

Independent Reporting Mechanism

Ireland Co-Creation Brief
2022

Open
Government
Partnership



Independent
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Mechanism

Introduction

This brief from the OGP's Independent Reporting Mechanism (IRM) serves to support the co-creation process and design of Ireland's fourth 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. These recommendations are suggestions, and this brief does not constitute an evaluation of a particular action plan. Its purpose is to inform the planning process for co-creation based on collective and country-specific IRM findings. This brief is intended to be used as a resource as government and civil society determine the next action plan's trajectory and content. National OGP stakeholders will determine the extent of incorporation of this brief's recommendations.

The co-creation brief draws on the results of the research in prior [IRM reports for Ireland](#) 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 [the assessment of OGP's minimum requirements](#), 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 maximising 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 September 2022.

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Section I: Action Plan Co-Creation Process

Following challenges during the second action plan cycle, Ireland's third action plan renewed national OGP engagement. It also succeeded in forming Ireland's Round Table Multi-Stakeholder Forum, institutionalising a productive space for ongoing dialogue and collaboration between government and civil society. However, the scope of Irish commitments was less ambitious than prior action plans. Ireland's first two action plans achieved impact on lobbying regulation and whistleblower protections. They also developed a code of practice for governance of charities, improved open data and fostered citizen participation in legislative decision-making. To raise the ambition of Ireland's upcoming fourth action plan, policy reforms could introduce new commitments on deliberative democracy and inclusion, as well as continuing efforts to strengthen freedom of information and the ethics framework for public officials, particularly in terms of asset and interest disclosure. Ireland can also explore new opportunities for cross-border open government collaboration with Scotland and Northern Ireland.

To strengthen the co-creation process, the IRM recommends the following:

1. Build in adequate time and opportunities for seeking and considering public input during co-creation.
2. Design commitments with ambitious targets.
3. Provide timely reasoned response.
4. Ensure resourcing to support the Round Table Multi-Stakeholder Forum and the action plan cycle.

RECOMMENDATIONS

Recommendation 1: Build in adequate time and opportunities for seeking and considering public input during co-creation

The third action plan was developed over an expedited co-creation timeline, which shortened opportunities to fully consider proposals from the public.

Following the updated [OGP Participation and Co-Creation Standards](#), Ireland would benefit from purposefully designing its next co-creation process to provide space for full deliberation on the public's inputs and proposed commitments for the action plan. This may include online discussions, surveys, face-to-face or online meetings, as well as thematic working tables led by experts from government and civil society. Furthermore, conducting the next co-creation process over a more extended timeline would allow for the development of commitments to evolve beyond initiatives already established by government. This would enable the OGP process to offer greater added value to increasing open government in Ireland. Evidence from 10 years of OGP shows that a high level of public participation in action plan design is linked to more diverse action plans and more ambitious commitments.

The co-creation for Finland's 2019–2023 action plan (see [appendix](#)) and Latvia's 2019–2021 action plan (see their [design report](#)) may provide ideas on activities to consider, including surveys, workshops and thematic working groups where stakeholders jointly prioritise problems to address and formulate commitments.

Recommendation 2: Design commitments with ambitious targets

The previous action plan addressed essential policy areas for open government in Ireland. However, commitments did not all set ambitious targets. OGP aims to promote ambitious open

government reforms that stretch the government beyond its current state of practice, significantly improving the status quo. In the upcoming co-creation process, commitment design can clearly outline steps to build from preliminary activities to concrete policy reforms. For example, if legislative reviews are to be undertaken, milestones can also plan to implement the reviews' recommendations. The draft action plan can be shared for input with OGP Country Support. The IRM is also available to provide a design workshop on drafting results-oriented commitments. It may be useful to draw on the [OGP National Handbook](#).

Recommendation 3: Provide timely reasoned response

Under the previous action plan, the government point of contact emailed stakeholders about the Round Table Multi-Stakeholder Forum's decision on whether their proposed commitments had been included in the action plan. However, these responses were sent after the action plan's publication.

Under the updated [OGP Participation and Co-Creation Standards](#), Ireland is required to document stakeholders' contributions or input related to development of the action plan and report back or publish written feedback to the stakeholders on how their contributions were considered. This must take place prior to the action plan's publication. It can occur at several points during the development of the action plan, including during crafting the co-creation timeline when stakeholders give comments, during the idea generation process, and even during the selection of commitments to be included in the action plan. This practice has been shown to be highly correlated with the resulting action plan's [ambition, completion and early results](#). It offers the opportunity for full deliberation on the public's suggestions. It can also help ensure accountability and overcome resistance from those whose proposals were rejected.

Ireland could follow the tabular format that [Estonia](#) used in its 2018–2020 action plan to publish results from public and interdepartmental consultations, or [Finland's tabular summary](#) of the stakeholder consultations for its 2019–2023 action plan. Following this [Finnish example](#), Ireland could produce a tracked-changes version of the draft action plan after final consultations, so that anyone could easily follow the amendments. Canada [published a report](#) on 'what we heard' to provide clear feedback on the input received during co-creation of its 2022-2024 action plan.

Recommendation 4: Ensure resourcing to support the Round Table Multi-Stakeholder Forum and the action plan cycle

The Department of Public Expenditure and Reform formed the Round Table Multi-Stakeholder Forum to renew engagement in the development of Ireland's third action plan. Building on this momentum, the fourth action plan cycle could ensure appropriate support for the Round Table by enhanced resourcing of the secretariat. During co-creation and throughout the action plan cycle, a dedicated and well-resourced secretariat would need to support close collaboration with civil society and government stakeholders, management of the Round Table, participation in global and regional OGP events and summits, and engagement in peer exchanges. A dedicated open government secretariat at the Department of Public Expenditure and Reform could build on its current efforts as well as further strengthen the efficacy of Ireland's OGP process. To make the most of overlapping government agendas, the open government secretariat could pool resources where there are synergies with reforms related to Ireland's public service transformation and Summit for Democracy commitments.

Section II: Action Plan Design

AREAS OF OPPORTUNITY FOR COMMITMENTS

The fourth action plan could build on previous plans' efforts to strengthen freedom of information and the ethics framework for public officials, particularly in terms of asset and interest disclosure. New areas of opportunity for ambitious commitments include deliberative democracy and inclusion.

AREA 1. Strengthening deliberative democracy

Ireland's [citizens' assemblies](#) set a global example as a mechanism for incorporating citizens into policy decisions, playing a role in prominent policy change on abortion reform and marriage equality in recent years. Building on the results of previous public participation commitments, the fourth action plan could include a commitment to incorporate initiatives on deliberative democracy. Ireland could seek to institutionalise this transformative innovation and connect it to long-term mechanisms for involving the public in decision-making. Potential options include developing a framework to ensure a continued role for citizens' assemblies in Irish policymaking, and systematising the link between deliberations and referenda. The OECD has also outlined other [ways to institutionalise deliberative democracy](#), including giving citizens a right to demand a deliberative process, requiring deliberation before certain kinds of policy decisions, sequencing deliberative processes throughout the policy cycle, or connecting deliberation to parliamentary committees. The plan could also address efforts to restructure the legislative timeline in the Oireachtas to ensure a sufficient period for comprehensive [civil society scrutiny](#).

Useful resources:

- Frontiers: [Citizens' Assemblies for Referendums and Constitutional Reforms: Is There an "Irish Model" for Deliberative Democracy?](#)
- OECD: [Eight ways to institutionalise deliberative democracy: Overview](#)
- Related Commitments: Scotland ([2021-2025](#)), Australia ([2016-2018](#))
- Partners that can provide technical support: [OECD](#), [The Citizens' Assembly](#), [Involve](#).

AREA 2. Expanding public officials' asset and interest disclosure requirements

Under legislation on Ethics in Public Office, rules on asset and interest declarations apply to public office holders, Members of Parliament (TDs) and civil servants. However, [only Members of Parliament](#) are required to make public disclosures and annual statements. The declarations do not cover significant liabilities or financial and economic involvements. In the third action plan, Ireland committed to reviewing its ethics legislative framework. This effort could be carried forward to enact measures addressing weaknesses in the asset disclosure framework for public officials. For example, [new efforts](#) could be made to require TDs and officer holders to disclose additional financial interests including large loans and liabilities, and overhaul how the financial interests of elected officials at national and local level are disclosed. The Standards in Public Office Commission could be given powers to impose sanctions.

Useful resources:

- European Commission: [2022 Rule of Law Report](#)
- Transparency International: [Recommendations on Asset and Interest Declarations for OGP Action Plans](#)
- World Bank: [Using Asset Disclosure for Identifying Politically Exposed Persons](#)
- Related Commitments: Ukraine ([2014-2016](#)), Georgia ([2016-2018](#))
- Partners that can provide support: [Transparency International](#), [Global Integrity](#)

AREA 3. Mainstream inclusion into policy-making and budgeting

In the [Summit for Democracy 2021](#), Ireland committed to mainstreaming equality budgeting across all government departments and combatting racism, xenophobia and intolerance. Ireland could fulfil these commitments through its upcoming OGP action plan. The action plan could commit to developing a statutory footing for equality budgeting, to publish impact assessments alongside the budget clarifying how the budget would impact diverse segments of the population, to [build institutional incentives](#) to improve departments' engagement with equality budgeting, or to open the budgetary process through publication of a draft budget and establishing opportunities for public engagement. This could draw on the [Scottish model](#) of equality budgeting. The action plan could also centre civil society's role in government initiatives to combat racism, xenophobia and intolerance. If the [National Action Plan against Racism](#) is published in 2022, a commitment could contribute to its implementation, empowering the public and civil society to monitor progress and ensuring public accountability.

Useful resources:

- OGP: [Toolkit for More Gender-Responsive Action Plans](#) and [Gender and Inclusion Factsheet](#)
- OECD: [Equality Budgeting in Ireland](#)
- Related Commitments: Austin ([2016-2017](#)), Côte D'Ivoire ([2018-2020](#)), Costa Rica ([2015-2017](#)), Canada ([2018-2020](#)), Uruguay ([2018-2020](#))
- Partners that can provide technical support: [The B Team](#), [Center for Global Development](#), and [Equal Measures 2030](#)

AREA 4. Strengthen freedom of information legislation and practice

Ireland's first action plan reformed the national Freedom of Information (FOI) legislation, bringing a new FOI act and code of practice into force. The third action plan revisited the FOI regime, conducting a review. To follow this review, the upcoming action plan could continue Ireland's commitment to strengthen its FOI regime. For example, public bodies could commit to proactively publish certain information on a monthly or quarterly basis. Identifying the information to be published could be conducted in collaboration with civil society. [Such information could include](#) FOI logs, purchase order data, internal audits, externally commissioned reports and copies of non-personal FOI requests that have already been released. This would create long-term efficiencies and reduce the number of requests made, as the information would already be available. The government could also create enforceable legislation on the proper publication processes for FOI requests, rather than simply listing requests received. Additionally, to expedite responses to FOI requests, the government could commit to streamline document management.

Useful resources:

- OGP: [Right to Information Fact Sheet](#)
- OGP: [A Guide to Open Government and the Coronavirus: Right to Information](#)
- Related Commitments: Spain ([2020-2024](#)), Serbia ([2014-2016](#)), Croatia ([2014-2016](#))
- Partners that can provide technical support: [Article 19](#), [Centre for Law and Democracy](#), [Access Info Europe](#), [the Carter Center](#), and [Right to Know.ie](#)