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Independent Reporting Mechanism (IRM): Luxembourg Transitional Results Report 2019-2021

This report was prepared in collaboration with Soledad Gattoni, 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 Soledad Gattoni 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 report covers the implementation of Luxembourg's first action plan for 2019-2021. In 2021, the IRM will implement a new approach to its research process and the scope of its reporting on action plans, approved by the IRM Refresh.[1] The IRM adjusted its Implementation Reports for 2018-2020 action plans to fit the transition process to the new IRM products and enable the IRM to adjust its workflow in light of the COVID-19 pandemic's effects on OGP country processes.

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[1] For more information, see https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/

II. Action Plan Implementation

The IRM Transitional Results Report assesses the status of the action plan's commitments and the results from their implementation at the end of the action plan cycle. This report does not re-visit the assessments for "Verifiability," "Relevance" or "Potential Impact." The IRM assesses those three indicators in IRM Design Reports. For more details on each indicator, please see Annex I in this report.

2.1. General Highlights and Results

Luxembourg's first action plan featured six commitments, covering open data and open administration, access to information on national climate action, the establishment of a European CivicTech hub, and a platform for civil society and human rights defenders. The commitments were aligned with the third National Plan for Sustainable Development of Luxembourg and followed the implementation of the Sustainable Development Goals (SDGs) Agenda 2030.[1] Two commitments directly reflected civil society proposals (Commitment 5 on creating a CivicTech hub and Commitment 6 on supporting human rights defenders). However, most of the commitments reflected existing initiatives and focused on fostering internal capacity of the public administration.

Luxembourg's point of contact to OGP and non-government stakeholders contacted by the IRM were mostly unresponsive and reported no advancement on the implementation of the commitments. The IRM was able to establish that limited implementation occurred for three commitments (Commitments 3, 4, and 6). The IRM was unable to establish the level of completion for Commitment 1, while Commitment 2 was mostly completed prior to the official start of the action plan period. Commitment 5 on establishing a CivicTech Hub saw substantial implementation. The discussions around the hub have helped keep civil society stakeholders engaged in the OGP process. There was insufficient evidence for the IRM to determine whether any commitments led to early results or changes in government practice.

Shortly following the first plan's submission in August 2019, the responsibility for monitoring the OGP process shifted from the Ministry of Foreign and European Affairs (MAEE) to the Ministry of State. MAEE had convened representatives from line ministries, civil society, and academia to co-create the action plan. However, the Ministry of State did not hold any consultations during the implementation, and the level of stakeholder engagement diminished greatly as a result. Luxembourg has not established a dedicated multi-stakeholder forum to oversee the OGP process, and the country lacks an online repository to track commitment progress.

2.2. COVID-19 Pandemic impact on implementation

With more than 87,000 positive cases to date (December 2021), despite 42.7 percent of Luxembourg´s population being fully vaccinated,[2] the COVID-19 pandemic has severely affected public policy implementation in the country, with several projects and bills being postponed. The pandemic seriously tested the country's capacity to provide access to timely and relevant public information. According to Reporters Without Borders, obtaining figures and information on the government's response to the virus became a challenge, at least during the beginning of the pandemic.[3]

A general lack of responses from government officials and CSOs makes it difficult to assess the pandemic's actual impact on OGP priorities in the country. There is only evidence of a direct impact on the implementation of Commitment 2 and Commitment 6. For Commitment 2, the 2020 and 2021 editions of the Game of Code Hackathon (Milestone 1) were held online, and the open data portal (Milestone 2) incorporated data and visualizations on the

evolution of the pandemic in Luxembourg. For Commitment 6, as reported by the former point of contact, the pandemic limited the participation of CSO representatives that were originally involved in this commitment.[4] Desk research shows that many other activities lost momentum after March 2020. However, further inquiry from government and CSO stakeholders could help to clarify the actual causes and its relation between lost momentum and the pandemic.

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[1] Open Government Partnership, Luxembourg Design Report 2019-2021, https://www.opengovpartnership.org/documents/luxembourg-design-report-2019-2021/.

[2] Government of Luxembourg, Coronavirus, https://covid19.public.lu/fr.html.

[3] Reporters without Borders, Luxembourg 2022, https://rsf.org/en/luxembourg

[4] IRM researcher email exchange with Luc Dockendorf, 22-25 November 2021.

2.3. Early results

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 Transitional Results 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 Reports will not continue using DIOG as an indicator.

Section 2.3 focuses on outcomes from the implementation of commitments that had an ambitious or strong design, per the IRM Design Report assessment or that may have lacked clarity and/or ambition but had successful implementation with "major" or "outstanding" changes to government practice.[1] No commitments from Luxembourg's first action plan met the criteria for inclusion in this section, as the IRM could not determine if any commitments opened government beyond the status quo before the action plan, or saw early results.

As noted in Section 2.1, Luxembourg did not maintain an online repository for the action plan. In addition, many government and non-government stakeholders in Luxembourg contacted by the IRM did not respond or provide evidence of any progress towards the implementation of commitments. See Section 2.4 for an overview of the implementation of all commitments in the action plan.

In the 2019-2021 Design Report, the IRM found that most commitments in the first action plan would likely only have a minor impact, even if fully implemented. One reason for this finding was that most commitments were designed to either continue or reinforce pre-existing government initiatives, such as publishing information on climate change activities or supporting the work of human rights defenders, without clearly articulating the anticipated results from their implementation. Some commitments also included milestones that were already completed prior to the start of the action plan. For future action plans, the IRM recommends designing commitments in a way that adds measurable value to the situation in the country, especially if they build on pre-existing activities. This will involve clearly articulating what new changes or improvements are expected to be achieved during the action plan's timeframe and excluding activities that have already been completed prior to the start of the action plan.

In addition to improving the ambition of commitments, the IRM also recommends ensuring ongoing engagement with civil society stakeholders during implementation to deliver stronger results from future action plans. Although the first action plan saw active collaboration with civil society during co-creation, the engagement declined significantly following the transfer of OGP from the Ministry of Foreign and European Affairs (MAEE) to the Ministry of State in August 2019. While the COVID-19 pandemic diverted attention away from the action plan, formalized civil society involvement and oversight of implementation could have increased the likelihood of results. To ensure oversight during the implementation of future action plans, the IRM recommends establishing a formal space for ongoing dialogue and collaboration for the OGP process, preferably in the form of a multi-stakeholder forum (MSF). This would help Luxembourg comply with the minimum requirements of OGP's new participation and co-creation standards when developing and implementing the second action plan.[2] These new standards will require the government or the MSF to hold at least two meetings every year with civil society to present results on the implementation of the action plan and collect comments.[3]

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[1] IRM Design Reports identified strong commitments as "**noteworthy commitments**" if they were assessed as 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. For the list of Luxembourg's noteworthy commitments, see the Executive Summary of the 2019-2021 IRM Design Report: https://www.opengovpartnership.org/documents/luxembourg-design-report-2019-2021/
[2] OGP Consultation, Participation and Co-creation Standards, 11 September 2021, https://ogpconsultation.org/standards/topic/613d29c1bcc16e4da1e7f2f0

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[3] OGP Consultation, Participation and Co-creation Standards, 11 September 2021,
https://ogpconsultation.org/standards/topic/613d2b11bcc16e38a0e7f3d8

2.4. Commitment implementation

The table below includes an assessment of the level of completion for each commitment in the action plan.

Commitment	Completion:
	(no evidence available, not started, limited, substantial or complete)
1. Transparent and open administration	**No evidence available** This commitment had two main objectives: a) the entry into force of Law 6810 on transparency and open administration[1] (passed in September 2018, during the hiatus between the first and the second cycle of the co-creation process); and b) the continuous training of civil servants for the correct application of the law. Although Law 6810 entered into force in January 2019,[2] there is no evidence that shows any trainings having taken place, as embodied in the commitment. The IRM researcher did not receive further information on the implementation from the point of contact.[3] The Luxembourg Journalist's Association has repeatedly pointed out the absence of a specific statutory right to information for journalists in Law 6810.[4] In this regard, Prime Minister Bettel expressed in his October 2021 State of the Nation address that his government was reviewing the law on transparency in collaboration with the Press Council and that they also plan to review the memo that governs access to information from ministries and administrations.[5] While this declaration could have further implications for the implementation of the law, it is unclear if it affected the implementation of this commitment.
2. Promotion of open data	**Complete** This commitment aimed to improve universal access to raw data and its re-use. Its activities included: a) organizing the "Game of Code" hackathon; b) launching the national open data portal; and c) implementing a follow-up strategy on open data. The milestones were already implemented before the start of the action plan (though the open data portal was to be updated continuously). The Game of Code hackathon, which is an annual private event, has taken place every year since 2015, including during the implementation of this action plan. Due to the COVID-19 pandemic, the 2020 and 2021 editions took place online. Over 130 developers and coders registered for the 2020 edition,[6] and more than 60 registered for the 2021 edition[7] (the 2019 edition had over 140 registrations[8]). Registration for the 2022 edition is currently open.[9] Luxembourg's open data portal has been online since April 2016.[10] However, there is evidence of regular updates that took place throughout the action plan implementation period, such as relevant epidemiological data and visualizations on the COVID-19 pandemic.[11] For the third milestone, an open data strategy was enacted in June 2016, coordinated by the Information and Press Service of the Luxembourg Government,[12] but no evidence or information was found on further developments during the implementation period. Moreover, recent government initiatives that could potentially build on the Open Data Strategy, such as the conformation of AI4Gov Interministerial Committee for promoting artificial intelligence,[13] or launching the

	Roadmap for a Competitive and Durable Economy 2025 ("Ons Wirtschaft vu muer"), largely based on setting up stimulus to data reuse,[14] do not seem to take advantage of this pre-existing policy.[15]
3. Promotion and awareness of the use of clear and understandable administrative language	**Limited** This commitment aimed to promote the use of clear and understandable language by conducting trainings for public officials and developing a complementary course program. While there was a launch meeting in December 2019, a training for public officials was already in place before the adoption of the action plan.[16] The IRM researcher found no evidence to determine whether the complementary course program took place during the implementation phase. Through desk research, the IRM researcher verified that courses on clear and accessible language[17] and a webinar on making administrative language understandable[18] are part of the National Institute for Public Administration's current catalogue under the "Diversity" sub-group.[19] However, the IRM could not assess if these courses were in place before the implementation phase or how many public officials participated. Moreover, the point of contact did not provide the IRM with information on the implementation of this commitment.[20]
4. Information on national climate action	**Limited** This commitment was related to Luxembourg's policy on climate change and greenhouse gas emissions, as established through the National Energy and Climate Plan (2021-2030) adopted by the government in March 2020.[21] It included a total of five milestones: a) analyses and exchanges by civil society before the finalization of the integrated National Energy and Climate Plan (2021-2030); b) an open dialogue with civil society on the implementation of the climate protection package; c) a round table/public conference on climate action; d) raising public awareness on the role of Luxembourg in combating climate change through publications in the press, on the internet, and in social networks; and e) monitoring the commitment via an interactive web platform. Desk research showed evidence of the first milestone (holding a public consultation with civil society to discuss the National Energy and Climate Plan[22]) having taken place between February and March 2020.[23] According to the figures shared by the agency responsible for this commitment, 328 individuals and about 30 stakeholders from civil society and the business sector took part in this public consultation.[24] The IRM researcher also found evidence of contributions shared by relevant CSOs, such as the Luxembourg Association for the United Nations (ALNU)[25] and the Federation of Industrialists (FEDIL).[26] Although the National Energy and Climate Plan currently provides a roadmap for Luxembourg's government regarding climate action,[27] the IRM could not find any clear evidence on the completion of other activities such as the roundtable/public conference or an interactive web platform for monitoring this commitment. For the rest of the commitment, the lack of specificity made it difficult to determine the level of implementation. Regarding the role of civil society in this commitment, ALNU's President informed the IRM researcher that since the coordination of OGP in Luxembourg was transferred from the Ministry of Foreign and European Affairs to the Ministry of State, the contacts which had been

	established were not maintained. The president noted that, under those circumstances, he was not able to give the IRM researcher any further comments on the evolution of the situation.[28]
5. Explore the establishment of a European CivicTech hub	**Substantial**
	This commitment aimed to create a European "CivicTech hub" based in Luxembourg which would bring citizens and tech-related initiatives closer to the government and public institutions. This commitment was included in the action plan by a group of private citizens on behalf of the "Europe Technologie and Intelligence Collective Citoyenne" (ETICC) association. Planned activities included searching for private and public sponsors, creating an inventory of civic tech initiatives in Europe, establishing a digital platform, and attracting talents via calls for projects, among others.
	Overall, this commitment saw substantial implementation, despite delays. According to an ETICC representative, in May 2021, the ETICC signed a three-party convention titled "Open Government" with the Ministry of State and the University of Luxembourg, which currently operates as the high-level framework for the delivery of the CivicTech hub. According to this framework, ETICC will work closely with the Faculty of Humanities, Education and Social Sciences (FHSE) and the Incubator of the University to sponsor the CivicTech hub. Specific activities will include a) conducting interviews with actors in participatory democracy in Luxembourg (including academics, practitioners, institutions, CSOs, among others); b) organizing a civic tech conference in April 2022; and c) starting discussions between ETICC and the University to create a dedicated space for the CivicTech hub at the University. Finally, desk research shows that ETICC has made a communication strategy (by opening a Facebook page[29]) and created a digital platform which was confirmed by the ETICC representative.[30]
	Although this commitment saw delays, the three-party convention has had a positive impact on open government in Luxembourg. According to the ETICC representative, it has become the preferred platform through which CSOs still connected to the OGP process have been in touch with the Ministry of State to advance an open government strategy, and the conference in April 2022 could help raise awareness of the value of having an open government strategy in the country.
6. Support platform for civil society and human rights defenders (HRDs)	**Limited**
	Through this commitment, the Ministry of Foreign and European Affairs aimed to support human rights defenders' (HRDs) activities by fostering capacity building and providing legal assistance. Specific activities included: a) establishing an admission procedure for legal assistance via the ProtectDefenders.eu platform; b) supporting the activities of the Special Rapporteur of the Human Rights Council (UNHRC) and other activities supporting civil society in the UN and in other multilateral forums; c) strengthening the capacity of human rights organizations and networks from developing countries; and d) organizing consultations with the national civil society platform for human rights and public awareness-raising on the issue.
	A constitutive meeting of the integrated national platform for HRDs was held in December 2019,[31] fulfilling the commitment's first milestone. However, as reported by the Deputy Permanent

Representative of Luxembourg to the Office of the UN and other international organizations in Geneva as well as former the point of contact,[32] the implementation of this commitment was slowed due to the COVID-19 pandemic. Although the Government of Luxembourg has presented its voluntary pledges for membership in the UNHRC in which it lists a number of national and international actions to support civil society, such as the support platform for HRDs, there have not been any specific public consultations with civil society, nor any concrete supportive actions. As reported by the Deputy Permanent Representative of Luxembourg in Geneva, national CSOs which were interested in the commitment have been busy with the pandemic and have focused on other activities, such as promoting a national legislation on sustainable value chains.[33] Moreover, according to the former point of contact, the CSOs that were originally interested in this commitment are not the same CSOs that were involved in the OGP co-creation process, which limited their involvement in the action plan.[34] While the regular consultations between the interministerial committee for human rights and civil society continue, according to the former point of contact, these consultations were different from what they had originally intended to fulfill under this OGP commitment. However, the former point of contact mentioned that there are plans to support civic space in multilateral fora, such as the Human Rights Council in Geneva.

The IRM researcher verified through desk research public declarations from the Minister of Foreign and European Affairs of Luxembourg where they mentioned the need to support HRDs.[35] Moreover, there is evidence that the issue has been a priority for Luxembourg during the 43rd and 46th sessions of the UN Human Rights Council in February 2020[36] and February 2021.[37] However, the IRM researcher found no information about the involvement of Luxembourg in the activities of the ProtectDefenders.eu platform[38] or about measures beyond those previously mentioned taken by the Ministry. CSOs that were contacted by the IRM researcher about this commitment did not respond.[39]

[1] Law 6810 on a transparent and open administration aims to tackle the current lack of transparency regarding the public sector in Luxembourg. This law grants natural and legal persons rights to access most documents related to public administration activities and establishes a Commission for Access to Documents, under the Prime Minister's office, responsible for ensuring that right. For more details, https://www.elvingerhoss.lu/publications/loi-du-14-septembre-2018-relative-une-administration-transparente-et-ouverte-nouvelles

[2] State of Luxembourg, 'Loi du 14 septembre 2018 relative à une administration transparente et ouverte.' [14 September 2018 law on a transparent and open administration.] (Official Journal of the Grand Duchy from Luxembourg, 10 October 2018), https://legilux.public.lu/eli/etat/leg/loi/2018/09/14/a883/jo

[3] The point of contact was contacted by email on 5 and 19 November. The IRM researcher received no response at the time of writing this report.

[4] European Federation of Journalists, Luxembourg Journalists' Association met with Minister Bettel to discuss improved access to information, 10 September 2021, https://europeanjournalists.org/blog/2021/09/10/luxembourg-journalists-association-met-with-minister-bettel-to-discuss-improved-access-to-information/.

[5] Prime Minister of the Grand Duchy of Luxembourg, 'Discours sur l'état de la Nation 2021', 12 October 2021, https://gouvernement.lu/dam-assets/documents/actualites/2021/10-octobre/12-edln/discours/EDLN-final-FR.pdf

[6] Game of Code 2020, 13 October 2020, https://www.gameofcode.eu/blog/36-hours-code-0-hour-sleep?categoryId=24562

[7] Game of Code 2021, 12 April 2021, https://www.gameofcode.eu/blog/game-of-code-2021-discover-the-results-of-the-first-ever-game-of-code-world-cup?categoryId=24562

[8] Chronicle.lu, Game of Code 2019 attracts over 140 Coders, 12 March 2019, https://chronicle.lu/category/awards/28451-game-of-code-2019-attracts-over-140-coders

[9] Game of Code hackathon, 2022, https://www.gameofcode.eu/.

[10] Government of Luxembourg, Data.public.lu, https://data.public.lu/fr/.

[11] Government of Luxembourg, COVID-19 data available in 'Open Data', 24 April 2020, https://gouvernement.lu/fr/actualites/toutes_actualites/communiques/2020/04-avril/24-covid19-opendata.html

[12] Government of Luxembourg, Luxembourg's Open Data Strategy, https://data.public.lu/fr/strategy/, and https://sip.gouvernement.lu/fr/support/recherche.gouvernement%2Bfr%2Bdossiers%2B2018%2Bopen-data.html.

[13] Government of Luxembourg, The A14Gov Initiative, https://sip.gouvernement.lu/fr/support/recherche.gouv_digitalisation%2Bfr%2Bdossiers%2B2021%2BAI4Gov.html.

[14] Government of Luxembourg, Ministry of the Economy, 21 June 2021, https://meco.gouvernement.lu/fr/actualites.gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommuniques%2B2021%2B06-juin%2B21-fayot-wirtschaft-muer.html.

[15] The IRM researcher attempted to contact the following organizations during November 2021: Amnesty International, Greenpeace, ECPACT (A global network to end child prostitution and trafficking of children), Caritas, ASTM group, Frères des Hommes, Front Line Defenders, Onofhängege Gewerkschaftsbond Lëtzebuerg (OGBL), and SOS FAIM but received no response concerning this action plan.

[16] Government of Luxembourg, 2 December 2019, https://sip.gouvernement.lu/dam-assets/open-government/rapport-reunion/fr/02122019-Meeting-OGP-INAP-commitment-report-FR.pdf.

[17] Government of Luxembourg, https://fonction-publique.public.lu/fr/formation-developpement/catalogue-formations/secteur-etatique/04organisat/04-6-egalch/et_04-6-3-13.html.

[18] Government of Luxembourg, Accessible writing, https://fonction-publique.public.lu/fr/formation-developpement/catalogue-formations/secteur-communal/04organisat/04-6-egalch/co_04-6-3-28.html.

[19] Government of Luxembourg, Diversity, https://fonction-publique.public.lu/fr/formation-developpement/catalogue-formations/secteur-etatique/04organisat/04-6-egalch.html.

[20] The point of contact was contacted by email on 5 and 19 November. The IRM researcher received no response at the time of writing this report.

[21] Government of Luxembourg, National Integrated Energy and Climate Plan, 28 May 2020, https://environnement.public.lu/fr/actualites/2020/05/pnec.html.

[22] Government of Luxembourg, National Integrated Energy and Climate Plan 2021-2030, 11 December 2018, https://environnement.public.lu/dam-assets/actualites/2020/05/Integrierter-nationaler-Energie-und-Klimaplan-Luxemburgs-2021-2030-endgultige-Fassung.pdf

[23] Government of Luxembourg, Launch of the public consultation of the National Integrated Energy and Climate Plan, 12 February 2020, https://environnement.public.lu/fr/actualites/2020/02/PNEC_2020.html

[24] Integrated National Energy and Climate Plan, https://environnement.public.lu/content/dam/environnement/actualites/2020/05/Bericht-Konsultation-und-Zusammenfassung-Stellungnahmen-NECP-LU-2021-2030.pdf

[25] ALNU, Position paper, https://www.alnu.lu/zoom-sur/energie-climat

[26] Fedil, Contribution to the PNEC public consultation, https://www.fedil.lu/en/press-releases/contribution-a-la-consultation-publique-du-pnec/

[27] Government of Luxembourg, Presentation of the first 'climate and energy' inventory 2021, 5 October 2021, https://mecdd.gouvernement.lu/fr/actualites.gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommuniques%2B2021%2B10-octobre%2B05-dieschbourg-turmes-climatenergie.html

[28] IRM researcher email exchange with André Rollinger (President of Association Luxembourgeoise pour les Nations Unies), November 2021.

[29] European CivicTech Hub Luxembourg, Facebook page, https://www.facebook.com/European-CivicTech-Hub-Luxembourg-107913014205583/

[30] ETICC, European CiviTech Hub, https://eticc.org/what-we-do/european-civitech-hub

[31] Government of Luxembourg, OGP action plan 2019-2021, https://sip.gouvernement.lu/dam-assets/open-government/rapport-reunion/fr/2019-12-2-OGP-NAP-2019-commitment-6-report-FR.pdf

[32] IRM researcher email exchange with Luc Dockendorf, 22-25 November 2021.

[33] Initiative Devoir de Vigilance, Luxembourg, https://www.initiative-devoirdevigilance.org

[34] Human Rights Defenders, About defenders, https://www.defenders.lu/about-defenders

[35] Government of Luxembourg, Ministry of Foreign and European Affairs, https://maee.gouvernement.lu/fr/support/recherche.gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommuniques%2B2021%2B10-octobre%2B28v-visite-travail-palestine.html.

[36] Government of Luxembourg, 25 February 2020, https://maee.gouvernement.lu/dam-assets/directions/d1/Discours-43e-session-conseil-des-droits-de-l-homme.pdf.

[37] Government of Luxembourg, 23 February 2021, https://gouvernement.lu/dam-assets/documents/actualites/2021/02-fevrier/CDH-46-discours-MAEE-Jean-Asselborn-Luxembourg.pdf.

[38] Project Defenders.EU, Human Rights Defenders Mechanism, https://protectdefenders.eu/.

[39] The IRM researcher attempted to contact the following organizations during November 2021: Amnesty International, Greenpeace, ECPACT (A global network to end child prostitution and trafficking of children), Caritas, ASTM group, Frères des Hommes, Front Line Defenders, Onofhängege Gewerkschaftsbond Lëtzebuerg (OGBL), and SOS FAIM but received no response concerning this action plan.

III. Multi-stakeholder Process

3.1 Multi-stakeholder process throughout action plan implementation

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended 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. Luxembourg **acted contrary** to OGP process.[1] Luxembourg did not meet the following standards:
- Reach "inform" during the implementation of the action plan,
- Collect, publish, and document a repository on the national OGP website/webpage in line with IRM guidance

Please see Section 3.2 for an overview of Luxembourg's performance implementing the Co-Creation and Participation Standards throughout the action plan implementation.

Table [3.2]: Level of Public Influence
The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply it to OGP.[2] 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		✓

Shortly after Luxembourg adopted its first action plan in August 2019, the responsibility for monitoring the OGP process was transferred from the Ministry of Foreign Affairs to the Information and Press Service of the Ministry of State.[3] Since then, according to the civil society representatives involved in the co-creation process, no stakeholder consultations have been carried out during the implementation period and no workshops have been organized.[4]

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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/webpage in line with IRM guidance.
[2] IAP2's Public Participation Spectrum, IAP2, 2014, https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf
[3] Luc Dockendorf, virtual interview by IRM researcher, 15 May 2020; Marc Hostert, virtual interview by IRM researcher, 20 May 2020.
[4] IRM researcher email exchange and interview with Sana Hadzic, ETICC representative and point of contact for civil society in Luxembourg, 22 November and 7 December 2021; and IRM researcher email exchange with André Rollinger (President of Association Luxembourgeoise pour les Nations Unies), November 2021.

3.2 Overview of Luxembourg'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

Multi-stakeholder Forum	During Development	During Implementation
1a. Forum established: There is no formal multi-stakeholder forum for OGP in Luxembourg. During the co-creation of the first action plan, the Ministry of Foreign and European Affairs (MAEE) oversaw a "horizontal working group" which provided space for discussions between civil society and government stakeholders. However, there is no evidence that this working group continued to operate during implementation.	Yellow	Red
1b. Regularity: No formal multi-stakeholder forum existed and no consultation meetings between stakeholders took place during implementation.	Yellow	Red
1c. Collaborative mandate development: No formal rules or collaborative mandate for the OGP process were established.	Red	N/A
1d. Mandate public: Membership and governance of the OGP process is not available on Luxembourg's OGP webpage.	Red	Red
2a. Multi-stakeholder: There was no formal multi-stakeholder forum, and there is no evidence that meetings between both governmental and nongovernment representatives took place during implementation.	Yellow	Red
2b. Parity: No meetings took place during implementation.	Yellow	Red
2c. Transparent selection: During co-creation, nongovernmental stakeholders were invited through a transparent process. No meetings took place during implementation.	Yellow	Red
2d. High-level government representation: The co-creation process included high-level representatives from the Ministry of Foreign Affairs and the Ministry of Interior. There was no high-level involvement during implementation.	Green	Red
3a. Openness: During co-creation, the working group accepted input on the action plan from any civil society stakeholder. This group did not meet during implementation.	Green	Red
3b. Remote participation: There were no opportunities for remote participation during implementation.	Green	Red
3c. Minutes: No meetings took place during implementation.	Yellow	Red

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

Action Plan Implementation	
4a. Process transparency: Luxembourg does not have a national OGP website for regular updates on the progress of commitments. The government has not published a self-assessment report.	Red
4b. Communication channels: Luxembourg does not have a dedicated website to allow the public to comment on action plan progress updates.	Red
4c. Engagement with civil society: There is no evidence to determine if the government has held at least two open meetings with civil society to discuss the implementation of the action plan.	Red
4d. Cooperation with the IRM: There is no evidence available to determine if the government has shared the link to the IRM report with other government institutions and stakeholders to encourage input during the public comment phase.	Red
4.e MSF engagement: Luxembourg does not have a multi-stakeholder forum.	Red
4.f MSF engagement with self-assessment report: The government has not published a self-assessment report and Luxembourg does not have a multi-stakeholder forum.	Red
4.g. Repository: Luxembourg has not published a repository on the domestic OGP website in line with IRM guidance.[1]	Red

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[1] See IRM guidance for online repositories, March 2020, https://www.opengovpartnership.org/wp-content/uploads/2015/11/IRM_Guidance-for-Repositories_Updated_2020.pdf

IV. Methodology and Sources

Research for the IRM reports is carried out by national researchers. All IRM reports undergo a process of quality control led by IRM staff to ensure that the highest standards of research and due diligence have been applied.

The International Experts Panel (IEP) of the IRM oversees the quality control of each report. The IEP is composed 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

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual[1] and in Luxembourg's Design Report 2019-2021.

About the IRM

The **Open Government Partnership (OGP)** aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.
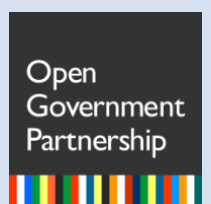
Soledad Gattoni is an independent policy consultant and researcher. She has a PhD in Social Sciences (UBA) and she works in the areas of public governance, transparency, and citizen participation.

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[1] IRM Procedures Manual, V.3, https://www.opengovpartnership.org/documents/irm-procedures-manual

Annex I. IRM Indicators

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.[1] A summary of key indicators the IRM assesses is below:

- **Verifiability:**
  - o Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
  - o Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **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 the 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?
- **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, in the I*RM 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 IRM Implementation Report.

Results oriented commitments?
A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment design is one that 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 percent 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.")?

Starred commitments

One measure, the "starred commitment" (✪), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. To receive a star, a commitment must meet several criteria:

- The commitment's design should be Verifiable, Relevant to OGP values, and have Transformative potential impact. As assessed in the Design Report.
- The commitment's implementation must be assessed by IRM Implementation Report as Substantial or Complete.

This variable is assessed at the end of the action plan cycle, in the IRM Implementation Report.

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[1] "IRM Procedures Manual," OGP, https://www.opengovpartnership.org/documents/irm-procedures-manual