Independent Reporting Mechanism (IRM): Papua New Guinea Hybrid Report 2018–2021

This report was prepared in collaboration with Maureen Thomas, independent researcher

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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 an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their progress and determine if efforts have impacted people's lives.

The IRM has partnered with Maureen Thomas, an independent researcher, to carry out this evaluation. The IRM aims to inform ongoing dialogue around the 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.

This Hybrid Report covers Papua New Guinea's first action plan for 2018–2021 (initially 2018–2020, but later extended until August 2021). In August 2021, the national multistakeholder forum had the opportunity to discuss a draft Design Report, but publication was delayed, and the implementation period was already completed. Therefore, this hybrid report combines an assessment of both the action plan's design and implementation. It provides an independent review of commitment characteristics and strengths and challenges of the action plan. It offers an overall implementation assessment that focuses on policy-level results. It also checks compliance with OGP rules and informs accountability and longer-term learning.

Starting in January 2021, the IRM began rolling out the new products that resulted from the IRM Refresh process.[1] The new approach builds on the lessons after more than 350 independent, evidence-based and robust assessments conducted by the IRM and the inputs from the OGP community. The IRM seeks to put forth simple, timely, fit for purpose and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

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[1] For more details regarding the IRM Refresh, visit: https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/.

II. Overview of the Action Plan

Papua New Guinea's first action plan included seven commitments with an emphasis on improving access to information and civic participation. However, commitment activities largely focused on policy development and provided limited information on how they would open government practice. Given uneven implementation, all commitments were carried forward to the next draft action plan.

2.1. General Highlights and Results

Papua New Guinea became an OGP member country in 2015. This Hybrid Report covers design and implementation of Papua New Guinea's first action plan for 2018–2021. The implementation period was initially planned for 2018–2020 and was extended to August 2021 due to COVID-19. The plan's commitments focused on relevant policy areas but faced significant capacity challenges. Among the plan's seven commitments, none were assessed as potentially transformative and only one had moderate potential impact. One of the commitments was substantially implemented and three were not started (43% of commitments). Papua New Guinea was found to be acting contrary to OGP process,[1] having not published a repository in line with IRM guidance.[2] In 2020, Papua New Guinea was placed under procedural review for failing to meet the OGP Core Eligibility Criteria for two consecutive years. Remaining below the minimum eligibility criteria by the 2022 annual update, or acting contrary to OGP process in any other way, could result in being designated as "inactive" in OGP.[3]

Moving forward, the IRM recommends the following:
- Ensure the involvement of government agencies and representatives with relevant decision-making powers at both commitment design and implementation stages, and allocate sufficient resources and staffing to support a more effective implementation process.
- Broaden CSO engagement in the action plan. Ensure that those beyond the National Steering Committee have opportunities to participate in the ongoing process. Engage networks representing more diverse groups across Papua New Guinea and incorporate input from other national consultative processes into considerations on the OGP plan.
- Include a public comment period with full consideration of proposals and provision of reasoned responses. The government should document contributions from stakeholders and report back on how their contributions were considered while developing the action plan.
- Prioritize commitments on fiscal transparency, such as dialogue with citizens at central and local government levels, a citizen's budget, and other steps initially planned in the first action plan's Commitments 5 and 6. This should address OGP Core Eligibility Criteria.
- Publish a repository and meeting minutes, provide public updates on progress under the action plan, and launch a national OGP website backed up with a feature to allow the public to comment on action plan progress updates.

Overview of Design

AT A GLANCE

Participating since: 2015
Action plan under review: 2018–2021
IRM product: Hybrid Report
Number of commitments: 7

Overview of commitments:
- Commitments with an open gov. lens: 6 (86%)
- Commitments with transformative potential impact: None
- Noteworthy commitments: 3 (43%)
- Completed commitments: None
- Commitments with major early results: None

Emerging policy areas:
- Access to Information
- Public Participation
- Fiscal Transparency
- Extractive Resources Transparency

Compliance with OGP minimum requirements for co-creation:
- Acted contrary to OGP process: Yes

The action plan was organized into four clusters on access to information, public participation, fiscal transparency, and extractive-resources transparency. The first cluster focused on introducing the necessary legal framework for access to information and creating data storage systems. The second cluster encompassed government engagement with the informal sector and civil society. The third cluster intended to improve the production, storage, and accessibility of fiscal data. The final cluster focused on improving transparency and accountability in the extractive resources sector.

Three of the commitments were noteworthy. Commitment 1 was assessed as having a moderate potential impact, intending to develop legislation regulating access to information. Planned enabling legislation could have begun to translate constitutional freedom of information into practice. Commitments 3 and 4 were also promising, respectively planning to introduce an open data portal and a national strategy to give voice to informal economy participants. However, these commitments had minor potential impact.

Many of the shortfalls in the plan's design relate to limited clarity on intended results and on how proposed actions would open government. Furthermore, the development of the action plan did not receive sufficient support from some key implementing agencies; only a few line ministries were involved in the co-creation process. CSO representation was limited to groups represented at the national level, a challenge in a country with more than 800 languages and one of the lowest levels of urbanization in the world.

Overview of Implementation

Implementation faced significant challenges, including budgetary limitations. Agencies responsible for commitments reported that resource and financial restraints limited their ability to implement the plan.[4] Unavailability of funds reportedly also discouraged some government agencies from meaningfully participating in meetings of the National Steering Committee and subcommittees.[5] On a policy level, the government elected in 2019 remained committed to the open government agenda, but implementing the plan was not prioritized.

The action plan made some progress on two commitments for managing fiscal information and extractive-sector transparency, but fell short of producing any substantial changes to government practice. Commitment 6 made some progress on using an integrated financial management system, but it did not result in opening up any of the information to the public. Under Commitment 7, an Extractive Industries Transparency Initiative policy was endorsed and the EITI Commission Bill was drafted, but was not passed by the end of the implementation period.

As for the remainder of commitments, implementation of planned initiatives was limited. For example, the intended access-to-information legislation did not progress as outlined by the action plan. Under Commitment 1, the Freedom of Information technical working committee instead approved development of the National Right to Information Policy (2020-2030) to inform future drafting of the legislation. The planned open data portal (Commitment 3) was shelved when the government changed, with priorities shifting to focus on development of a cloud-based system for information sharing. As for Commitment 4, progress on developing a national strategy to give voice to informal economy participants was delayed. Given uneven implementation, all of the commitments were carried forward to the next draft action plan.

2.2. COVID-19 Pandemic Impact on Implementation

COVID-19 decreased the frequency of National Steering Committee (NSC) meetings. Instead of quarterly meetings, NSC met twice in 2020 and once in 2021.[6] Prior to the onset of COVID-19, there was already a lack of a resource allocation for the action plan's implementation. However, the pandemic may have affected potential opportunities for resource allocation during the remainder of the implementation period.

¹ OGP, "Procedural Review" (accessed Mar. 2022), https://www.opengovpartnership.org/procedural-review/.

² OGP, "IRM Guidance for Online Repositories" (1 Mar. 2020), https://www.opengovpartnership.org/documents/irm-guidance-for-online-repositories/.

³ Sanjay Pradhan (OGP), eligibility update letter to Rainbo Paita (Minister of Nat'l Planning and Monitoring for Papua New Guinea), 12 Jul. 2021, https://www.opengovpartnership.org/wp-content/uploads/2021/07/Papua-New-Guinea_Eligibility-Update-Letter_20210712.pdf.

⁴ Jessy Sekere and John Hera (Dept. of Information Communication Technology), interview by IRM researcher, 6 Dec. 2021; Johnson Hebe (National Procurement Commission), interview by IRM researcher, 24 Sep. 2021; Christopher Tabel (EITI Secretariat), interview by IRM researcher, 7 Aug. 2021.

⁵ Magdelyn Taumpson (Constitutional and Law Reform Commission), interview by IRM researcher, 5 Sep. 2019.

⁶ Yuambari Haihuie (Transparency International Papua New Guinea), correspondence with IRM researcher, 11 Oct. 2021.

2.3. Noteworthy Commitments

The IRM acknowledges that results may not be visible within the two-year timeframe of the action plan and that at least a substantial level of completion is required to assess early results. For the purpose of the Hybrid Report, the IRM will use the "Did it Open Government?" (DIOG) indicator to highlight early results based on the changes to government practice in areas relevant to OGP values. Moving forward, new IRM results report will not continue using DIOG as an indicator.

Section 2.3 focuses on outcomes from implementing commitments that had an ambitious or strong design, or that may have lacked clarity and/or ambition but had successful implementation with "major" or "outstanding" changes to government practice.[1] While this section analyzes the IRM's findings for the commitments that meet the criteria described above, Section 2.4 includes an overview of the level of completion for all the commitments in the action plan.

Commitment 1: Legislation on Access to Information	
Aim of the commitment	The purpose of this commitment was to institute legislation enabling public access to government information. Freedom of information is formally enshrined in Section 51 of the PNG Constitution.[2] However, apart from the Statistical Services Act of 1980,[3] which references provisions under Section 1c for freedom of information, there is no enabling legislation to translate the constitutional freedom of information into practice. A 2018 study of 24 state agencies found that almost 90% of state agencies did not provide information when directly requested.[4] Transparency International PNG reported that citizen access to government information was limited, and CSOs were often forced to establish relationships with government staff to obtain information.[5]
	This commitment had moderate potential to increase citizen access to information. If fully implemented, the commitment could have filled a prominent gap in enabling legislation, although it did not specify which provisions it would introduce for improved access to information. The commitment also did not account for an undergirding policy framework or government capacity to respond to freedom of information requests. In terms of incentivizing disclosures, the Constitutional and Law Reform Commission (CLRC),[6] the Department of Information and Technology, and Transparency International PNG were concerned that national law enforcement lacked the capability to uphold the planned law.[7] CLRC also noted lead government agencies' inadequate investment in moving the legislation forward, exhibited by limited participation in preparatory work for the commitment.[8]
Did it open government? **Did not change**	Legislation on access to information was not instituted, and none of the commitment's intended milestones were started. The Department of Information and Communication Technology made an initial attempt to draft the bill in late 2019, which did not progress. During the implementation period, with endorsement from the National Steering Committee, the Freedom of Information technical working group approved development of the National Right to Information Policy (2020-2030), meant to serve as the basis for planned legislation on access to information. The Department of Information and Communication Technology developed the policy, and it was circulated for public feedback in October 2021. In 2022, efforts were underway to plan a workshop on drafting the legislation on access to information.[9] These efforts could draw on examples of how Ghana,[10] Kenya,[11] and Paraguay[12] harnessed the open government platform to support passage of similar legislation. The IRM recommends coupling active efforts to pass this legislation with training for

	government employees, to strengthen the institutions that will implement access to information measures.

Commitment 3: Government Open Data Portal	
Aim of the commitment	The commitment intended to align an existing portal with open government principles, encouraging government agencies to voluntarily upload data for public access. Preceding this commitment, there was no centralized public access to government information and limited proactive disclosure by government agencies.[13] Citizen access to government information required in-person visits to individual agencies in Port Moresby.[14] CLRC noted that this lack of online information was an obstacle for rural citizens, given the challenges of travel.[15] This commitment had minor potential to improve citizen access to government-held information. If fully implemented, an online data portal could have facilitated opportunities to monitor government decisions and service delivery. However, the scope of the commitment was limited by a low level of national internet penetration, standing at 15.2% in January 2021.[16]
Did it open government? **Did not change**	This commitment did not result in an open data portal, and none of its intended milestones were started. According to the Department of Information Communication Technology, the plan for an open data portal was shelved. Under the new government that took office in 2019, priorities shifted to focus on development of a cloud-based system for vertical information sharing between government agencies and citizens.[17] Moving forward, the IRM recommends that open data initiatives incorporate efforts to ensure that government agencies proactively manage record keeping in their own agencies as well. It would also be valuable to consider additional, non-internet access-to-information efforts, through radio, in-person meetings, and other mechanisms.

Commitment 4: Giving "Voice" to Informal Economy Participants	
Aim of the commitment	This commitment aimed to institute the Informal Economy Voice Strategy, to offer a mechanism for dialogue between the government and informal economy participants.[18] It intended to pilot the strategy through dialogue platforms in five provinces. By January 2018, preceding the action plan, the Informal Economy Voice Strategy had been developed by a technical working committee chaired by the National Capital District Commission.[19] As of 2017, Papua New Guinea's informal economic sector included almost 80% of the population,[20] making it the country's largest sector in terms of employment.[21] Participants in the sector faced challenges in terms of financial support, human resource development, health and hygiene, and law and order.[22] Although the sector was legally recognized under the National Informal Sector Development and Control Act 2004,[23] the law was not popular in the provinces[24] and most informal sector participants were not aware of their rights. The law called on government to provide avenues for dialogue with

	informal sector participants on issues affecting them.[25] In the absence of this dialogue, the government did not provide sufficient support to the sector.
	This commitment had minor potential impact to improve public participation within the informal economy. If instituted, the strategy could have promoted informal economy participants' involvement in government decision-making affecting their sector. Previous efforts to promote dialogue and participation had not proved effective, even with the existence of legislation, and the commitment did not entail awareness efforts, crucial to engage the sector in prospective implementation of the policy.
Did it open government? **Did not change**	By January 2022, the Informal Economy Voice Strategy had not been finalized, and piloting efforts had consequently not started.[26] Over the course of 2021, four subnational consultation workshops were conducted to gather feedback on the Informal Economy Voice Strategy from government, CSOs, and private sector stakeholders. These consultations had been delayed by COVID-19 restrictions.[27] The Consultative Implementation and Monitoring Council, the lead implementing CSO for this commitment, reported that changes within the lead implementing agency's management delayed finalization of the strategy. By 2022, validations across the country had been completed, which precede finalization of the strategy.[28] According to the Council, the Inter-Agency Voice Mechanism Advisory Committee that had existed prior to the implementation period was still in place, but had not broadened its scope as planned by the commitment.[29] As this commitment is carried forward, the IRM recommends active involvement of the Department of Provincial and Local Level Government and the Investment Promotion Authority.

[1] The IRM identified strong commitments as "noteworthy commitments" if they were assessed as having verifiable, relevant, and transformative potential impact. If no commitments met the potential impact threshold, the IRM selected noteworthy commitments from the commitments with moderate potential impact.

[2] Constituent Assembly, *Constitution of the Independent State of Papua New Guinea* (National Parliament of Papua New Guinea, 15 Aug. 1975), http://www.parliament.gov.pg/constitution-of-the-independent-state-of-papua-new-guinea.

[3] Independent State of Papua New Guinea, "Statistical Services Act 1980" (Pacific Islands Legal Information Institute, 1980), http://www.paclii.org/pg/legis/consol_act/ssa1980235/.

[4] Transparency International PNG, "Our right to know, their duty to tell" (30 Sep. 2019).

[5] Transparency International PNG, interview by IRM researcher, 30 Aug. 2019.

[6] The Constitutional and Law Reform Commission is a constitutional body reporting to the government.

[7] Transparency International PNG, interview; Constitutional and Law Reform Commission, interview by IRM researcher, 3 Sep. 2019; Dept. of Information and Technology, interview by IRM researcher, 2 Sep. 2019.

[8] The Constitutional and Law Reform Commission, interview.

[9] The IRM received this information from Transparency International PNG during the pre-publication period (17 Mar. 2022).

[10] IRM, *Ghana Implementation Report 2017-2019* (7 May 2021), https://www.opengovpartnership.org/documents/ghana-implementation-report-2017-2019/.

[11] IRM, *Kenya End-of-Term Report 2016-2018* (31 Aug. 2020), https://www.opengovpartnership.org/documents/kenya-end-of-term-report-2016-2018/.

[12] Ruth Gonzalez Llamas, "Learning from peers: Implementing the Access to Information law in Paraguay," *OGP* (28 Aug. 2015), https://www.opengovpartnership.org/stories/learning-from-peers-implementing-the-access-to-information-law-in-paraguay/.

[2] Transparency International PNG, interview by IRM researcher, 3 Aug. 2019.

[14] Transparency International PNG, "Our right to know, their duty to tell."

[15] Constitutional and Law Reform Commission, interview by IRM researcher, 3 Aug. 2019.

[16] Simon Kemp, "Digital 2021: Papua New Guinea" *Datareportal* (12 Feb. 2021), https://datareportal.com/reports/digital-2021-papua-new-guinea.

[17] Jessy Sekere (Dept. of Information Communication Technology), interview by IRM researcher, 6 Dec. 2021.

[18] Post Courier Online, "Goi: Informal Economy Policy Outdated" (28 Apr. 2021), https://postcourier.com.pg/goi-informal-economy-policy-outdated/; Marysila Kellterton, "Voice Strategy Vital For Informal Sector" Loop (7 Dec. 2021), https://www.looppng.com/png-news/voice-strategy-vital-informal-sector-107490.

[19] Busa Jeremiah Wenogo, "Organising the disorganised: the proposed Informal Economy Voice Strategy," Devpolicy Blog (29 Jan. 2018), https://devpolicy.org/organising-disorganised-proposed-informal-economy-voice-strategy-20180129/.

[20] Elizabeth Kopel, "The informal economy in Papua New Guinea: scoping review of literature and areas for further research" *Issues paper* 25 (Papua New Guinea National Research Institute, Apr. 2017), https://www.pngnri.org/images/Publications/IP25-201704-The-informal-economy-in-PNG-Scoping-Study.pdf.

[21] Australian Dept. of Foreign Affairs and Trade, *DFAT country information report Papua New Guinea* (10 Feb. 2017), https://www.dfat.gov.au/sites/default/files/country-information-report-papua-new-guinea.pdf.

[22] Kopel, "The informal economy in Papua New Guinea: review of literature and areas for further research."

[23] Independent State of Papua New Guinea, "National Informal Sector Development Act 2004" (Pacific Islands Legal Information Institute, 14 May 2004), http://www.paclii.org/pg/legis/consol_act/isdaca2004401/.

[24] CLRC, "Informal Sector Development and Control (Amendment) Act 2015" (Port Moresby: CLRC, 2015).

[25] Independent State of Papua New Guinea, *Papua New Guinea Open Government Partnership National Action Plan August 2018–August 2020* (OGP, 2018), 26, https://www.opengovpartnership.org/wp-content/uploads/2018/11/Papua-New-Guinea_Action-Plan_2018-2020.pdf.

[26] Langa Kopio (Papua New Guinea Open Government Partnership Secretariat), interview by IRM researcher, 11 Jan. 2022.

[27] *Id.*

[28] The IRM received this information from Wallis Yakam (Consultative Implementation and Monitoring Council) during the public comment period (29 Mar. 2022).

[29] Wallis Yakam (Consultative Implementation and Monitoring Council), interview by IRM researcher, 24 Aug. 2021.

2.4. Commitment Implementation

The table below assesses the design and completion for each commitment in the action plan.[1] Please note that verifiability, relevance to open government, and potential impact were assessed at the design stage, before action plan implementation.

Commitment	Assessment:
1. Legislation on Access to Information	**Verifiable:** Yes **Relevant to Open Government:** Yes **Potential impact**: Moderate **Completion:** Limited For details regarding the implementation and early results of this commitment, see Section 2.3.
2. Inter-Agency Communication and Sharing of Information, IGIS	**Verifiable:** Yes **Relevant to Open Government:** No **Potential impact:** Minor **Completion:** Not Started None of the commitment's intended milestones on the Integrated Government Information System (IGIS) were started.[2] Since 2015, the system was meant to allow the government to share and store data in one central location. The system did not entail public access and had not consolidated government information prior to the action plan.[3] In March 2020, the Department of Information and Communication Technology expressed that IGIS had not been well-managed and did not have an appropriate policy and legislative framework. It commenced an extensive evaluation of the IGIS project.[4] In August 2021, as the department migrated government agencies to cloud-based technologies, it reflected that the IGIS-owned and -operated infrastructure model had been problematic.[5] The IRM recommends that related future efforts center on public access to information. Outside of the action plan, progress in this policy area saw development of the PNG Digital Transformation Policy. This policy framework was developed and endorsed by the National Executive Council. It served as the basis for the draft Digital Government Bill.[6]
3. Government Open Data Portal	**Verifiable:** Yes **Relevant to Open Government:** Yes **Potential impact:** Minor **Completion:** Not Started For details regarding the implementation and early results of this commitment, see Section 2.3.
4. Giving "Voice" to Informal Economy Participants	**Verifiable:** Yes **Relevant to Open Government:** Yes

	Potential impact: Minor
	Completion: Limited
	For details regarding the implementation and early results of this commitment, see section 2.3.
5. Government is Informed of Citizen's Annual Planning and Budget Priorities	**Verifiable:** Yes
	Relevant to Open Government: Yes
	Potential impact: Minor
	Completion: Not Started
	This commitment intended to improve citizen participation in budget planning but was not started. Given that Papua New Guinea fails to meet the OGP Core Eligibility Criteria on fiscal transparency,[7] this was an important policy area for the action plan. However, by December 2021, the state had not endorsed and approved the State and Civil Society Partnership Policy, which would have allowed CSOs to receive funding directly from the government.[8] The Papua New Guinea Open Government Partnership Secretariat reported that the policy was developed through four regional two-day consultation workshops and a national workshop gathering government, civil society, and private sector feedback on the policy. The policy was nearly finalized in January 2022, but was delayed by administrative issues.[9] The IRM recommends active involvement of the Department of Provincial and Local Level Government in future efforts to implement this policy. A State and Civil Society Dialogue Platform had not been established by January 2022. Annual government-civil society meetings that had begun in the 1990s halted during the implementation period in response to COVID-19.[10] According to the Consultative Implementation and Monitoring Council (CIMC), the Civil Society Dialogue Platform that existed prior to the implementation period continued to meet annually. This platform is chaired by CIMC and includes two CSOs from each province. CIMC represents input from this platform in various public policy discussion forums, but felt that a State and Civil Society Dialogue Platform could have potentially empowered greater involvement by CSOs in decision-making processes. [11] There was also no progress on piloting subnational partnerships and dialogue platforms.[12]
6. Access to Fiscal Data	**Verifiable:** Yes
	Relevant to Open Government: Yes
	Potential impact: Minor
	Completion: Limited
	The Integrated Financial Management system (IFMS) was rolled out to most central government bodies and some provincial government bodies but had not yet reached the district level as of September 2021.[13] By January 2022, the Papua New Guinea Open Government Partnership Secretariat reported that IFMS had reached 75% of districts.[14] This system exclusively facilitates information sharing between government agencies.[15]

	The remainder of the commitment's milestones did not progress. According to the Institute of National Affairs, implementation was not started on the intended audit of public accounts, parliamentary oversight improvements, citizen's budget, or budget tracking and social auditing at the subnational level.[16] There were also no in-year fiscal reports for 2020 available on the Treasury website,[17] meaning that these reports have not been made publicly available at any time over the past decade.[18] The Open Budget Survey shows that from 2010–2019, in-year fiscal reports were not been made publicly available.[19] The National Procurement Commission reports that the initiative to apply legislation on open contracting was not started due to financial constraints and conflicting political interests.[20] According to the Papua New Guinea Open Government Partnership Secretariat, implementation of this commitment faced obstacles including weak ownership by the Department of Treasury and the Department of Community Development and Religion, as well as funding issues and COVID-19 restrictions.[21] Given the importance of this commitment area to OGP eligibility requirements, the IRM recommends prioritizing future efforts to publish the enacted budget, citizen's budget, in-year reports, and the audit report of the government's financial statements online in a timely manner. It would also be valuable to consider non-internet based fiscal transparency efforts, through radio, in-person meetings, and other mechanisms.
7. Support EITI Processes	**Verifiable:** Yes **Relevant to Open Government:** Yes **Potential impact:** Minor **Completion:** Substantial Under this commitment, an Extractive Industries Transparency Initiative (EITI) Policy was endorsed by National Executive Council Decision 80/2019.[22] The policy was developed in accordance with EITI standards for consultation. It was drafted internally by the EITI Multi-Stakeholder Group chaired by the EITI, with representatives of the Consultative Implementation and Monitoring Council, the private sector, and state implementing agencies including regulatory bodies. It was then shared with the EITI Working Group Committee (which is made up of the same representatives as the EITI Multi-Stakeholder Group, who also overlap with the working group for this commitment).[23] The EITI Commission Bill was drafted and regional consultations were held in 2021.[24] A Review Workshop finalized views from the consultations in March 2022,[25] after the end of the implementation period. This draft legislation responds to 2017 government recommendations based on the 2013 EITI annual report.[26] Since Papua New Guinea became an EITI member in 2014, implementation of responsibilities under the initiative has been challenging, with the absence of a binding legal framework to motivate government agencies, development partners, resource owners, and stakeholders to promote and maintain industry transparency.[27] With a cluster of commitments focused on EITI in the next draft action plan, the IRM recommends prioritizing passage of this legislation.

[1] **Editorial note:** Commitment short titles have been edited for brevity. For the complete text of commitments, please see Papua New Guinea's action plan: https://www.opengovpartnership.org/documents/papua-new-guinea-action-plan-2018-2020/.

[2] Jessy Sekere (Dept. of Information Communication Technology), interview by IRM researcher, 6 Dec. 2021.

[3] Independent State of Papua New Guinea, *Papua New Guinea Open Government Partnership National Action Plan August 2018–August 2020* (OGP, 2018), 20, https://www.opengovpartnership.org/wp-content/uploads/2018/11/Papua-New-Guinea_Action-Plan_2018-2020.pdf.

[4] PNGBUZZ, "Government ICT Infrastructure to be centralised under ICT Ministry" (12 Mar. 2020), https://pngbuzz.com/tech/3351.

[5] Marysila Kellerton, "Cloud Services for Gov't Agencies" Loop (12 Aug. 2021), https://www.looppng.com/png-news/cloud-services-gov%E2%80%99t-agencies-103282.

[6] Jessy Sekere (Dept. of Information Communication Technology), interview by IRM researcher, 6 Dec. 2021.

[7] Sanjay Pradhan (OGP), eligibility update letter to Rainbo Paita (Minister of Nat'l Planning and Monitoring for Papua New Guinea), 12 Jul. 2021, https://www.opengovpartnership.org/wp-content/uploads/2021/07/Papua-New-Guinea_Eligibility-Update-Letter_20210712.pdf.

[8] Loop, "Civil Societies Call for Gov't Action" (16 Dec. 2021), https://www.looppng.com/png-news/civil-societies-call-gov%E2%80%99t-action-107814.

[9] Langa Kopio (Papua New Guinea Open Government Partnership Secretariat), interview by IRM researcher, 11 Jan. 2022.

[10] Kopio, interview.

[11] Wallis Yakam (Consultative Implementation and Monitoring Council), interview by IRM researcher, 24 Aug. 2021.

[12] Yakam, interview; Kopio, interview.

[13] Tom Tiki (Dept. of Finance), presentation at National Steering Committee meeting, 5 Aug. 2021.

[14] Kopio, interview.

[15] Tiki, presentation.

[16] Paul Barker (Institute of National Affairs), interview by IRM researcher, 10 Sep. 2021.

[17] *See* Department of Treasury Website: http://www.treasury.gov.pg/.

[18] Open Budget Survey, "Open Budget Survey 2019: Papua New Guinea" (accessed 6 Jan. 2022) https://www.internationalbudget.org/open-budget-survey/country-results/2019/papua-new-guinea.

[19] Open Budget Survey, "Open Budget Survey 2019: Papua New Guinea."

[20] Johnson Hebe (National Procurement Commission), interview by IRM researcher, 4 Sep. 2021.

[21] Kopio, interview.

[22] Secretary of the Treasury, National Executive Council Decision No. 80/2019, 10 Apr. 2019.

[23] Christopher Tabel (EITI Secretariat), interview by IRM researcher, 7 Aug. 2021.

[24] Gedion Timothy, "COMMENTARY: Extractive Industries Transparency Commission Bill Regional Consultation Underway," PNG EITI (2021), https://www.pngeiti.org.pg/extractive-industries-transparency-commission-bill-regional-consultation-underway/ (accessed 22 Mar. 2022).

[25] The IRM received this information from Transparency International PNG during the pre-publication period (17 Mar. 2022).

[26] Secretary of the Treasury, National Executive Council Decision No. 91/2017, 6 Apr. 2017.

[27] Extractive Industries Transparency Initiative, interview by IRM researcher, 25 Aug. 2019.

III. Multi-Stakeholder Process

3.1 Multi-Stakeholder Process Throughout Action Plan Development and Implementation

In 2017, OGP adopted the *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.

OGP's *Articles of Governance* also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to the OGP process. Papua New Guinea **acted contrary** to the OGP process.[1] Papua New Guinea has not published a repository in line with IRM guidance.[2]

Please see Section 3.2 for an overview of Papua New Guinea's performance implementing the *OGP Participation and Co-Creation Standards* throughout the action plan's design and implementation.

Table 3.1: Level of Public Influence
The IRM adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply it to OGP.[3] In the spirit of OGP, most countries should aspire to "collaborate."

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

Multi-Stakeholder Process During Development

Since June 2018, through National Executive Council Decision No. 232/2018, the Department of National Planning and Monitoring has been the OGP focal point, taking over for the Department of Foreign Affairs. It has an OGP Unit operated and funded under its Policy and Budgets division. This department is responsible for coordinating between the OGP Global Secretariat, CSOs, state agencies, multilateral institutions, and the National Steering Committee (Papua New Guinea's multistakeholder forum). The Minister of the Department of National Planning and Monitoring is the point of contact for OGP.

The National Steering Committee oversaw the development of the action plan between 2014 and 2018. It was co-chaired by a government representative and CSO representative. The Department of Foreign Affairs sent out the initial invitations to various government agencies, academic institutions, and media bodies; the Consultative Implementation Monitoring Council sent invitations

to targeted CSOs. However, while participation included a wider array of stakeholders at first, only seven agencies and three CSOs ended up being actively involved in the development process. There was no publicly available information on the selection process for CSOs. Four CSO-government committees were also formed, focusing on each of the action plans' thematic clusters. The National Steering Committee met once in 2014, quarterly in 2015, and at least once every three months from 2016 to 2018. In addition, it organized broader stakeholder workshops in 2014, 2016, and 2018. The co-creation process in Port Moresby did not include subnational entities or civil society groups outside of the capital, and some government commitment leads did not participate. Meetings were inaccessible remotely and minutes were not publicly available.

The National Steering Committee built ongoing dialogue with stakeholder groups into the process of creating the action plan. It began by reviewing presentations by government departments at an interagency meeting and identified key challenges and gaps that hampered government service delivery. The draft PNG OGP action plan was submitted to the OGP Secretariat for feedback in May 2016. It was finalized through a national workshop in September 2016, attended by representatives of twelve CSOs, nine government bodies, three development partners, and three media outlets. Although government agencies held discussions on stakeholder feedback and provided responses, the process lacked adequate documentation and meeting minutes did not address reasoned responses.[4] Submission of the finalized action plan to the OGP Secretariat was postponed to August 2018 because of delayed support from the Chief Secretary of the Government's Office and the 2017 general elections.

Multi-Stakeholder Process During Implementation

During the implementation phase, 2018–2021, five National Steering Committee meetings were held—two meetings in 2019, two meetings in 2020, and one meeting in 2021. Intended quarterly NSC meetings were not held, partially due to the new government's transition in 2019 and the onset of COVID-19 restrictions. NSC meetings were co-chaired by the Department of National Planning and Monitoring and Transparency International Papua New Guinea. In the meetings, the Government Cluster Co-chairs were meant to present updates on implementation progress. However, some of the cluster committee meetings were not held and progressive updates were lacking, particularly on Commitment 6.[5]

CSOs were given opportunities to provide feedback and input during the implementation phase, but their recommendations were often overlooked.[6] The Consultative Implementation Monitoring Council explained that although CSOs have been actively participating in various public policy discussion forums by providing evidence-based recommendations, decision-making power remained entirely situated within government. As a result, CSO recommendations were rarely implemented. For example, on Commitment 5, although the Consultative Implementation Monitoring Council provided Terms of Reference for the State and Civil Society Dialogue Platform to the Department of National Planning, their recommendations were not enacted.[7] To provide another example, the Institute of National Affairs reported limited uptake of recommendations on steps toward fiscal transparency in Commitment 6.[8] In turn, this discouraged CSOs from continuing active dialogue with the government.[9]

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[1] Acting Contrary to Process: Country did not meet (1) "involve" during the development or "inform" during implementation of the action plan, or (2) the government fails to collect, publish, and document a repository on the national OGP website in line with IRM guidance.
[2] OGP, "IRM Guidance for Online Repositories" (1 Mar. 2020), https://www.opengovpartnership.org/documents/irm-guidance-for-online-repositories/.
[3] IAP2, "IAP2 Spectrum of Public Participation" (Nov. 2018), https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf.
[4] Arianne Kassman (Transparency International PNG), interview by IRM researcher, 30 Aug. 2019; Langa Kopio (Papua New Guinea Open Government Partnership Secretariat), interview by IRM researcher, 2 Sep. 2019.
[5] Paul Barker (Institute of National Affairs), interview by IRM researcher, 10 Sep. 2021.
[6] Yuambari, Haihuie (Transparency International Papua New Guinea), correspondence with IRM researcher, 11 Oct. 2021; Barker, interview.
[7] Wallis Yakam (Consultative Implementation Monitoring Council), interview by IRM researcher, 24 Aug. 2021.
[8] Barker, interview.
[9] Haihuie, interview; Barker, interview.

3.2 Overview of Papua New Guinea's Performance Throughout Action Plan Implementation

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

Multistakeholder Forum	During Development	During Implementation
1a. Forum established: The National Steering Committee oversees the OGP process and is established by decree through NEC Decision No. 323/2018.	Green	Green
1b. Regularity: During development of the action plan, the forum met once in 2014, quarterly in 2015, and at least once every three months from 2016 to 2018. During implementation, the forum met three times in 2019, twice in 2020, and once in 2021.[1]	Green	Yellow
1c. Collaborative mandate development: CSO input was incorporated into development of the MSF mandate to some extent, but there was no publicly available information on this process.	Yellow	N/A
1d. Mandate public: Information on the forum's remit, membership, and governance structure is not publicly available.	Red	Red
2a. Multi-stakeholder: The forum includes both government and nongovernment representatives.[2]	Green	Green
2b. Parity: The forum includes representatives of three CSOs and ten government agencies. It is co-chaired by a CSO representative.[3] It did not involve subnational entities, civil society groups outside of the capital Port Moresby, academia, or the private sector.	Yellow	Yellow
2c. Transparent selection: Nongovernment members of the forum are not selected through a fair and transparent process. CSO members represent professional nongovernment organizations. The government selected CSOs based on their prior work, studies, or activities that related to the objectives of OGP.	Red	N/A
2d. High-level government representation: Government agencies infrequently sent high-level representatives to forum meetings.[4]	Yellow	Yellow
3a. Openness: During the development of the action plan, the forum accepted some input and representation on the action plan process from civil society groups or other stakeholders outside the forum. Commitment cluster meetings were open to sectoral CSOs and occurred with some frequency in 2019 and 2020, but with less frequency in 2021.[5] In September 2021, stakeholders outside the forum were able to attend a conference on implementation in Port Moresby, with opportunities for viewing on Zoom and Facebook livestream.	Yellow	Yellow

3b. Remote participation: During development of the action plan, there were no opportunities for remote participation in meetings and events. During implementation, a conference on implementation, organized by the NSC, was viewable on Zoom and Facebook livestream, although feedback opportunities were not facilitated for remote participants.	Red	Yellow
3c. Minutes: During development of the action plan, meeting minutes were provided to the IRM researcher, but were not made publicly accessible. The National Steering Committee organized workshops in 2014, 2016, and 2018 to inform broader stakeholders on the progress of OGP in PNG. During implementation, meeting minutes were not available and the National Steering Committee did not communicate and report back on its decisions, activities, and results to wider government and civil society stakeholders.[6]	Yellow	Red

Action Plan Development[7]	
4a. Process transparency: There was not a national OGP website.	Red
4b. Documentation in advance: To some degree, information about OGP was shared with stakeholders in advance to inform and prepare them to participate in all stages of the process.	Yellow
4c. Awareness-raising: The forum and the government conducted some outreach and awareness-raising activities with relevant stakeholders to inform them of the OGP process, particularly at the initial stages.	Yellow
4d. Communication channels: The National Steering Committee organized workshops in 2014, 2016, and 2018 to inform broader stakeholders on progress in development of the action plan. Efforts were not made to communicate progress to provincial or district level government bodies or CSOs.	Yellow
4e. Reasoned response: The government responded to stakeholder comments, but lacked adequate publicly available documentation of reasoned response.[8]	Yellow
4f. Repository: The government did not publish a repository in line with IRM guidance.	Red

Action Plan Implementation[9]	
5a. Process transparency: There was not a national OGP website or self-assessment report. By the end of 2021, the Department of Information and Communications Technology was in the process of developing an OGP website, and development of a self-assessment report was also underway.	Red
5b. Communication channels: There was no national OGP website with a feature to allow public comment on action plan progress.	Red

5c. Engagement with civil society: Commitment cluster meetings were open to sectoral CSOs and occurred with some frequency in 2019 and 2020, but with less frequency in 2021.[10] In September 2021, a conference in Port Moresby offered an opportunity to discuss implementation open to stakeholders outside of the forum.	Yellow
5d. Cooperation with the IRM: The OGP Secretariat shared the draft IRM design report with other government institutions and stakeholders, but did not receive feedback.[11]	N/A
5e. MSF engagement: National Steering Committee members monitored and took action to improve implementation. For example, to avoid duplication of responsibilities, the National Steering Committee passed a resolution to shift commitments under Cluster 1 to the Department of Information and Communication Technology. These commitments were initially under the purview of the Department of the Prime Minister, the National Executive Council, the Constitutional and Law Reform Commission, and other supporting agencies.[12]	Green
5f. MSF engagement with self-assessment report: By the end of 2021, the government had not published an end-of-term self-assessment report. Development of the report was ongoing, led by an external consultant.	Red
5g. Repository: The government did not publish a repository in line with IRM guidance.	Red

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[1] Langa Kopio (Papua New Guinea Open Government Partnership Secretariat), interview by IRM researcher, 11 Jan. 2022.
[2] Yuambari Haihuie (Transparency International PNG), correspondence with IRM researcher, 11 Oct. 2021.
[3] *Id.*
[4] *Id.*
[5] Kopio, interview.
[6] *Id.*
[7] **Editorial Note:** Compared to Action Plan Development tables in previous Design Reports, this table has been renumbered for consistency within this Hybrid Report. Items are numbered for internal purposes.
[8] Arianne Kassman (Transparency International PNG), interview by IRM researcher, 30 Aug. 2019; Langa Kopio (Papua New Guinea Open Government Partnership Secretariat), interview by IRM researcher, 2 Sep. 2019.
[9] **Editorial Note:** Compared to Action Plan Implementation tables in previous Transitional Results Reports, this table has been renumbered for consistency within this Hybrid Report. Items are numbered for internal purposes.
[10] Kopio, interview, 11 Jan. 2022.
[11] *Id.*
[12] Jessy Sekere and John Hera (Dept. of Information and Communication Technology), interview by IRM researcher, 6 Dec. 2021.

IV. Methodology and Sources

The indicators and method used in the IRM research can be found in the *IRM Procedures Manual*.[1] The following summarizes key indicators assessed by the IRM:

- **Verifiability:**
  - o "Yes" Specific enough to review: As written in the action plan, the objectives stated and actions proposed are sufficiently clear and include objectively verifiable activities to assess implementation.
  - o "No" Not specific enough to review: As written in the action plan, the objectives stated and proposed actions lack clarity and do not include explicit, verifiable activities to assess implementation.
    - ▪ Commitments that are not verifiable will be considered "not reviewable" and further assessment will not be carried out.
- **Relevance to Open Government:** 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:
  - o Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
  - o Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
  - o Public Accountability: Will the government create or improve public-facing opportunities to hold officials answerable for their actions?
  - o Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **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:
  - o Identify the social, economic, political, or environmental problem;
  - o Establish the status quo at the outset of the action plan; and
  - o 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. For each commitment, this variable is assessed as: no evidence available, not started, limited, substantial, or complete.
- **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. This variable is assessed as: did not change, marginal, major, or outstanding.

This report highlights outcomes from the implementation of commitments that had an ambitious or strong design, or that may have lacked clarity and/or ambition but had successful implementation with "major" or "outstanding" changes to government practice.

This review was prepared by the IRM in collaboration with Maureen Thomas and overseen by the IRM's International Experts Panel (IEP). For more information about the IRM, refer to the "About IRM" section of the OGP website available here.

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[1] IRM, *IRM Procedures Manual* (OGP, 16 Sep. 2017), https://www.opengovpartnership.org/documents/irm-procedures-manual.