption and corruption perception. The country ranked 7th out of 193 countries in Transparency International’s 2019 Corruption Perceptions Index (CPI),¹ and has ranked in the top 10 in the CPI for the past 10 years.² However, Norwegian civil society has claimed that a comprehensive anti-corruption policy is needed to guide the government’s anti-corruption efforts.³ A cooperative forum with representatives from several Norwegian ministries and government agencies relevant to anti-corruption has been established in 2019.⁴ The purpose of the forum is to improve coordination of governmental anti-corruption work, and several government institutions have met several times to discuss their work. According to an interviewed representative from the Ministry of Justice, a next step envisaged is to launch a platform to inform the public on anti-corruption activities, though this is not provided in the commitment text.⁵

The commitment lacks specific activities that would allow for the verification of its completion. The Ministry of Justice notes that the first activity will likely involve outlining further work (which will include milestones). While the commitment calls for strengthening dialogue between the authorities and the public, as well as access to information regarding work to combat corruption, it is first and foremost about coordination among public authorities. It does not contain measures for actual change of policies and/or legislation. Theoretically, this commitment could result in more publicly available information on

anti-corruption measures, but the work appears to mainly focus on improving coordination of anti-corruption work among public authorities. In addition, the lack of verifiable or measurable activities makes it difficult to assess the commitment's potential impact.

After the Ministry of Justice determines the specific activities for this commitment, the IRM recommends developing a comprehensive anti-corruption strategy for Norway in collaboration with civil society.

¹ Transparency International, Norway, <https://www.transparency.org/en/countries/norway>

² Trading Economics, Norway Corruption Rank, <https://tradingeconomics.com/norway/corruption-rank>

³ IRM researcher, telephone interview with Tor Dølvik, Transparency International Norway, 28 March 2020.

⁴ Minutes from the multi-stakeholder meeting of interested parties, 25 November 2019. The forum includes representatives from the Ministry of Justice, the Ministry of Local Administration and Modernisation, the Ministry of Finance, the Ministry of Foreign Affairs, the Ministry of Climate and Environment, the National Police Directorate, and Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime.

⁵ IRM researcher, telephone interview with Mona Ransedokken, Ministry of Justice and Public Security, 1 April 2020.

8. Establish public register of the beneficial owners

Main Objective

“Establish a publicly available register of beneficial owners. Increased transparency regarding the ownership and control of companies and enterprises in Norway will counteract the risk of misuse of the companies etc. for the purpose of corruption and economic crime by weakening the companies’ opportunity to conceal ownership and transactions.”

Milestones

No milestones provided

Editorial Note: For the complete text of this commitment, please see Norway’s action plan at <https://www.regjeringen.no/en/dokumenter/norges-handlingsplan-4---open-government-partnership-ogp/id2638814/>

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information
Potential impact:	Transformative

Commitment Analysis

This commitment aims to establish a publicly available register about the ultimate owners (UBO) of companies registered in Norway. It continues from a commitment in the third action plan (2016-2018) which resulted in proposals for the UBO register. In June 2018, the government submitted a law proposal¹ to Parliament, which was up for consideration in the parliamentary finance committee by the end of the third action plan period.² In March 2019, Parliament passed the Beneficial Ownership Act, mandating a publicly accessible register in user-friendly format.

This commitment is relevant to the OGP value of access to information, and is important in terms of fighting money laundering, tax evasion, and economic crime. While the establishment of a publicly available beneficial ownership register is verifiable, the commitment does not provide details on how it will be created, or the characteristics and functionalities of the new register. According to a representative from the Ministry of Finance, the ministry will commission a government agency to develop the technical solution of the register, while the ministry will issue regulations.³

If successfully established, the public UBO register could significantly improve the transparency and access to information on beneficial ownership in Norway and would fulfill a major long-term priority for civil society in Norway.⁴ However, Norwegian civil society has criticised the Beneficial Ownership Act as only shareholders holding more than 25 percent of the shares would be obliged to register, and foreign trusts with indirect ownership in Norwegian companies will not be listed.⁵

The Beneficial Ownership Act is currently awaiting supplementary regulations concerning the location of the register as well as technical details for accessing its information.⁶ To maximise the impact of the future UBO register, the IRM recommends the following next steps:

- Ensure that data is published in open format and use the Beneficial Ownership Data Standard (developed by Open Ownership) to maximise the interoperability of the information and meet global norms.⁷
- Introduce mechanisms to verify the accuracy of the information presented on the UBO register. Several OGP members, such as Denmark and Slovakia, have already developed verification mechanisms for their beneficial ownership registers.⁸

¹ Law proposal, in Norwegian, <https://www.regjeringen.no/no/dokumenter/prop.-109-l-20172018/id2604993/>

² Independent Reporting Mechanism, Norway End-of-Term Report 2016–2018, pg 29, https://www.opengovpartnership.org/wp-content/uploads/2019/03/Norway_End-Term_Report_2016-2018_EN.pdf

³ IRM researcher, telephone interview with Tobias Brynhildsen, Ministry of Finance, 28 March 2020.

⁴ IRM researcher, telephone interview with Ingrid Hjertaker, Tax Justice Norway, 1 April 2020.

⁵ Ultimate Beneficial ownership, published by Tax Justice Network Norway, <https://taxjustice.no/artikkel/faktaark-reelle-rettighetshavere>

⁶ Transparency International Latvia, Transparency International Lithuania, and Open Knowledge Sweden (2019), Open Data and Political Integrity in the Nordic Region, https://delna.lv/wp-content/uploads/2019/11/NB7_OD4PI_Final_cmp.pdf, pg 59.

⁷ Beneficial Ownership Data Standard, <http://standard.openownership.org/en/0.2.0/primer/whatisthebods.html>

⁸ Kristine Frivold Rørholt, Update – Beneficial ownership register act, Wikborg Rein, <https://www.wr.no/aktuelt/update-beneficial-ownership-register-act/>

V. General Recommendations

This section aims to inform the development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country, and 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Five Key Recommendations

Recommendations for the next action plan's development process	
1	Provide additional opportunities for stakeholders to jointly discuss and define the scale and scope of draft commitments. Publish the reasoning behind how proposals and comments were considered.
2	Consider formalising the OGP Council meetings in order to oversee stakeholder engagement in the OGP process, including during co-creation.

Provide additional opportunities for stakeholders to jointly discuss and define the scale and scope of draft commitments. Publish the reasoning behind how proposals and comments were considered.

The co-creation process for Norway's fourth action plan saw some noticeable improvements compared to the process for the third plan. Notably, there was greater levels of civil society engagement and the Ministry of Local Government and Modernisation (KMD) provided interested civil society stakeholders with more opportunities to shape the content of the action plan than in the past. However, a challenge remains to convert greater civil society involvement into more ambitious and well-developed commitments. While the June 2018 consultation meeting allowed stakeholders to put their proposals forward, the preliminary ideas generated at this meeting likely required further deliberation among stakeholders to properly define their scale and scope as concrete commitments. For the next action plan, once the preliminary ideas have been gathered, the IRM recommends providing additional opportunities for stakeholders to jointly collaborate on the scale and scope of the proposals before they are converted into draft commitments.

In addition, while KMD published a summary of the main ideas generated at the June 2018 meeting, it posted the draft action plan for commenting without explaining how it had considered these ideas. The IRM recommends KMD publish an explanation on how it made its decisions regarding the inclusion or exclusion of stakeholder proposals when posting future draft action plans for commenting. This will also help ensure Norway avoids acting contrary to OGP process in the Participation and Co-creation Standards, which require governments or multi-stakeholder forums to clearly state their reasoning behind the final selection of commitments.¹

Consider formalising the OGP Council meetings in order to oversee stakeholder engagement in the OGP process, including during co-creation

KMD's establishment of a new OGP Council (after the finalisation of the fourth action plan) is a positive development that could facilitate greater civil society oversight during the plan's implementation. The OGP Council currently consists of six non-government stakeholders appointed by KMD. Looking ahead, the IRM recommends continuing to harness the OGP Council during the co-creation of future action plans, and not only during the implementation of the current plan. In this regard, Norway and KMD could consider converting the OGP Council into a formal multi-stakeholder forum (MSF) with representation from the implementing ministries and agencies, in addition to the existing non-government representatives. Having a formal MSF in place during the co-creation period could help allow for greater dialogue between government and non-government stakeholders and facilitate greater engagement by civil society and wider co-ownership of the resultant commitments. For example, the MSF could help to develop a consultation strategy and proactively communicate information on the OGP process (such as the timeline, how to be involved, and feedback mechanisms). This could also help

ensure Norway complies with OGP's updated Participation and Co-creation Standards, which ask participating countries to put in place a multi-stakeholder forum in the best way they see fit.² The IRM also recommends making sure the OGP Council is in place before the start of co-creation.

The development of the fourth action plan showed that there is potentially some tension between the expectations and requirements of co-creation emphasised by OGP and regular management procedures usually followed by the government. At the June 2018 consultation meeting, some stakeholder organisations preferred that a proposal should be made public by the government, and that they in turn could respond to it through a public hearing.³ The IRM recommends that the reformed OGP Council (comprising parity of government and non-government representatives) could establish mixed working groups in the main areas around which commitments will be drawn up, and build a consultations plan around that, including public hearings and regional outreach.

Recommendations for the next action plan's design	
1	Improve commitment design by including milestones with measurable outcomes and clear outputs.
2	Take initial steps towards establishing an open register on lobbying.
3	Continue expanding archiving obligations for state-level public authorities and municipalities.

Improve commitment design by including milestones with measurable outcomes and clear outputs.

In the fourth action plan, only half of eight commitments have milestones, and in some cases these milestones have a timeframe that start before the action plan's 2019 start date and stretch well beyond the 2021 end date. Furthermore, in cases where commitments do include milestones, most are vaguely formulated and are not specific or measurable. This lack of measurable activities and outputs makes it difficult to understand and assess the level of ambition and intended changes from the commitments. In future action plans, the IRM recommends providing (as accurately as possible) more detailed descriptions of the planned activities and the expected outputs and outcomes. Many commitments in the fourth action plan (notably Commitment 6 on public procurement digitalisation) began prior to the official commencement of the action plan (2019) and are scheduled to conclude after its official conclusion (2021). Moving forward, when including pre-existing initiatives, the IRM recommends clearly describing the intended changes that will occur within the action plan's official timeframe. Properly designed commitments could increase the likelihood of successful implementation and ensure potentially ambitious activities are recognised.

Take initial steps towards establishing an open register on lobbying

Norway's political system is characterised by low levels of corruption and high levels of public trust. Although lobbying transparency has received little attention in Norway to date, it has emerged as an important topic in Europe. For example, Finland committed to establish a lobbying register in its fourth OGP action plan⁴ and Latvia introduced a Code of Ethics during its third action plan, which regulates conflicts of interest and relations with lobbyists for civil servants.⁵ Norway could consider using future OGP action plans to take initial steps to develop an open register with information on interactions between lobbyists and government officials, ministers, and elected political representatives. This could involve a commitment to conduct an in-depth assessment of lobbying activities in Norway in collaboration with leading experts to better understand potential risks deriving from the lack of regulation and transparency in this area and on policy-making and potential political corruption risks. A possible example of a similar preliminary activity is Finland's assessment carried out during its second action plan (2015-2017) of the need to establish a lobby register. The subsequent comparative report on lobby register systems in selected countries helped inform Finland's commitment in its fourth action plan to establish a lobby register.⁶

Continue expanding archiving obligations for state-level public authorities and municipalities

In the next action plan, Norway could consider combining and carrying forward Commitment 1 on the fulfilment of archiving duties and Commitment 3 on expansion of e-access among municipalities. It is well documented that archiving and journaling practices, both at the state⁷ and municipal⁸ levels, vary immensely. According to the regulations following the Freedom of Information Act, it is not mandatory for municipalities and counties to publish journals on the internet, while state public authorities do have this obligation.⁹ Given the increased complexity of archiving and increase in volume of documents, the IRM recommends that the government conduct a legal review to strengthen and harmonise archiving requirements for municipalities and state public authorities. In addition to making it mandatory for municipalities to publish archived documents online, the varying state practices indicate that legislative change is called for, a view also voiced by stakeholders.¹⁰ This could significantly improve access to information on these documents and archives.

5.2 Response to Previous IRM Key Recommendations

Governments are required to respond to IRM key recommendations. This section provides an overview of how stakeholders addressed IRM recommendations and how the recommendations were incorporated into the next action plan process or content.

Previous IRM Report Key Recommendations

Recommendation		Did it inform the OGP Process?
1	Improve action plan development and reporting through clear communication of commitment activities and intended results and more comprehensive reporting on the progress	X
2	Multi-stakeholder involvement and consultation should be improved by facilitating online consultation and expanding participation by promoting OGP in other ways 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, streamlining open data-related commitments across varying ministries. This should be done in close collaboration with CSOs and Norwegian businesses.	X
4	The government should see the establishment of an ultimate beneficial ownership registry as an opportunity to combat corruption and to increase transparency with regards to municipal procurements. This can be done in close collaboration with the Norwegian Association of Local and Regional Authorities and selected municipalities.	✓
5	Archiving practices and public records should be scrutinised across ministries to enhance internal handling of documents for the betterment of the public. Mandatory requirements for archiving of internal documents and full-text publication should be considered.	✓

Of the five Key Recommendations from the IRM's 2016-2017 Progress Report, three were either partially or fully integrated in the fourth action plan. Regarding Recommendation 1, many commitments in the action plan do not include milestones and often do not state the expected changes and outcomes. In addition, many milestones are scheduled to be completed prior to the official start of the action plan period. While there has been discussion of the progress of the commitments at multi-stakeholder meetings, there is currently no self-assessment report or up-to-date tracking of commitments on

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Norway's OGP webpage. For Recommendation 2, the co-creation process of the fourth action plan saw greater multi-stakeholder engagement compared to previous action plan cycles, although not entirely in the fashion recommended. Online consultation, for instance, is not developed and the Prime Minister's Office was not involved. Government standards on open data (Recommendation 3) appear not to have been considered, although open data is relevant to several commitments in the action plan.

Recommendation 4 was partially integrated through the inclusion of Commitment 6 (full digitalisation of public procurement). But this is primarily a modernisation and optimisation effort than an effort to improve access to information related to procurements, and stakeholders have raised concerns about the lack of availability of such data.¹¹ Recommendation 5 on archiving practices by ministries was partly incorporated through Commitment 1 on developing guidelines for archiving and journaling duties.

¹ IRM Guidance on minimum threshold for involve, <https://www.opengovpartnership.org/wp-content/uploads/2020/02/IRM-Guidance-Involve.pdf>

² OGP Participation and Co-Creation Standards, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>

³ This recollection is based on the IRM researcher's participation, observation, and notes taken from the particular meeting, corroborated with telephone interview data from government points of contacts Tom Arne Nygaard and Terje Dyrstad, Ministry of Local Administration and Modernisation, 12 March 2020, and telephone interview with Tor Dølvik, Transparency International Norway, 28 March 2020.

⁴ Open Government National Action Plan for 2019-2023 Finland, 24 September 2019, pg 12, https://www.opengovpartnership.org/wp-content/uploads/2019/09/Finland_Action-Plan_2019-2023_EN.pdf

⁵ Independent Reporting Mechanism (IRM): Latvia Implementation Report 2017–2019, pg 21, https://www.opengovpartnership.org/wp-content/uploads/2020/07/Latvia_Implementation_Report_2017-2019_EN.pdf

⁶ The lobby register systems research report, https://vm.fi/en/article/-/asset_publisher/10616/selvitys-tarkasteli-lobbarirekisterin-kansainvalisia-esimerkkeja-rekisteroitava-tieto-toimivuuden-perusta

⁷ Dokument 3:10 (2016–2017), Riksrevisjonens undersøkelse av arkivering og åpenhet i statlig forvaltning, in Norwegian only, <https://www.riksrevisjonen.no/rapporter-mappe/no-2016-2017/arkivering-og-apenhet-i-statlig-forvaltning/>

⁸ Report submitted to Ministry of Local Administration and Modernisation by the Norwegian Digitalisation Agency mapping archiving practices in Norwegian municipalities.

⁹ Freedom of Information Act, in Norwegian, <https://lovdata.no/dokument/SF/forskrift/2008-10-17-1119>.

¹⁰ Norwegian Union of Journalists at multi-stakeholder meeting on the implementation of the fourth action plan, 25 November 2019, and letter from The Association of Norwegian Editors, Norwegian Press Association, and Norwegian Union of Journalists sent as part of the consultation process for the development of the fourth action plan, 18 October 2018.

¹¹ IRM researcher, telephone interview with Tor Dølvik, Transparency International Norway, 28 March 2020.

VI. Methodology and Sources

IRM reports are written in collaboration with researchers for 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, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in Norway's OGP repository (or online tracker)¹, website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organisations.

Each IRM researcher conducts stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reserves the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are 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.²

Interviews and stakeholder input

When selecting stakeholders to interview, care was taken to include the most relevant. Some of the stakeholders interviewed covered two or more commitments. Due to the COVID-19 pandemic, interviews were carried out by telephone or video calls and additional information was exchanged via email. Interviewed stakeholders include:

- Telephone interview with government point of contact Tom Arne Nygaard, Ministry of Local Government and Modernisation, 12 March 2020.
- Telephone interview with Magnar Nordtug, Ministry of Culture, 26 March 2020.
- Telephone interview with Trude Nagell, Ministry of Petroleum and Energy, 26 March 2020.
- Telephone interview with Stein Magne Os, Norwegian Digitalisation Agency, 26 March 2020.
- Telephone interview with Inger Lise Kurseth, Ministry of Culture, 26 March 2020.
- Telephone interview with Tor Dølvik, Transparency International Norway, 28 March 2020.
- Telephone interview with Tobias Brynhildsen, Ministry of Finance, 28 March 2020.
- Telephone interview with André Hoddevik, Norwegian Digitalisation Agency, 30 March 2020.
- Telephone interview with Mona Ransedokken, Ministry of Justice and Public Security, 1 April 2020.
- Telephone interview with Ingrid Hjertaker, Tax Justice Norway, 1 April 2020.
- Email exchange with Ina Lindahl Nyrud, Norwegian Union of Journalists, 2 April 2020.

The COVID-19 pandemic created difficulties with reaching out to some interviewees as the priority within the government shifted radically at this time. No focus groups with stakeholder meetings were held. The IRM researcher attended the first meeting for the co-creation process of the fourth action plan in June 2018 as an observer, as well as the subsequent multi-stakeholder meeting in November 2019. This provided the IRM researcher with valuable insights on the process and communication, while perspectives and considerations voiced by participants at these meetings have informed the interpretation of several commitments in this report.

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About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

Current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

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 Norway's OGP page, <https://open.regjeringa.no/>

² IRM Procedures Manual, V.3, <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

Annex I. Commitment Indicators

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 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 The indicators and method used in the IRM research can be found in the IRM Procedures Manual.² A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: Do the written objectives and proposed actions lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment?
 - Specific enough to verify: Are the written objectives and proposed actions sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment?
- **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 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 or policies?
 - Public Accountability: Will the government create or improve public-facing opportunities to hold officials answerable for their actions?
- **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.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the country's IRM Implementation Report.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the country's IRM Implementation Report.

What makes a results-oriented commitment?

A results-oriented commitment has more potential to be ambitious and be implemented. It clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem rather than describing an administrative issue or tool? (E.g., "Misallocation of welfare funds" is more helpful than "lacking a website.")
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan? (E.g., "26% of judicial corruption complaints are not processed currently.")
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation? (E.g., "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response.")

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Starred commitments

One measure, the “starred commitment” (★), deserves further explanation due to its interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria.

- Potential star: the commitment’s design should be **verifiable, relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **substantial** or **complete** implementation.

These variables are assessed at the end of the action plan cycle in the country’s IRM Implementation Report.

¹ OGP, “Open Government Partnership: Articles of Governance”, 17 June 2019, <https://www.opengovpartnership.org/articles-of-governance/>

² OGP, “IRM Procedures Manual”, <https://www.opengovpartnership.org/documents/irm-procedures-manual>