

Independent Reporting Mechanism

Norway Co-Creation Brief
2022

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 fifth 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 [prior IRM reports for Norway](#) and draws recommendations from the data and conclusions of those reports. The brief also draws on other sources such as [OGP National Handbook](#), [OGP Participation and Co-creation Standards](#), and 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 open government. The co-creation brief has been 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).

The IRM drafted this co-creation brief in March 2022.

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Section I: Action Plan Co-Creation Process

Snapshot of previous co-creation processes in Norway

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

The [IRM design report](#) for Norway’s fourth action plan (2019–2022) noted improvements in the co-creation process compared to previous processes, including greater and more diverse participation from civil society. The Ministry of Local Government and Regional Development (KDD) took steps to improve the documentation of the process on Norway’s [OGP website](#) and the re-constitution of the [OGP Council](#) offered opportunities for ongoing communication with civil society. Nonetheless, there was room for improvement, particularly the need for a robust co-creation methodology, more opportunities for stakeholders to shape the commitments, and reporting back to stakeholders on how their input was considered.

As Norway is [under a procedural review](#) by OGP’s Criteria and Standards Subcommittee for not meeting *OGP Participation and Co-creation Standards*, it will be important for KDD to ensure the fifth action plan’s co-creation process meets the minimum requirements in OGP’s updated [participation and co-creation standards](#). It will also be helpful for the OGP Council to actively assist KDD during the co-creation process. The IRM recommends the following:

- 1. Prior to the start of co-creation, KDD and the OGP Council could jointly develop a timeline and methodology for consultations.
- 2. KDD and the OGP Council could expand the opportunities for stakeholder discussions of commitments and use online participation channels.
- 3. KDD and the OGP Council could expand outreach to additional stakeholder groups, including single-issue and local-level groups, to broaden co-creation.
- 4. KDD could invite more high-level public officials to attend co-creation events and actively involve the Prime Minister’s Office to ensure more political buy-in.
- 5. KDD should report back to stakeholders on how their contributions were considered during co-creation, ideally via written feedback.

RECOMMENDATIONS

Recommendation 1: Prior to the start of co-creation, KDD and the OGP Council could jointly develop a timeline and methodology for consultations.

In the IRM design report for the fourth action plan, some civil society stakeholders who participated in the consultations told the IRM they lacked sufficient background information and time to properly discuss and develop commitments. Moreover, there was some confusion among stakeholders about the expectations and objectives of the co-creation, which limited their interest in the process as a whole.

[OGP Participation and Co-Creation Standards](#) require members to publish the co-creation timeline and overview of participation opportunities *at least two weeks before the start of the action plan development*. For the fifth action plan, the IRM recommends KDD and the OGP Council jointly develop the timeline, methodology, and decision-making for the action plan. The timeline should cover all stages from the initial gathering of ideas to the drafting of the action plan and the final selection of commitments (see examples from [the Netherlands](#) and [Romania](#)). A jointly developed timeline and methodology could alleviate potential confusion over the role stakeholders are expected to play in the process. As an example, for Jordan's 2021–2025 action plan, the government of submitted a [methodology](#) on the co-creation process to the multi-stakeholder forum for approval and published it for public comment.

KDD could also provide more detailed background information about the fifth action plan prior to the start of co-creation. This could cover the scope of action plans, Norway's national OGP priorities so far, the agenda for consultation meetings, and the criteria for selecting commitments to include.

Recommendation 2: KDD and the OGP Council could expand the opportunities for stakeholder discussions of commitments and use online participation channels.

For the fourth action plan, KDD organized only one in-person meeting (in June 2018) where stakeholders could discuss possible commitments. The lack of further deliberation among stakeholders resulted in vague commitments (both in the draft and final action plans).

As part of the methodology for co-creating the fifth action plan (see Recommendation 1), the IRM recommends offering more opportunities for stakeholders to deliberate on commitments, after the initial ideas are gathered. KDD and the OGP Council could agree to the major themes during the initial consultation. They could also agree to a specific number of follow-up consultations to deliberate over the final scope of commitments. In light of the COVID-19 pandemic, KDD may prefer to organize its principal consultations online. In 2020, the [Netherlands](#) and [Spain](#) used online tools to conduct deeper consultations that reached beyond the “usual suspects.” OGP also offers [guidance](#) on taking the co-creation process online.

During the fourth action plan, some stakeholders preferred the government to submit proposals and stakeholders to offer comments. The IRM recommends that the OGP Council establish working groups (with both government and nongovernment participants) for the main commitment areas, and build a consultation plan around that, including public hearings and regional outreach.

Recommendation 3: KDD and the OGP Council could expand outreach to additional stakeholder groups, including single-issue and local-level groups, to broaden co-creation.

The development of the fourth action plan saw a notable increase in the number of participating nongovernment stakeholders compared to previous co-creation processes. Nonetheless, there is room to expand participation further, particularly if KDD and the OGP Council seek to include new policy areas of relevance to the wider population.

[OGP Participation and Co-Creation Standards](#) require members to conduct outreach activities to raise awareness of OGP and opportunities to get involved in the plan's co-creation. In Norway, the OGP council's [mandate](#) includes raising public awareness of OGP and open

government. The OGP Council and KDD could devise a strategy to reach new groups and experts who work outside the traditional open government space but possess knowledge of relevant policy areas. This could include groups working on climate change, youth policy, plain language in government, gender and inclusion, and civic space. KDD and the OGP Council could consult [Finland's experience](#) in engaging previously uninvolved regional and single-issue groups for its 2019–2023 action plan.

It may be beneficial to reach out to local-level stakeholder groups and organizations to ensure broad representation. KDD could invite the [Norwegian Association of Local and Regional Authorities](#) (KS) to participate in the consultations. As an umbrella organization representing all Norwegian municipalities and counties, KS' participation could ensure wide uptake of commitments pertaining to municipalities.

Recommendation 4: KDD could invite more high-level public officials to attend co-creation events and actively involve the Prime Minister's Office to ensure more political buy-in.

While KDD has tried to involve more ministries in past action plans, greater high-level political support may also be needed to make OGP more meaningful and relevant in Norway. For the fifth action plan's co-creation, KDD could proactively seek attendance of more high-level public officials with decision-making powers in their ministries. The attendance of high-level government representatives could make the OGP process more appealing to stakeholders who may previously have viewed it as less relevant or interesting to their work. In addition, the involvement of public officials with decision-making powers could also better clarify the scope of Norway's action plans, particularly for commitments that cover high-level political areas. Ministries can inform stakeholders directly during the consultations what is or is not politically feasible for commitments.

As recommended in the [IRM progress report](#) for the third action plan (2016–2018), KDD could also consider involving the Prime Minister's Office to improve the ambition of commitments. The Prime Minister's Office has not been involved in Norway's OGP process in a significant capacity since Norway joined OGP in 2011. The current Prime Minister, Jonas Gahr Støre, was active in founding OGP as Norway's then Minister of Foreign Affairs, which could provide an opportunity for KDD to re-engage the Prime Minister's Office in the OGP process.

Recommendation 5: KDD should report back to stakeholders on how their contributions were considered during co-creation, ideally via written feedback.

For the fourth action plan, KDD published a summary of the main ideas generated by the June 2018 consultation, but it was not clear if it offered feedback on how it converted these ideas into the draft commitments. [OGP Participation and Co-creation Standards](#) require members to document *and* report back to stakeholders on how their contributions were considered during the development of the action plan. To meet this standard during the fifth action plan, KDD should publish an overview of all stakeholder proposals and comments on the policy areas, ambition, scope, relevance, and specificity of commitments. This should be accompanied with KDD's and the ministries' responses to how the feedback informed development of the action plan, such as why stakeholder suggestions were or were not adopted. Ideally, KDD should make this feedback publicly available on Norway's OGP website.

KDD could follow the format that [Estonia](#) used in its 2018–2020 action plan to publish the results of the public and interdepartmental consultations, as well as Finland's summary of the stakeholder consultations for its 2019–2023 action plan. It could look to the Republic of Moldova's 2019–2020 action plan, where the government published a [table](#) with comments and objections provided by different central public authorities.

Section II: Action Plan Design

AREAS OF OPPORTUNITY FOR COMMITMENTS

Norway continues to perform highly in many areas of good governance and anticorruption. While past action plans have largely focused on improving the openness of the public administration, Norway has also included commitments on priority policy areas such as beneficial ownership transparency and algorithmic transparency. For the fifth action plan, Norway could consider commitments that further establish its position as a global leader in important open government areas. For all future commitments, the IRM recommends providing detailed descriptions of the intended changes that will occur within the action plan's timeframe.

AREA 1. Environment and climate action transparency

The [United Nations Climate Change Conference \(COP26\)](#) has raised the global ambition on climate action. As a global leader in this field, Norway could use the fifth action plan to improve the transparency of climate actions, in line with or exceeding the obligations of COP26. For example, Norway could ensure transparency of the use and impact of green transition funds and plans by publishing open data on procurement for green purchasing—joining the European Union's efforts to make its Recovery and Resilience Facility as transparent and participatory as possible. It could also increase the transparency of information on climate in the national budget, for example by publishing climate change budget reports. As a member of the [Extractives Industries Transparency Initiative \(EITI\)](#) and the [Friends of Fossil Fuel Subsidy Reform](#), Norway could ensure it meets transparency standards regarding fossil fuel, including publishing information on financial assistance and tax concessions for fossil fuels.

Future commitments could also embed citizen participation mechanisms in the development of climate policies. For example, at COP26, Norway [committed](#) to strengthen the role and impact of women and girls in both international and national climate decision-making. Norway could create participatory budgeting processes on climate, create public participation mechanisms in impact assessments, and publish public input and government responses in formats that are accessible to the wider public (i.e., using plain language).

Useful resources:

- OGP and the World Resources Institute: [Implementing the Paris Climate Agreement through Transparency, Participation, and Accountability](#);
- The EU has [guidance for green procurement](#) and the Open Contracting Partnership is developing [guidance](#) on how to use open data on procurement for green purchasing (expected spring 2022);
- International Budget Partnership: [Budgeting for a Greener Planet](#);
- Knowledge Network on Climate Assemblies: [examples of national climate assemblies](#);
- Chile ([2020–2022](#)), Denmark ([2019–2022](#)), Panama ([2021–2023](#)), and Uruguay ([2018–2020](#)) are working on this policy area.

AREA 2. Beneficial ownership transparency

Norway committed to create a publicly assessable beneficial ownership register in its [third](#) and [fourth](#) action plans, however a register was never created. Then, in November 2021, the 2019 Beneficial Ownership Act partially [entered into force](#). The act requires companies operating and registered in Norway to provide information on their ultimate beneficial owners.

As a member of the Beneficial Ownership Leadership Group, Norway could use its fifth action plan to ensure the information on the future register meets global transparency standards and is interoperable with other databases. For example, Norway could commit to publishing the data in open format, using the Beneficial Ownership Data Standard, and join the global [Open Ownership Register](#). Norway could also introduce mechanisms to verify the accuracy of the information presented on its register, once operational. Several OGP members, such as [Denmark](#) and [Slovakia](#), have developed verification mechanisms for their beneficial ownership registers as well as made their data interoperable with the global register. Lastly, Norway could commit to implementing the Beneficial Ownership Transparency Disclosure Principles, which expands the disclosure of data to include all legal entities, public authorities, and entrepreneurs.

Useful resources:

- Open Ownership: [Beneficial Ownership Data Standard](#) and [beneficial ownership disclosure principles](#);
- [OGP recommendations on beneficial ownership commitments](#);
- Partners that can provide technical support: [Open Ownership](#), [Publish What You Pay Norway](#), [Tax Justice Network Norway](#), [Transparency International Norway](#);
- Portugal ([2021–2023](#)), the Slovak Republic ([2019–2021](#)), and Ukraine ([2020–2022](#)) are working on this policy area

AREA 3. Lobbying transparency

Although lobbying transparency has [received little attention in Norway to date](#), it has emerged as an important topic in Europe. Norway could use the fifth action plan 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 conducting an in-depth assessment with leading experts to better understand potential risks for Norwegian policy-making and potential political corruption from the lack of lobbying regulation and transparency. The assessment could inform future commitments to establish a lobbying register. Ideally, legislation around lobbying transparency should include appropriate sanctions for non-compliance. In the absence of legislation, the government and leading experts could jointly develop common reporting standards for public officials to use for their 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](#);
- Partners that can provide technical support: [Transparency International Norway](#);
- [Estonia](#) (2020–2022), Finland ([2019–2023](#)), Ireland ([2014–2016](#)), and Latvia ([2019–2021](#)) and are working on this policy area.