

Independent Reporting Mechanism

Estonia
Co-Creation Brief 2021

Open
Government
Partnership



Independent
Reporting
Mechanism

Introduction

This brief from the OGP's Independent Reporting Mechanism (IRM) serves to support the co-creation process and design of the sixth action plan and to strengthen the quality, ambition, and feasibility of commitments. It provides an overview of the opportunities and challenges for open government in the country's context and presents recommendations. This brief does not constitute an evaluation of a particular action plan and its purpose is to inform the planning process for co-creation based on collective and country-specific IRM findings.

The co-creation brief draws on the results of the research in the [prior IRM reports for Estonia](#), and draws recommendations from the data and conclusions of those reports. The brief also draws on other sources such as the [OGP Participation and Co-Creation Toolkit](#), [OGP Participation and Co-creation Standards](#), IRM guidance on [online OGP repositories](#), and the [minimum threshold for "involve,"](#) to ensure that recommendations provided are up-to-date in light of developments since those IRM reports were written, and to enrich the recommendations by drawing on comparative international experience in the design and implementation of OGP action plan commitments, as well as other context-relevant practice in the field of open government. The co-creation brief was reviewed by IRM senior staff for consistency, accuracy, and with a view to maximizing the context-relevance and actionability of the recommendations. Where appropriate, the briefs are reviewed by external reviewers or members of the IRM International Experts Panel (IEP).

This co-creation brief was drafted in October 2021.

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Section I: Action Plan Co-Creation Process

Snapshot of previous co-creation processes in Estonia

Iterative dialogue between civil society and government					
Government provides reasoned response					
Civil society could provide input					
Civil society was informed of the plan					
No consultation					
	Action Plan 1	Action Plan 2	Action Plan 3	Action Plan 4	Action Plan 5

Since joining OGP in 2011, Estonia has demonstrated it can lead effective OGP processes and develop targeted commitments. Estonia will co-create its sixth action plan as a newly elected member of the OGP Steering Committee, providing an opportunity to lead by example and design a strong co-creation process that produces ambitious commitments.

With a view to ensuring a strong co-creation process, the IRM recommends the following:

1. The point of contact (POC) and the multi-stakeholder forum (MSF) could take steps for engagement with new stakeholder groups to lead to concrete commitment proposals.
2. The Government Office could publish timely information of the co-creation process on the national OGP repository in accessible formats and language.
3. The Government Office could publish information on the proposals submitted during the co-creation process and explain how it decided what proposals to include in the action plan.
4. MSF members could engage existing stakeholder networks to improve public outreach.
5. The MSF could formulate clear decision-making rules for itself to safeguard equity between government and civil society.

RECOMMENDATIONS

Recommendation 1: The POC and MSF could take steps for engagement with new stakeholder groups to lead to concrete commitment proposals.

Although Estonia often surpasses OGP's minimum requirements when engaging civil society during action plan co-creation, this has not always led to the adoption of topic-specific commitments in its action plans. With a view to bringing fresh perspectives into the co-creation of the sixth action plan, the POC could initiate meetings with groups that have been absent or underrepresented in previous OGP processes. Priority could be given to groups who may face higher barriers to inclusion, such as people with disabilities, Russian-speaking Estonians, newly arrived migrants, the LGBT+ community, and elderly people. The approach used in the previous co-creation process, meeting associations of disabled people, youth, and rural communities, and experts on elderly policies, could be expanded to additional target groups and extended over a longer period. The MSF could partner with the Network of Estonian Nonprofit Organizations to identify priority communities to talk to and continue involving the OGP Civil Society Roundtable in these discussions. It may also be helpful to allocate resources for facilitating communication with specific groups, such as sign language translation for meetings with the deaf/hard-of-hearing communities.

It may be useful to consult Finland's experience in [planning outreach to these stakeholder groups](#) when co-creating its 2019–2023 action plan. [For example](#), ahead of the first meetings, the POC could prepare a memo summarizing the background of OGP in Estonia to help set the context. Extra time for this engagement may be necessary since many of these groups may be unfamiliar with OGP. This may also require regular dialogue throughout the co-creation to allow all parties to understand how the issues raised could be addressed in OGP action plans, before jointly developing concrete proposals for commitments. Groups that have raised similar issues could be brought together for an offline or online workshop to brainstorm commitment ideas.

Recommendation 2: The Government Office could publish timely information of the co-creation process on the national OGP repository in accessible formats and language.

After the recent design changes to Estonia's OGP repository, the co-creation of the sixth action plan provides an opportunity to improve the information on it. Information should be provided on the co-creation process in plain language that citizens can easily understand. Information on participation opportunities should be accompanied with adequate background information, presented in a simple manner (e.g., the scope of action plans, the national OGP priorities so far, and the criteria for selecting commitments to include). The Government Office could make information on the process more visible on the repository by pinning it to the top of the front page and using attractive visuals. It could also promote participation opportunities via online channels, such as government and CSO mailing lists and social media sites, the central citizen portal eesti.ee, and online media outlets (see Recommendation 4).

Just as Finland co-created its [2019–2023 action plan](#), the Government Office could publish on the OGP repository a summary of the key findings from discussions conducted, so that anyone can see who was consulted and what issues were raised, and what opportunities are still available to get involved. Photos of some in-person meetings could be published to add a more 'human' dimension to the OGP process. [Australia](#) and [New Zealand](#) provide further examples of transparent documentation of the co-creation process.

Recommendation 3: The Government Office could publish information on the proposals submitted during the co-creation process and explain how it decided what proposals to include in the action plan.

There is room to improve the transparency of co-creation to help the public monitor and understand the process. For the fifth action plan, the government selected the final commitments jointly with the CSOs who proposed them but did not publish what proposals were submitted during the crowdsourcing campaign. The co-creation of the fourth action plan was more transparent in this regard, as commitment proposals, stakeholders' comments, and the government's responses to each comment were published in a memorandum to the plan.

It is essential to publish an overview of commitment proposals made in the process. All contributors should be clearly informed that their input is public (with possible exceptions in well-justified cases). The Government Office should clearly state why some proposals are included in the action plan and others are not. For maximum transparency, the Government Office could present its reasoned response in a structured format, e.g., as a table outlining all proposals made, and providing a justification for inclusion or exclusion next to each proposal. This could be similar to the [format that the Government Office has previously used](#) to publish the results of the public and inter-departmental consultations, as well as [Finland's summary of the stakeholder consultations](#) for the 2019–2023 action plan. Following [the Finnish example](#), the Government Office could produce a tracked-changes version of the draft action plan after final consultations, so that anyone could easily follow the amendments.

Recommendation 4: MSF members could engage existing stakeholder networks to improve public outreach.

During previous co-creation processes, crowdsourcing proposals and comments from the public has often produced only a handful of contributions. The MSF could proactively raise public awareness and coordinate with existing networks when disseminating information about the co-creation process. The co-creation for Finland's 2019–2023 action plan ([See Appendix](#)) and Costa Rica's 2019–2021 action plan ([See Design Report](#)) may provide ideas on activities to consider, including surveys, workshops, and group interviews where stakeholders prioritize problems to address and formulate commitments.

Given Estonia's resource constraints, it may be efficient to use already planned events to promote participation opportunities and solicit public input. The MSF could map all relevant public events taking place during the co-creation period where information about OGP could be disseminated or public input collected. These could include events organized by MSF member organizations (such as those related to the national strategy "Estonia 2035"), events organized for the ongoing fifth action plan (such as workshops for local governments), and other events with specific sectors (such as CSOs, academia, media, private companies) that are

attended by MSF members. The Government Office could allocate financial resources and staff time explicitly for promoting participation opportunities.

In addition to official social media accounts of government institutions, information could be disseminated via the channels of popular organizations that work in line with OGP values, such as Tolerant Estonia and SALK. Calls for participation could be disseminated on social media commonly followed by target groups such as the Estonian National Youth Council, Federation of Estonian Student Unions, Chamber of Commerce and Industry, Network of Estonian Nonprofit Organizations.

Recommendation 5: The MSF could formulate clear decision-making rules for itself to safeguard equity between government and civil society.

Estonia's MSF includes non-governmental members such as CSOs and think tanks. While the [IRM Transitional Results Report](#) found that CSO representatives feel the government continues to treat them as important partners in the process, the MSF now includes more members representing the public sector than non-governmental stakeholders. To safeguard equity between government and CSOs in the upcoming co-creation process, the MSF could consider formalizing its decision-making rules.

OGP standards suggest that MSF members should jointly take key decisions regarding action plan process and content. There are several ways to reflect this principle of equity in Estonia's MSF's rules of procedure. For example, the MSF could agree on a consensus rule or equal veto power in key decisions relating to action plan design and implementation. Alternatively, the MSF could agree to take decisions based on a majority, but certain major decisions cannot be taken without the agreement of non-governmental members. Although written rules of procedure may not be necessary where collaboration between members of the MSF works well (which has been the case so far in Estonia), documenting the rules in a clear and transparent manner may help prevent potential conflicts within the MSF in the future and strengthen the base for equal partnership.

Section II: Action Plan Design

AREAS OF OPPORTUNITY FOR COMMITMENTS

Some areas of opportunity for the sixth action plan include strengthening open government at the local level, lobby transparency, and algorithmic transparency and accountability.

AREA 1. Open government in local municipalities

The co-creation of the sixth action plan coincides with local government elections in October 2021. The Ministry of Finance could build on the local-level open government commitment from the fifth action plan by establishing specific requirements and monitoring how municipalities implement reforms. An ambitious approach could begin with an analysis of whether amendments related to public information, engagement, and accountability could be introduced to national legislation regulating local government (for example, the Local Government Organization Act, Local Government Financial Management Act, and the Planning Act). The ministry could also coordinate a 'peer review' mechanism of [municipalities implementing open government reforms](#) and could add more open government-related indicators to the [minuomavalitsus.fin.ee](#) monitoring tool.

Furthermore, the pilots and small-scale projects from previous action plans could be followed up by a comprehensive capacity-building program that is co-designed with local governments and experts such as local municipalities that have participated in OGP pilots, the Association of Estonian Cities and Municipalities, e-Governance Academy, CSOs such as the Village Movement Kodukant, and the Network of Estonian Nonprofit Organizations. This could involve developing an online repository of open government tools or best practices such as publishing local open data, online broadcasting of council sittings, participatory budgeting, or developing the community engagement model which was part of the fifth action plan. It may also be useful to consider aligning OGP activities with development plans in the KOVTP and VOLIS

information systems, which many municipalities use for information publication and interaction with citizens.

Useful resources:

- [OGP Local](#) – commitments taken by members of the OGP Local initiative could provide ideas for open government instruments to promote among Estonian municipalities;
- Argentina ([2019-2021](#)) is working on this policy area.

AREA 2. Lobbying transparency

The [controversy](#) around former government ministers lobbying Parliament for the Chinese technology company Huawei has led to [calls to set up a public lobby register](#) and [adopt stronger ‘revolving door’ regulations](#). These events highlight the need to improve on the fifth action plan, which saw the development of [good practice guidelines](#) for public officials and [templates](#) for publishing information on meetings with lobbyists.

The next action plan could set a long-term goal of adopting a mandatory lobby register, with smaller steps to be completed over multiple action plans. The Ministry of Justice could monitor ministries’ compliance with the recommendation to publish meetings with lobbyists or develop incentives (in the absence of sanctions) to encourage the timely publication of this information. Municipalities could implement the existing guidelines and recommendations, while Parliament could publish information on deputies’ meetings with lobbyists.

Useful resources:

- [International Standards for Lobbying Regulation](#);
- [OGP blog: Common challenges in lobbying transparency](#);
- [Transparency International: Recommendations on lobbying for OGP action plans](#);
- Finland ([2019-2023](#)), Latvia ([2019-2021](#)), and Ireland ([2014-2016](#)) are working on this policy area.
- Partners that can provide technical support: [Transparency International](#), [TI Estonia](#).

AREA 3. Algorithmic transparency and accountability

In Estonia, various government institutions have started developing [artificial intelligence \(AI\) solutions](#) for public service provision and [internal decision support](#). They are encouraged to publish information about their algorithmic systems on [a central website dedicated to AI](#) and release the source code on [a national open code repository](#). However, the use of algorithmic systems in public administration raises a number of issues related to personal data management, discriminatory biases in algorithms, and public oversight over algorithms, including those procured from private companies.

Estonia could establish requirements and mechanisms for engaging affected people in algorithmic impact assessments and creating forums for citizens to discuss algorithm-enabled decisions. It would be equally important to plan measures (such as accessible information and guidelines and free legal advice) to encourage citizens to use these opportunities in practice. Joining the informal OGP Open Algorithms Network could provide an opportunity for peer learning with other countries implementing reforms on opening algorithms.

Useful resources:

- [Open Algorithms Network](#);
- Ada Lovelace Institute, AI Now Institute and Open Government Partnership- [Algorithmic Accountability for the Public Sector](#) – an overview of the first wave of reforms on algorithmic accountability and a toolbox of relevant measures;
- Finland ([2019-2023](#)), France ([2018-2020](#)), the Netherlands ([2018-2020](#) and [2020-2022](#)), and New Zealand ([2018-2020](#)) are working on this policy area.

