

# Independent Reporting Mechanism

Results Report:  
Estonia 2020-2022

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Open  
Government  
Partnership



Independent  
Reporting  
Mechanism

## Executive Summary

***Estonia’s fifth Open Government Partnership (OGP) action plan saw strong results in lobbying transparency, and in participation in central and local government. The commitments with the strongest results had both active leaders among public officials and committed partners or networks to assist implementation. Like the previous plan, the implementation of this action plan benefited from having targeted commitments that were manageable over two years.***

### Early Results

Estonia’s fifth action (2020-2022) plan included three commitments. The first two focused on improving public participation and co-creation at the central and local government levels and the third sought to increase government transparency and prevent corruption. For the purposes of assessment, the IRM un-clustered the third commitment into two separate commitments – one on lobbying transparency and the other on whistleblower protection.<sup>1</sup>

One commitment achieved major early results. Specifically, Commitment 3.1 increased lobbying transparency as central government institutions started, for the first time, to publish quarterly information on ministers’ and higher public officials’ meetings with lobbyists. Civil society stakeholders already use the data to track which interest groups have influenced policy processes.

Commitments 1 and 2 had marginal early results. Some of their outcomes included improved public officials’ skills in participation, new or improved models for citizen engagement, and more municipal open government action plans. These positive outcomes have not yet led to a comprehensive or sustained shift in the government’s approach to policy-making and citizen engagement. Nonetheless, their results could shape government practice further, particularly in the forthcoming roadmap for fostering open government at the central and local levels (an activity in the sixth action plan). Commitment 1 also advanced a long-term reform over several OGP action plans to institutionalize the concept of co-creation in policy-making, though the results will be visible once the digital co-creation tool is finished and it is made mandatory for all public institutions (as planned in the future).

### Completion

Three of the four commitments were implemented fully or substantially, although several were completed a few months after the end of the action plan term. The level of completion continued to be strong but was slightly lower compared to the fourth action plan (2018-2020), where all six commitments were fully completed.<sup>2</sup> Delays occurred due to planning issues and

## IMPLEMENTATION AT A GLANCE

### LEVEL OF COMPLETION

**3/4**

Complete or substantially complete commitments

### EARLY RESULTS

**3/4**

Commitments with early results

**1/4**

Commitments with major or outstanding early results

### COMPLIANCE WITH MINIMUM REQUIREMENTS

**Acting according to OGP process.**

unexpected events. For example, several open government workshops for local municipalities planned under Commitment 2 were postponed because local officials were assisting Ukrainian refugees after Russia's invasion of Ukraine in February 2022.<sup>3</sup> The Ministry of Justice completed its commitment to develop a good practice on government institutions' relations with lobby groups. This included requirements to regularly publish data on meetings with lobbyists. This commitment has already led to visible improvements in the government's practice of publishing lobbying data, despite lacking legal enforcement mechanisms. At the same time, the ministry's commitment to create a secure digital tool for whistleblower reporting (Commitment 3.2) ran into obstacles as the Parliament did not adopt the national whistleblower regulation. Nevertheless, even if some milestones were not achieved by the end of the action plan, most commitments have begun delivering early results.

### **Participation and Co-Creation**

The Government Office continues to coordinate the OGP process and chair the Open Government Development Committee. The committee serves as a multi-stakeholder forum (MSF) of governmental and non-governmental stakeholders, overseeing the development and implementation of OGP action plans. The MSF met regularly during the action plan term to discuss commitment progress, Estonia's participation in the OGP Steering Committee, and the co-creation of the next action plan. Ministries also contracted several CSOs to carry out specific activities within commitments. CSOs therefore made a significant contribution to action plan implementation. Moving forward, civil society members would like MSF meetings to focus less on formal decision-making and more on substantial debates around open government issues.

### **Implementation in context**

Overall, the fifth action plan saw high levels of implementation. However, three main external factors hindered the implementation of some activities. First, lack of political agreement in the Parliament prevented the implementation of Commitment 3.2, which intended to support the enforcement of whistleblower protections regulations that the Parliament was to adopt by 2022.<sup>4</sup> Second, the COVID-19 pandemic delayed the open government workshops that the Ministry of Finance planned for local municipalities under Commitment 2.<sup>5</sup> The same commitment also suffered the consequences of Russia's invasion of Ukraine in February 2022. By mid-March 2022, some 22,000 Ukrainian refugees were seeking shelter in Estonia<sup>6</sup> – this is 18 times more asylum seekers than had arrived in Estonia in total in the previous 20 years.<sup>7</sup> In the months following Russia's invasion, many local municipalities were arranging assistance to Ukrainian war refugees and officials lacked time to participate in the workshops. As the ministry had set strict targets on the minimum number of participants to ensure the participation of as many local officials as possible, the contractor postponed several workshops from spring 2022 to late 2022 and the first months of 2023 to be able to meet the requirements.<sup>8</sup> The plan is to have one workshop in every county and to have participants from every local government.

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<sup>1</sup> Open Government Partnership, Estonia Action Plan Review 2020-2022, <https://www.opengovpartnership.org/documents/estonia-action-plan-review-2020-2022/>

<sup>2</sup> Open Government Partnership, Estonia Transitional Results Report 2018-2020, <https://www.opengovpartnership.org/documents/estonia-transitional-results-report-2018-2020/>.

<sup>3</sup> Kaie Kungas (Ministry of Finance), interview by the IRM, 9 December 2022.

<sup>4</sup> Kätlin-Chris Kruusmaa (Ministry of Justice), interview by the IRM, 21 December 2022.

<sup>5</sup> Kaie Kungas (Ministry of Finance), interview by the IRM, 9 December 2022; Liia Hänni and Kristina Reinsalu (e-Governance Academy), interview by the IRM, 15 December 2022.

<sup>6</sup> Estonian Public Broadcasting, Estonian local governments requesting additional support for refugees, 16 March 2022, <https://news.err.ee/1608533959/estonian-local-governments-requesting-additional-support-for-refugees>

<sup>7</sup> Estonian Refugee Council, Pagulased Eestis, <https://www.pagulasabi.ee/pagulased-eestis>

<sup>8</sup> Liia Hänni and Kristina Reinsalu (e-Governance Academy), interview by the IRM, 15 December 2022.

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## Section I: Key Observations

Commitments in the fifth action plan were successful when they had strong partners or networks (between government agencies and between government and civil society) to assist implementation, consistent support from central government institutions, and the necessary political will to enable public officials to carry out ambitious reforms. The fifth action plan also reinforced the importance of dividing complex reforms into more manageable steps across multiple action plans, as well as having a strategic vision to ensure sustainable changes beyond the two-year action plan cycle.

### **Observation 1: Strong partnerships and networks help achieve results.**

The Ministry of Justice managed to successfully enforce the voluntary recommendation for government organizations to publish quarterly reports of lobbying data (Commitment 3.1) thanks to support from the public officials' corruption prevention network. The ministry took time to prepare and negotiate the reform within the network and when the recommendations and guidelines were adopted, network members helped ensure their organizations' awareness and compliance with the new practice. Strong partnerships – including with CSOs – also supported the implementation of other commitments. For example, the Ministry of Agriculture involved the Center for Applied Anthropology and Network of Estonian Nonprofit Organizations to analyze the ministry's engagement practices; the Ministry of the Interior and Ministry of Finance engaged the Social Innovation Lab, the village movement Kodukant and the e-Governance Academy to train municipalities; the Government Office engaged networks of teachers and youths to reach out to young people; and the Ministry of Justice involved Transparency International (TI) Estonia in developing a methodology and assessing government organizations' lobby transparency.

### **Observation 2: High-level political interest and leadership is instrumental to successful open government reforms.**

According to the Ministry of Justice, their aim to require ministers and top civil servants to publish data on their communication with lobbyists initially met resistance from public administration and political leaders.<sup>9</sup> However, the political initiative of the first Kaja Kallas cabinet and the then Minister of Justice Maris Lauri helped public officials secure buy-in from the political and administrative apparatus. At the same time, Commitment 3.2 that sought to facilitate safe whistleblower reporting failed due to high political opposition in the current Parliament to the adoption of the respective legislation.<sup>10</sup>

### **Observation 3: Consistent support and oversight ensure smooth implementation.**

Commitment 3.1 on lobby transparency demonstrates that government organizations may sometimes change their practices voluntarily, without the need for legal obligation or sanctions. According to the commitment coordinator, several factors have supported high compliance with the voluntary reporting recommendations.<sup>11</sup> First, members of the government's corruption prevention network helped enforce the recommendations in their organizations. Second, the Ministry of Justice closely monitors implementation and shares the results with the public. The ministry has regularly analyzed organizations' practices of publishing lobbying meetings, published the data on a public dashboard to enable public scrutiny, and provided incentives to implementers by recognizing best performers. The ministry also frequently gives advice to organizations to help them improve the accessibility and quality of their lobbying data.

**Observation 4: Incremental steps help overcome barriers to change.**

Complex and ambitious reforms may be more feasible when divided into less ambitious two-year steps that incrementally lead to greater change. While Commitment 1 seeks to substantially change public engagement practices, the two-year action plans include rather technical activities (e.g., IT development) that may not involve much interaction with the public. Nevertheless, if the government has clearly defined their long-term vision, such commitments may lay the necessary groundwork for major changes. Commitment 3.1 demonstrates a similar approach: as plans for a mandatory lobby register have met high resistance, the government started by introducing voluntary transparency measures to reduce the barriers. As these first steps have already considerably improved lobbying transparency, further steps may not be needed in this case. However, if the government does eventually pursue a mandatory approach, the fact that ministries are already taking the voluntary steps could result in even higher compliance and reduce opposition.

**Observation 5: Strategic vision increases prospects for sustainable change.**

Under Commitment 1, the Ministry of Rural Affairs reviewed its public participation formats and is working to integrate the results into its organizational strategy. Since the ministry's public engagement coordinator has a clear vision of the desired qualitative change in the ministry's public engagement practices, the ministry successfully used the OGP action plan to support this vision. On the other hand, the government's commitments to support open government in local municipalities have so far tended to lack a strategic vision, so the commitments' impact on municipalities may not be sustainable despite achieving positive results. The government has started to develop a more strategic approach to promoting local open government in the sixth action plan.

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<sup>9</sup> Mari-Liis Sööt (Ministry of Justice), interview by the IRM, 21 December 2022.

<sup>10</sup> Kätlin-Chris Kruusmaa (Ministry of Justice), interview by the IRM, 21 December 2022.

<sup>11</sup> Mari-Liis Sööt (Ministry of Justice), interview by the IRM, 21 December 2022.

## Section II: Implementation and Early Results

The following section looks at the three commitments or clusters that the IRM identified as having the strongest results from implementation. To assess early results, the IRM referred to commitments or clusters identified as promising in the Action Plan Review as a starting point. After verification of completion evidence, the IRM also took into account commitments or clusters that were not determined as promising but that, as implemented, yielded significant results.

### **Commitment 1: Increase co-creative policy-making capacity within government authorities** (Government Office)

#### **Context and Objectives:**

This commitment sought to improve transparency and public participation in the central government's policy-making processes. Both governmental and civil society stakeholders have noted that the government's policy development processes tend to be complex and opaque for the public, resulting in low public participation.<sup>12</sup> The Government Office and Ministry of Justice are developing a new digital tool which would integrate all steps of lawmaking and enable government agencies to co-create policies with other stakeholders. Since the concept of co-creation is novel in Estonia,<sup>13</sup> the Government Office also set out to increase public officials' skills by publishing an online toolbox of co-creation methods and testing specific methods to involve young people in discussing the "Estonia 2035" national strategy. In addition, the Ministry of Rural Affairs sought to improve stakeholder engagement in its advisory bodies.

#### **Did It Open Government? Marginal**

This commitment strives for long-term changes in public governance that requires years to achieve. Since the government has divided this reform into steps that span several action plans, the fifth action plan did not produce a significant qualitative shift in the government's policy-making practices. However, its outputs helped foster changes that could become observable as public officials learn new skills and adopt more collaborative methods of policy-making. While some activities (e.g., the Ministry of Rural Affairs' reform of public engagement methods) produced more tangible results than others (e.g., the toolbox of co-creation methods), the commitment as a whole yielded positive outcomes.

During the action plan, the Ministry of Justice and Government Office developed new functionalities for the digital policy co-creation tool, conducted workshops with public officials to test user stories, and launched pilots of legislative drafting processes using a prototype of the tool. The government actively engaged public officials in developing the tool to ensure its usefulness and usability. Work on the public interface and on the functionalities for involving external partners in policy development is ongoing. While the tool is not in official use yet, public officials involved in its testing gave positive feedback to the coordinators.<sup>14</sup> According to the coordinators, the tool is being designed to nudge public officials toward co-creation<sup>15</sup> and its use will be mandatory once it is adopted.<sup>16</sup> Therefore, despite the technical nature of the activities conducted during the action plan, the commitment has helped the government move toward more transparent and inclusive policy-making. Civil society stakeholders believe the co-creation tool will support a qualitative change in civic participation<sup>17</sup> and are satisfied with the progress of this commitment so far.<sup>18</sup>



In addition to the digital tool, the Government Office worked on describing different co-creation methods and guidelines in a public online toolbox for public officials. The toolbox ("Koosloomeranits") was published only in November 2022 after the end of the action plan term. While the first version includes basic principles and terminology related to co-creation, it still lacks descriptions of concrete methods, examples, and guidelines.<sup>19</sup> Therefore, this part of the commitment has not yet produced noteworthy results. The Government Office is continuing the development of the toolbox in the sixth action plan (2022-2024).<sup>20</sup>

In parallel, the Government Office tested the "Arvamusrännak" ('Opinion Journey') participation method to engage young people in how the living environment in Estonia could be improved. The Government Office engaged 25 different schools in an online game and live discussions. From 200 ideas submitted, the Government Office aggregated 15 proposals pertaining to public transportation, recycling, and sustainable energy use.<sup>21</sup> They then conducted a public poll in collaboration with the Delfi.ee news portal to rate the proposals, receiving 6,218 votes from people of various ages. The selected proposals do not seem to have directly influenced the "Estonia 2035" strategy's annual action plan,<sup>22</sup> which the Government Office initially quoted as one of the aims.<sup>23</sup> The proposals were presented to the Prime Minister,<sup>24</sup> Ministry of the Environment and Ministry of Economic Affairs and Communications,<sup>25</sup> but it is not clear how the ideas have informed the ministries' policies. However, people's active participation in the initiative indicates that the government succeeded in testing a specific engagement method that can be used in future discussions around the "Estonia 2035" strategy. This exercise likely improved civil servants' public engagement skills and gave youths a valuable participation experience.

As a third stream of this commitment, the Ministry of Rural Affairs undertook an in-depth analysis of its public engagement practices in its advisory bodies. The resulting study reports gave the ministry new insights about the shortcomings of their engagement formats.<sup>26</sup> Based on this, the ministry's public engagement coordinator developed practical working instruments to assist its officials in planning their engagement. One is a short digest of the government's Good Practice of Public Engagement along with a feedback form that officials can use to assess stakeholder satisfaction with public engagement. With this form, the ministry plans to start regularly measuring stakeholder satisfaction with its public engagement practices.<sup>27</sup> The coordinator also created a database of participation and co-creation methods that officials can consult when planning stakeholder engagement. The database describes about 60 methods and lists the contact persons in the ministry who can assist colleagues in implementing specific methods. As a result of this commitment, the ministry is developing an agenda for reforming its public engagement formats in 2023. This process is aligned with the development of the ministry's organizational strategy to ensure the measures and indicators for engagement support the ministry's strategic objectives. Addressing public participation as part of strategic planning is a commendable step that could drive substantial changes in the ministry's practices.

The Ministry of Rural Affairs disseminated the results of this commitment through several channels. The ministry published the analysis reports and resources for public officials on its website,<sup>28</sup> and will add the methods from the co-creation database to the toolbox developed by the Government Office. The ministry also shared its experience via the collaboration networks of ministries' public engagement coordinators and strategic development managers, and during the Partner Days that the ministry conducts a few times a year to exchange information with

key governmental and non-governmental partners.<sup>29</sup> Moreover, this commitment resulted in several unplanned follow-up activities that support its objectives. One was the launch of co-creation workshops in collaboration with external experts to develop a legislative framework for sustainable food systems. These workshops have brought together stakeholders from the domains of food security, economy, and social issues, who do not commonly collaborate with one another.<sup>30</sup> The experience of these workshops will be documented in a public report.

### **Looking Ahead:**

The Government Office is continuing in the sixth action plan the development of the co-creation tool and toolbox and testing new co-creation methods. They are also engaging experts and stakeholders to develop a roadmap to foster open government in central and local governments.<sup>31</sup> The government has built its approach to participatory policy-making across multiple action plans to become more comprehensive over time. Until now, this work has mainly involved developing tools and conducting pilots, with a view toward an eventual systematic reform of the government's policy-making practices. To institutionalize open policy-making practices, the government simultaneously needs to work on the legal and policy framework, public officials' skills and attitudes, and organizations' work processes and management cultures. The roadmap in the sixth action plan could provide a long-overdue comprehensive plan for this complex reform.

Regarding this commitment, the following steps could support sustainable results:

- Continue proactively engaging civil society in developing the public interface and participation functions of the co-creation tool, so that the tool will be attractive and easy to use.
- Integrate Parliamentary proceedings of legislative drafts with the tool to provide a single digital access point for public scrutiny and participation. The Ministry of Justice is already collaborating with the Parliament toward this aim. The Parliament has analyzed their needs, but technical developments will require additional funding.<sup>32</sup>
- Promote active use of the co-creation toolbox among public officials. The IRM has previously recommended using the toolbox in civil service trainings, organizing tutorials, sharing experience between public sector organizations on using specific co-creation methods, and engaging ministries' public engagement coordinators to guide their colleagues in using the methods. Training and experience-sharing events could also involve ministries' civil society partners and local municipalities.
- Empower ministries' public engagement coordinators to transform their organizations' public engagement practices. The potential of public engagement coordinators as multipliers of knowledge and initiators of reforms is still under-used in many public sector organizations. Previous IRM reports have recommended allocating more working time and organizational support to public engagement coordinators to increase the impact of their work. Organizations could also benefit from building tandems or teams of public engagement coordinators to increase their reach.<sup>33</sup>
- Whether or not this is part of the roadmap process in the sixth action plan, the government could analyze what resources public officials need to engage stakeholders in their daily work without much additional burden. For example, conducting thorough ex-ante impact assessments of policy initiatives could identify high-impact processes that officials could focus their public engagement efforts on.<sup>34</sup>
- It is vital to allocate clear responsibilities for implementing the open government roadmap being developed in the framework of Estonia's sixth action plan. The

responsible organizations should be engaged in the roadmap from the outset to secure their ownership. Where possible, mechanisms for improving public participation could be designed and implemented in partnership with CSOs to ensure their impact. In addition, when developing the roadmap, it will be important to work with CSOs on the OGP multi-stakeholder forum to effectively leverage the tools and resources already developed in order to shift toward a more participatory government.

**Commitment 2: Increase co-creative policy-making capacity within local governments** (Ministry of Finance, Ministry of the Interior)

**Context and Objectives:**

This commitment aimed to promote open government in local municipalities and build their capacity to engage communities in local governance. Local governments have lacked a systematic approach to open government and civil society stakeholders have emphasized local municipalities' need for setting up new governance and participation mechanisms after the large-scale amalgamation in 2017.<sup>35</sup> In previous OGP action plans, the government funded the development of open government action plans in local municipalities, conducted pilot projects to build individual municipalities' capacity to implement open government principles, and developed guidelines for local participatory budgeting. The Ministry of Finance also developed the Minuomavalitsus ("My local government") public dashboard to monitor local administrations' performance in several areas, including open government. In the fifth action plan, the Ministry of Finance conducted workshops to raise municipalities' awareness of open government, and the Ministry of Interior launched a capacity-building program to improve municipalities' co-creation and community engagement skills.

**Did It Open Government? Marginal**

The design of this commitment did not include explicit measures to support sustainable changes in local governance. Nevertheless, the Ministry of Interior's capacity-building program helped foster community engagement in municipalities. Although the Ministry of Finance's workshops have remained a one-off initiative without a clear follow-up plan, all participating administrations developed a draft action plan to promote open government in their municipality. This increases the likelihood that some municipalities will start implementing a more systematic open government agenda soon.

The Ministry of Finance contracted the e-Governance Academy to carry out the open government workshops. In 2021–2022, five workshops took place, reaching 115 participants from 36 municipalities.<sup>36</sup> This covers around half of the 79 Estonian municipalities. The participants have included local public officials, members of local assemblies and executive governments. Three workshops took place within the action plan term, two shortly after and three more were postponed to 2023. The delays were caused by the COVID-19 pandemic and difficulty of mobilizing participants in spring 2022 as local governments were busy helping Ukrainian war refugees.<sup>37</sup> The e-Governance Academy structured the workshops around the local open government framework that they developed during the third OGP action plan. The workshops included theoretical and practical exercises on topics such as government transparency, access to information, public participation, and public service co-production. Municipalities that had adopted open government agendas during previous OGP action plans also shared their experience. As a result of the workshops, participants developed a draft action

plan to foster open government in their municipality. The full-day workshops were followed by online seminars where participants received feedback to their plans from experts and peers.

The Ministry of Finance does not plan to follow up with municipalities to support the development and implementation of these action plans.<sup>38</sup> As the workshops will reach officials from almost all municipalities by the end of 2023, the ministry aims to give the participants time to reflect on the results and practice what they learned.<sup>39</sup> The e-Governance Academy notes that municipalities have an incentive to follow through with the plans since the existence of an open government agenda is one of the indicators monitored on the Minuomavalitsus dashboard.<sup>40</sup> Based on the Minuomavalitsus data, the Ministry of Finance regularly monitors local governments' performance and recognizes best performers across different categories of indicators, including open government.<sup>41</sup> In addition to draft action plans, the e-Governance Academy believes the workshops gave participants a more systematic understanding of open government.<sup>42</sup> According to the e-Governance Academy and Ministry of Finance, many participants realized that they can take small steps to increase openness even with limited resources, for example by publishing more information on the municipality's website.<sup>43</sup>

At the same time, the Ministry of Interior and two CSOs – the Social Innovation Lab and village movement Kodukant – implemented a capacity-building program on co-creation for ten municipalities, exceeding the initial target of five. As a first step, the ministry conducted an online survey to collect data on municipalities' public engagement practices. An informal body of experts analyzed the data and selected 12 good practices.<sup>44</sup> The ministry then interviewed local public officials and civil society representatives from these municipalities to identify gaps and challenges to public participation.<sup>45</sup> The program provided practical tools for analyzing stakeholder needs and leading co-creation and service design processes.<sup>46</sup> It engaged 46 participants, including local public officials, community activists, and civil society consultants from regional development centers.<sup>47</sup> A key output of the program was the local community engagement and collaboration model developed by the participating municipalities. The model provides a blueprint for municipalities to systematically involve local communities in public governance. It defines the roles of the local council, municipality government, community organizations, and citizens in developing a vibrant local community and recommends activities that each of them can undertake to strengthen institutional collaboration with other stakeholders. It also involves a conceptual model that helps local governments map the maturity of the local community and plan measures to support the development of the local community according to its maturity level.<sup>48</sup>

Participants also developed an action plan for implementing the model in their respective municipality. In addition to trainings, the program included 16 hours of expert mentoring to help municipalities develop and test the model. Municipalities have already begun implementing the model. For example, the municipality of Valga has been implementing a local open government action plan since 2019 as a result of Estonia's fourth OGP action plan. They have now integrated new activities in this action plan targeting community development.<sup>49</sup> Representatives from Valga claim the community maturity model has helped them develop more realistic expectations of collaboration with the local community and have appreciated mentors' help in identifying the community's needs regarding preferred forms of collaboration with the municipality.<sup>50</sup> In the town of Maardu, the co-creation program helped set up regular informal meetings between municipality officials and civil society activists, which have continued after the end of the program.<sup>51</sup> Maardu is implementing the community engagement model to

reinvigorate the local community of the town's Muuga district. As the first step, the municipality organized open discussions and a roundtable with the residents of Muuga at the beginning of 2023 to reflect on the district's identity.

The Ministry of Interior plans to continue disseminating and developing the model with the help of their network of civil society consultants working in regional development centers.<sup>52</sup> They are also planning meetings with the municipalities who participated in the co-creation program to discuss what support municipalities may need from the central government in fostering community engagement at the local level.

Another key outcome concerns the regional civil society consultants. The Ministry of Interior coordinates a consultation service in all 15 Estonian regions to counsel CSOs on a range of issues related to the management, funding, and operation of non-governmental organizations (NGOs). The ministry expanded this service in 2023 to support local community activists and grassroots initiatives that do not operate as NGOs. The reform itself was not in the scope of the OGP action plan but the consultants were invited to participate in the co-creation program. The consultants joined teams of municipality officials and CSOs and helped them co-create the community engagement model. The knowledge gained from the program will support the reform and enable consultants to provide a broader range of services to local communities. CSOs consider the reform highly beneficial for civil society development.<sup>53</sup>

### **Looking Ahead:**

The government's approach to local-level open government has so far mostly been project-based but lacking a long-term vision for fostering open government in municipalities. This has partly been due to the central government's caution in interfering with local decision-making autonomy.<sup>54</sup> Nonetheless, OGP commitments have had positive effects on local governments. For example, the number of municipalities practicing participatory budgeting has risen from 18 in 2018 to 51 in 2022, while the number of municipalities that have an open government action plan or strategic agenda has risen from six to 22 over the same period.<sup>55</sup> As stakeholders continue prioritizing local open governance<sup>56</sup> and call for more support from the central government,<sup>57</sup> the Government Office introduced a commitment to the sixth action plan to develop a detailed roadmap for fostering open government at the local level.<sup>58</sup> This indicates a shift to a more comprehensive approach to supporting open government at the local level.

Based on the results of this commitment, the IRM recommends the following actions from the government:

- Since opening government at the local level is complex, it is important to assist municipalities not only in developing open government agendas but also in implementing them. Both the open government workshops and co-creation trainings involved developing concrete action plans, with the assistance of counseling. The e-Governance Academy, Ministry of Interior and local public officials note that municipalities will need more permanent counseling and mentoring to help them implement the plans.<sup>59</sup> The Ministry of Interior intends to engage the network of regional civil society consultants to provide such counseling service and are hiring a strategic partner for 2023–2026 to support the institutionalization of a community-centric local development model.<sup>60</sup> Municipalities that have implemented successful open government reforms (e.g. Elva, Valga) could continue sharing their experience

with peers, but they are also interested in regular experience-sharing to learn from others.<sup>61</sup>

- The Ministry of Finance’s trainings revealed municipalities’ wish to adopt new digital tools to facilitate information provision and public participation.<sup>62</sup> Due to limited resources and shared needs, municipalities are interested in joint procurement of information systems and expect the Association of Estonian Cities and Municipalities (AECM) to coordinate this.<sup>63</sup> On agreement with the Ministry of Finance, the AECM recently assumed the role of a digital competence center for municipalities.<sup>64</sup> However, the local digital development strategy for 2020–2023 does not include an explicit focus on e-democracy, nor has the AECM expressed the intention to proactively coordinate this area.<sup>65</sup> The AECM could add the development of local-level e-democracy in the competence center’s mandate and lead municipalities’ collaboration in developing digital participation and co-creation tools.
- The Ministry of Finance has convened a working group of experts and stakeholders to update the methodology and indicators measuring local open government on the Minuomavalitsus dashboard.<sup>66</sup> The indicators cover different aspects of open government, such as political transparency, access to information, civic participation, etc. The first results of the new methodology will be published in June 2023.<sup>67</sup> In the future, the government could use Minuomavalitsus data to encourage a race to the top and provide tailored support to municipalities lagging behind.
- To achieve greater impact, more intensive policy coordination is needed between the Ministry of Finance, who assists local development, and the Ministry of Interior, who develops civil society and active communities. Both ministries indicated to the IRM that they are aware of each other’s activities when it comes to the development of open government at the local level, but do not design these activities jointly.<sup>68</sup> Since it is often difficult to draw clear lines between the responsibilities of the two ministries, the ministries could develop a shared vision of the change they wish to achieve, and design and implement a joint agenda. It is also vital to engage stakeholders such as the national civil society endowment, regional civil society consultants, the ministries’ strategic partners and AECM in planning and implementation.
- Most Estonian municipalities struggle with limited financial and human resources. For instance, Maardu city officials fear their recent efforts to develop the municipality’s civic engagement practices may not be sustainable since they rely entirely on officials’ voluntary work.<sup>69</sup> To help accelerate open government reforms, the government could pay attention to the financing model of local governments, including central funding mechanisms and municipalities’ availability to raise their own funds. It may be useful to continue supporting the development of local public officials’ skills related to open government and co-creation, and fund capacity-building of local community activists as well as concrete collaboration initiatives between local municipalities and communities.

**Commitment 3.1: Develop and implement guidelines for good practice in lobbying**  
(Ministry of Justice)

**Context and Objectives:**

This commitment aimed to improve public access to information on ministers’ and top-level public officials’ meetings with lobbyists. Specifically, it entailed developing guidelines for ministers and top public officials on transparent communication with lobbyists and introducing a government-wide practice of reporting lobby meetings to the public on a quarterly basis. Before

the action plan, government agencies did not consistently share information on lobby meetings with the public, earning criticism from the Group of States against Corruption (GRECO) for lack of rules governing ministers' and top civil servants' contacts with lobbyists.<sup>70</sup> Since the government lacked a common definition of lobbying, ministers and public officials missed guidance on what types of contacts they should record and publish.

### **Did It Open Government? Major**

Because this commitment lacked legal force and mechanisms to drive institutional change, the IRM did not list it among the promising commitments in the Action Plan Review.<sup>71</sup> However, in practice, the commitment has demonstrated strong early results. Government institutions now regularly publish data on ministers' and top officials' meetings with lobbyists, which was not available to the public before. Civil society stakeholders frequently use the data to track what interest groups have influenced policy processes.<sup>72</sup> For example, the Network of Estonian Nonprofit Organizations (NENO) used the data to compile the 2021 CSO Sustainability Index report for Estonia<sup>73</sup> and the civil society manifesto for the 2023 general elections in Estonia.<sup>74</sup>

The commitment achieved all milestones on time. In March 2021, the government approved two documents: 1) guidelines for ministers and their political advisors for avoiding conflicts of interest, and 2) a code of good practice of communication with lobbyists, targeted to ministers and top administrative staff of central government institutions. To disseminate the guidelines and the good practice, the Ministry of Justice produced a training video and test questions, which were integrated with an anti-corruption e-learning course for public officials.<sup>75</sup> The training videos are available on YouTube.<sup>76</sup> An important provision is the requirement to publish quarterly data on ministers' and top officials' meetings with lobbyists. This information should include the name of the official, name and affiliations of the lobbyist, date of the meeting, and topics discussed. According to the good practice, government organizations should publish the data on their website and update it at least every quarter. The Ministry of Justice provided a simple template for presenting this information in a tabular format, which most organizations have followed.<sup>77</sup>

While government organizations are "strongly recommended"<sup>78</sup> to follow the good practice, it lacks legal force and foresees no sanctions for non-compliance. In 2021 and 2022, the Ministry of Justice and Transparency International (TI) Estonia analyzed government institutions' practices of publishing information on meetings with lobbyists.<sup>79</sup> They found that most organizations voluntarily follow the recommendations and publish overviews of lobby meetings once every quarter.<sup>80</sup> They also noted improvements in the quality of the information over the 18-month period assessed. In the beginning, the overviews sometimes lacked data on lobbyists' affiliations or presented inadequate information on the topics discussed at meetings. However, the Ministry of Justice's most recent assessment shows that several organizations have improved the quality of their lobbying data.<sup>81</sup>

According to a representative from the Ministry of Justice, their assessment indicates that the good practice works well even without a legal obligation.<sup>82</sup> The representative noted that the most challenging part of implementation was coming to an agreement at the political and administrative level on the scope and format of regulating communication with lobbyists. However, this preparatory process largely took place before the start of the action plan and once an agreement was reached, implementation has been smooth. The representative also believed that implementation was successful because of the ministry's close collaboration with

the government's corruption prevention network. This network involves points of contact from all government ministries and the Government Office (usually internal auditors, sometimes also middle managers, and advisers), and representatives of partners such as the National Audit Office, TI Estonia, or Chamber of Commerce and Industry.

At the same time, there are still gaps in politicians' awareness of the guidelines for avoiding conflicts of interest. The public controversy that arose in July 2022 when the former head of the Trade Unions Confederation was appointed Minister of Health and Labor demonstrated that many members of the government were not familiar with the guidelines' definition of a 'lobbyist'.<sup>83</sup> TI Estonia points to the need for more systematic dissemination efforts to ensure ministers' and officials' high awareness of the guidelines and the good practice.<sup>84</sup>

To encourage organizations to continue the good practice, the Ministry of Justice and TI Estonia selected the top 10 performers in December 2022 based on the adequacy, timeliness, accessibility, and machine-readability of lobbying information, as well as organizations' responsiveness to requests for additional details.<sup>85</sup> The Ministry of Social Affairs, Ministry of Rural Affairs and Ministry of Education and Research ranked in the top three.<sup>86</sup> The Ministry of Justice plans to continue the assessment of publication practices and recognize top publishers next year.

### **Looking Ahead:**

A key debate is whether Estonia needs a mandatory lobby register or if transparency can be achieved through voluntary mechanisms. CSOs such as TI Estonia have advocated for the adoption of a lobby register, while the Ministry of Justice has deemed it more feasible to start with voluntary measures.<sup>87</sup> The introduction of a mandatory lobby registration system would require an information system to host the data, new legislation, and strong oversight and sanctioning mechanisms. The Ministry of Justice notes that putting an obligatory registration system in place where lobbyists would be required to register themselves needs a political decision and a cost-benefit analysis.<sup>88</sup> Therefore, if the current voluntary reporting system continues to produce good results, the ministry would not aim to adopt stricter lobbying regulations in the near future. As lobbying transparency has significantly improved thanks to this good practice, TI Estonia no longer deems it necessary to take immediate steps toward a mandatory lobby register. However, this need may reemerge if the public sector fails to comply with the good practice and expand it to cover more institutions.<sup>89</sup>

As the next step, the ministry is encouraging government organizations to publish quarterly overviews in machine-readable data formats. The IRM recommends aggregating this data to the national open data portal to assist public monitoring. In collaboration with TI Estonia, the ministry is continuing to analyze organizations' data publication and highlight best practices. In the coming years, the government plans to start publishing part of lobbying data in the new legislative drafting and co-creation system, being developed over several OGP action plans. According to the vision, each legislative and policy draft listed in the system would include data on meetings with interest groups that participated in its development. This would improve public oversight of government communication with lobbyists since the current quarterly reports only apply to ministers and top officials, whereas it is often lower-level officials that liaise with interest groups in relation to specific policy drafts.<sup>90</sup>



TI Estonia stresses that government institutions should not stop at simply publishing lobbying data but use the data to critically analyze their public engagement and work toward a more balanced representation of private and civil society interests in decision-making.<sup>91</sup> The government could also periodically review and update the good practice to address any changes in the context or implementation practice. For example, lobbying data could be published as soon as technically practicable, possibly every week instead of every quarter. Regarding the broader issue of avoiding conflicts of interest, TI Estonia recommends the government to address current contradictions in the good practice and the Government of the Republic Act.<sup>92</sup> The good practice foresees a cooling-off period of one year during which ministers leaving office are not allowed to take up management positions in companies and NGOs over which they have exercised power as ministers, while the law only stipulates a cooling-off period of six months, and excludes non-profits. The government could amend the law according to the higher standards of the good practice.

In parallel, the Ministry of Justice is encouraging the Parliament to start publishing lobbying data. TI Estonia has stressed the need to expand lobbying transparency mechanisms to Members of the Parliament and local governments.<sup>93</sup> As the executive government has no mandate to impose policies on the Parliament, the ministry has called on the Parliament to develop its own transparency regulations. As a first step, the ministry has recommended the Parliament's anti-corruption select committee to disclose data on its meetings with lobbyists to set an example to other Parliamentary committees.<sup>94</sup> The new Parliament formed after the elections in March 2023 could take up this topic.

<sup>12</sup> Open Government Partnership, Estonia Action Plan Review 2020-2022,

<https://www.opengovpartnership.org/documents/estonia-action-plan-review-2020-2022/>

<sup>13</sup> Kristina Reinsalu (2020), Koosloome võimalused ja õppetunnid, Riigikogu Toimetised 42/2020,

<https://rito.riigikogu.ee/wordpress/wp-content/uploads/2020/12/Reinsalu.pdf>; Keiti Kljavin, Johanna Pirrus, Kaija-Luisa Kurik

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<https://inimareng.ee/en/urban-activism-in-the-co-creation-of-public-space.html>

<sup>14</sup> Karmen Vilms (Ministry of Justice) and Kristina Liik (Government Office), interview by the IRM, 11 November 2022.

<sup>15</sup> Open Government Partnership, Estonia Action Plan Review 2020-2022, p 7,

<https://www.opengovpartnership.org/documents/estonia-action-plan-review-2020-2022/>

<sup>16</sup> Karmen Vilms (Ministry of Justice) and Kristina Liik (Government Office), interview by the IRM, 11 November 2022.

<sup>17</sup> Open Government Partnership, Estonia Design Report 2018–2020,

<https://www.opengovpartnership.org/documents/estonia-design-report-2018-2020/>

<sup>18</sup> Kai Klandorf (Network of Estonian Nonprofit Organizations), interview by the IRM, 28 October 2022.

<sup>19</sup> Koosloomerants, <https://www.riigikantselei.ee/valitsuse-too-planeerimine-ja-korraldamine/koosloomerants> (last visited on 2 January 2023)

<sup>20</sup> Open Government Partnership, see Commitment 1 in Estonia Action Plan 2022–2024,

<https://www.opengovpartnership.org/documents/estonia-action-plan-2022-2024/>

<sup>21</sup> Government Office, Noorte arvamusrännak, <https://valitsus.ee/noorte-arvamusrannak>

<sup>22</sup> Estonia 2035 Action Plan (approved by Government 28.04.2022), <https://valitsus.ee/media/4941/download>

<sup>23</sup> Open Government Partnership, Estonia Action Plan Review 2020-2022,

<https://www.opengovpartnership.org/documents/estonia-action-plan-review-2020-2022/>

<sup>24</sup> Kaspar Kütt, Noored pakkusid peaministrile välja tuleviku lahendusi, 20 January 2022,

<https://juunior.postimees.ee/7438183/noored-pakkusid-peaministrile-valja-tuleviku-lahendusi>

<sup>25</sup> Government Office, "Eesti 2035" noorte arvamusrännak kogus noorte ideid elukeskkonna paremaks muutmiseks, 17

December 2022, <https://www.riigikantselei.ee/uudised/eesti-2035-noorte-arvamusrannak-kogus-noorte-ideid-elukeskkonna-paremaks-muutmiseks>

<sup>26</sup> Aare Kasemets (Ministry of Rural Affairs), interview by the IRM, 13 December 2022.

<sup>27</sup> Aare Kasemets (Ministry of Rural Affairs), interview by the IRM, 13 December 2022.

- <sup>28</sup> The reports are published on the Ministry of Rural Affairs' website: Nõuandvad kogud ja projektid, <https://www.agri.ee/ministeerium-uudised-ja-kontakt/kaasamine-osalemine/nouandvad-kogud-ja-projektid>
- <sup>29</sup> Aare Kasemets (Ministry of Rural Affairs), interview by the IRM, 13 December 2022.
- <sup>30</sup> Aare Kasemets (Ministry of Rural Affairs), interview by the IRM, 13 December 2022.
- <sup>31</sup> Open Government Partnership, Estonia Action Plan 2022–2024, <https://www.opengovpartnership.org/documents/estonia-action-plan-2022-2024/>
- <sup>32</sup> Karmen Vilms (Ministry of Justice) and Kristina Liik (Government Office), interview by the IRM, 11 November 2022.
- <sup>33</sup> Aare Kasemets (Ministry of Rural Affairs), interview by the IRM, 13 December 2022.
- <sup>34</sup> Aare Kasemets (Ministry of Rural Affairs), interview by the IRM, 13 December 2022.
- <sup>35</sup> Open Government Partnership, Estonia Design Report 2018–2020, <https://www.opengovpartnership.org/documents/estonia-design-report-2018-2020/>
- <sup>36</sup> Kaie Küngas (Ministry of Finance), interview by the IRM, 9 December 2022.
- <sup>37</sup> Liia Hänni and Kristina Reinsalu (e-Governance Academy), interview by the IRM, 15 December 2022.
- <sup>38</sup> Kaie Küngas (Ministry of Finance), interview by the IRM, 9 December 2022.
- <sup>39</sup> Information provided to the IRM by the Government Office during the pre-publication review of this report, 12 April 2023.
- <sup>40</sup> Liia Hänni and Kristina Reinsalu (e-Governance Academy), interview by the IRM, 15 December 2022.
- <sup>41</sup> Minuomavalitsus, Omavalitsuste juhtimine on muutunud järjest läbipaistvamaks, 29 September 2022, <https://minuomavalitsus.ee/uudised/omavalitsuste-juhtimine-muutunud-jarjest-labipaistvamaks>
- <sup>42</sup> Liia Hänni and Kristina Reinsalu (e-Governance Academy), interview by the IRM, 15 December 2022.
- <sup>43</sup> Kaie Küngas (Ministry of Finance), interview by the IRM, 9 December 2022; Liia Hänni and Kristina Reinsalu (e-Governance Academy), interview by the IRM, 15 December 2022.
- <sup>44</sup> Ministry of Interior, Head näited kohalike omavalitsuste ja kogukondade koostööst Eestis, <https://siseministeerium.ee/media/2906/download>
- <sup>45</sup> Marten Lauri (Ministry of Finance), interview by the IRM, 13 December 2022.
- <sup>46</sup> The objectives and the agenda of the program, <https://koosloome.ee/kohalike-omavalitsuste-ja-kogukondade-koosloome-koolitusprogramm/>
- <sup>47</sup> Marten Lauri (Ministry of Finance), interview by the IRM, 13 December 2022.
- <sup>48</sup> Krista Pegolainen-Saar, Ivika Nõgel (2022), Kogukondade ja kohaliku omavalitsuse koostöö mudel: Kuidas aidata kogukondadel saada võimekateks partneriteks? (unpublished)
- <sup>49</sup> Valga municipality's open government action plan, Valga valla avatud valitsemise tegevuskava, <https://www.valga.ee/valla-avatud-valitsemise-tegevuskava> (updated in December 2022)
- <sup>50</sup> Marika Muru (Valga municipal government), correspondence with the IRM, 17 March 2023.
- <sup>51</sup> Jelena Katsuba (Maardu municipal government), correspondence with the IRM, 21 March 2023.
- <sup>52</sup> Marten Lauri (Ministry of Finance), interview by the IRM, 13 December 2022.
- <sup>53</sup> Kai Klandorf (Network of Estonian Nonprofit Organizations), interview by the IRM, 28 October 2022.
- <sup>54</sup> Ott Karulin (Government Office), interview by the IRM, 5 October 2022.
- <sup>55</sup> Minuomavalitsus, Omavalitsuste juhtimine on muutunud järjest läbipaistvamaks, 29 September 2022, <https://minuomavalitsus.ee/uudised/omavalitsuste-juhtimine-muutunud-jarjest-labipaistvamaks>
- <sup>56</sup> Government Office, Eesti avatud valitsemise partnerluse tegevuskava 2022-2024 ideekorjele esitatud ettepanekud, <https://riigikantselei.ee/media/1814/download>
- <sup>57</sup> Liia Hänni and Kristina Reinsalu (e-Governance Academy), interview by the IRM, 15 December 2022.
- <sup>58</sup> Open Government Partnership, Estonia Action Plan 2022–2024, <https://www.opengovpartnership.org/documents/estonia-action-plan-2022-2024/>
- <sup>59</sup> Liia Hänni and Kristina Reinsalu (e-Governance Academy), interview by the IRM, 15 December 2022; Marten Lauri (Ministry of Finance), interview by the IRM, 13 December 2022; Jelena Katsuba (Maardu municipal government), correspondence with the IRM, 21 March 2023.
- <sup>60</sup> Marten Lauri (Ministry of Finance), interview by the IRM, 13 December 2022.
- <sup>61</sup> Marika Muru (Valga municipal government), correspondence with the IRM, 17 March 2023.
- <sup>62</sup> Kaie Küngas (Ministry of Finance), interview by the IRM, 9 December 2022; Liia Hänni and Kristina Reinsalu (e-Governance Academy), interview by the IRM, 15 December 2022.
- <sup>63</sup> CIVITTA (2021), Eesti Linnade ja Valdade Liidu KOV IKT kompetentsikeskuse haldus- ja teenusmudeli analüüs, [https://www.elvl.ee/documents/21189341/34880075/ELVL\\_KK\\_lopparuanne\\_avalikustada.pdf/Of9f0926-656f-4af6-b08f-e9339.03e8e](https://www.elvl.ee/documents/21189341/34880075/ELVL_KK_lopparuanne_avalikustada.pdf/Of9f0926-656f-4af6-b08f-e9339.03e8e)
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- <sup>70</sup> Group of States against Corruption (GRECO), Fifth Evaluation Round: Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, Evaluation report: Estonia, 2018, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680900551>
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- <sup>72</sup> Kai Klandorf (Network of Estonian Nonprofit Organizations), interview by the IRM, 28 October 2022.
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## Section III. Participation and Co-Creation

**Government and civil society continued to jointly oversee action plan co-creation and implementation as part of the multi-stakeholder forum's (MSF) mandate. Government agencies also contracted several CSOs to co-implement commitments. CSOs feel sufficiently informed of commitment implementation but want the MSF to organize deeper debates on open government issues.**

The Government Office continues to steer Estonia's participation in OGP, with the State Secretary coordinating the OGP process and chairing the Open Government Development Committee (*Avatud Riigivalitsemise Arengukomisjon, ARVAK*). The committee serves as a multi-stakeholder forum (MSF), which oversees the development and implementation of OGP action plans. An advisor of the Government Office's strategy unit is responsible for the daily coordination of OGP-related activities and preparation of MSF meetings, although OGP only makes up part of the advisor's work tasks. Despite human resource limitations, the Government Office has maintained regular dialogue with civil society partners, in particular with the Network of Estonian Nonprofit Organizations (NENO), which coordinates the OGP civil society roundtable (an informal forum of CSOs interested in open government). However, the Government Office lacks dedicated resources to conduct broader outreach to engage more diverse groups in the OGP process.

The MSF met seven times during the action plan to discuss the implementation of commitments, Estonia's contribution to the work of the OGP Steering Committee, and the co-creation of the next action plan. Between formal meetings, the MSF regularly exchanged information by email. The composition of the MSF has remained the same since its reorganization in 2019. In addition to government and civil society stakeholders, the MSF includes several expert organizations that are independent from the central government (e.g., the Parliament's Foresight Center, Estonian Cooperation Assembly). Instead of pursuing exact government-civil society parity in numbers, NENO represents the collective position of the OGP CSO roundtable on the MSF. NENO believes it is important to mobilize active debates on OGP issues in the CSO roundtable and mediate its input to the MSF.<sup>95</sup> Nonetheless, NENO has recently struggled with reinvigorating the roundtable's work due to CSOs' limited human resources and lack of funding to work on OGP on top of their daily tasks.<sup>96</sup>

While civil society members were satisfied with the level of information provided on action plan implementation, they would like to see the MSF evolve from a formal oversight body into a lively discussion forum where CSOs and government debate and co-create solutions to open government issues.<sup>97</sup> To improve the quality of stakeholder dialogue, CSOs propose the MSF be co-chaired by CSOs<sup>98</sup> and ministry secretary-generals could attend MSF meetings personally instead of delegating participation to advisors and middle management.<sup>99</sup> Stronger top manager commitment could increase the priority of open government topics in ministries. CSOs also see the need for political leaders to assume an active role in the national OGP process.<sup>100</sup>

### Compliance with the Minimum Requirements

The IRM assesses whether member countries met the minimum requirements under OGP's Participation and Co-Creation Standards for the purposes of procedural review. According to Estonia's Action Plan Review, Estonia acted according to OGP process during co-creation of the

action plan.<sup>101</sup> During implementation, countries are required to maintain an OGP repository and provide the public with information on implementation of the action plan. The repository must be online, updated at least once during the action plan cycle, and contain evidence of development and implementation of the action plan. Based on these requirements, Estonia acted according to OGP process during the implementation period.<sup>102</sup>

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

Acted according to OGP process during the implementation period?	
<p><b>The government maintained an OGP repository that is online, updated at least once during the action plan cycle, and contains evidence of development and implementation of the action plan.</b> The Government Office’s OGP repository includes at least one piece of evidence to account for the implementation of each commitment in the fifth action plan.<sup>103</sup> The most recent update is from December 2022 with information from the government’s self-assessment report.</p>	Green
<p><b>The government provided the public with information on the action plan during the implementation period.</b> The MSF met seven times during the fifth action plan to discuss the implementation of commitments, among other items.</p>	Green

<sup>95</sup> Kai Klandorf (Network of Estonian Nonprofit Organizations), interview with the IRM, 28 October 2022

<sup>96</sup> Kai Klandorf (Network of Estonian Nonprofit Organizations), interview with the IRM, 28 October 2022

<sup>97</sup> Kai Klandorf (Network of Estonian Nonprofit Organizations), interview with the IRM, 28 October 2022; Liia Hänni and Kristina Reinsalu (e-Governance Academy), interview with the IRM, 15 December 2022.

<sup>98</sup> Liia Hänni and Kristina Reinsalu (e-Governance Academy), interview with the IRM, 15 December 2022.

<sup>99</sup> Kai Klandorf (Network of Estonian Nonprofit Organizations), interview with the IRM, 28 October 2022.

<sup>100</sup> Liia Hänni and Kristina Reinsalu (e-Governance Academy), interview with the IRM, 15 December 2022.

<sup>101</sup> Open Government Partnership, Estonia Action Plan Review 2020-2022,

<https://www.opengovpartnership.org/documents/estonia-action-plan-review-2020-2022/>

<sup>102</sup> Please note that future IRM assessments will focus on compliance with the updated OGP Co-Creation and Participation Standards that came into effect on 1 January 2022, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>

<sup>103</sup> Open Government Partnership Estonia, <https://www.riigikantselei.ee/valitsuse-too-planeerimine-ja-korraldamine/valitsuse-too-toetamine/avatud-valitsemise-partnerlus#tegevuskava-2020-2022>

## Section IV. Methodology and IRM Indicators

This report supports members' accountability and learning through assessment of (i) the level of completion for commitments' implementation, (ii) early results for commitments with a high level of completion identified as promising or that yielded significant results through implementation, and (iii) participation and co-creation practices throughout the action plan cycle. The IRM commenced the research process after the first year of implementation of the action plan with the development of a research plan, preliminary desk research, and verification of evidence provided in the country's OGP repository.<sup>104</sup>

In 2022, OGP launched a consultation process to co-create a new strategy for 2023–2028.<sup>105</sup> The IRM will revisit its products, process, and indicators once the strategy co-creation is complete. Until then, Results Reports continue to assess the same indicators as previous IRM reports:

### Completion

The IRM assesses the level of completion for each commitment in the action plan, including commitments clustered in the Action Plan Review.<sup>106</sup> The level of completion for all commitments is assessed as one of the following:

- *No evidence available*
- *Not started*
- *Limited*
- *Substantial*
- *Complete*

### Did It Open Government?

The IRM assesses changes to government practices that are relevant to OGP values, as defined in the OGP Articles of Governance, under the "Did it open government?" indicator.<sup>107</sup> To assess evidence of early results, the IRM refers to commitments or clusters identified as promising in the Action Plan Review as a starting point. The IRM also takes into account commitments or clusters with a high level of completion that may not have been determined as "promising" but that, as implemented, yielded significant results. For commitments that are clustered, the assessment of "Did it open government?" is conducted at the cluster level, rather than the individual commitment level. Commitments or clusters without sufficient evidence of early results at the time of assessment are designated as "no early results to report yet." For commitments or clusters with evidence of early results, the IRM assesses "Did it open government?" as one of the following:

- *Marginal*: Some change, but minor in terms of its effect on level of openness
- *Major*: A step forward for government openness in the relevant policy area but remains limited in scope or scale
- *Outstanding*: A reform that has transformed "business as usual" in the relevant policy area by opening government

This report was prepared by the IRM in collaboration with Maarja Olesk and was reviewed by Brendan Halloran, IRM external expert. The IRM methodology, quality of IRM products and

review process is overseen by the IRM's International Experts Panel (IEP). The current IEP membership includes:

- Snjezana Bokulic
- Cesar Cruz-Rubio
- Mary Francoli
- Maha Jweid
- Rocio Moreno Lopez

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual<sup>108</sup> and in Estonia's Action Plan Review 2020-2022. For more information, refer to the "IRM Overview" section of the OGP website.<sup>109</sup> A glossary on IRM and OGP terms is available on the OGP website.<sup>110</sup>

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<sup>104</sup> Estonia. OGP Repository. Date accessed: 25 November 2022, <https://riigikantselei.ee/valitsuse-too-planeerimine-ja-korraldamine/valitsuse-too-toetamine/avatud-valitsemise-partnerlus>

<sup>105</sup> See OGP, "Creating OGP's Future Together: Strategic Planning 2023–2028," <https://www.opengovpartnership.org/creating-ogps-future-together/>

<sup>106</sup> The IRM clusters commitments that share a common policy objective during the Action Plan Review process. In these instances, the IRM assesses "potential for results" and "Did it open government?" at the cluster level. The level of completion is assessed at the commitment level. For more information on how the IRM clusters commitments, see Section IV on Methodology and IRM Indicators of the Action Plan Review.

<sup>107</sup> See OGP, *Open Government Partnership Articles of Governance*, published 17 June 2019,

[https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP\\_Articles-of-Governance\\_2019.pdf](https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf)

<sup>108</sup> Independent Reporting Mechanism, *IRM Procedures Manual, V.3*, 16 September 2017,

<https://www.opengovpartnership.org/documents/irm-procedures-manual>

<sup>109</sup> Open Government Partnership, *IRM Overview*, <https://www.opengovpartnership.org/irm-guidance-overview/>

<sup>110</sup> Open Government Partnership, *OGP Glossary*, <https://www.opengovpartnership.org/glossary/>

## Annex I. Commitment Data<sup>111</sup>

### Commitment 1: Increase co-creative policy-making capacity within government authorities

**Verifiable:** Yes

**Does it have an open government lens?**

Yes

**Potential for results:** Substantial

• **Completion:** Substantial

• **Did it open government?** Marginal

This commitment is assessed in Section II above.

### Commitment 2: Increase co-creative policy-making capacity within local governments

• **Verifiable:** Yes

• **Does it have an open government lens?** Yes

• **Potential for results:** Substantial

• **Completion:** Substantial

• **Did it open government?** Marginal

This commitment is assessed in Section II above.

### Commitment 3.1: Develop and implement guidelines for good practice in lobbying

• **Verifiable:** Yes

• **Does it have an open government lens?** Yes

• This commitment has been un-clustered from Commitment 3 (Increase the transparency of policy-making)

• **Potential for results:** Modest

• **Completion:** Complete

• **Did it open government?** Major

This commitment is assessed in Section II above.

### Commitment 3.2: Support the implementation of whistleblower protection regulations

• **Verifiable:** Yes

• **Does it have an open government lens?** Yes

• This commitment has been un-clustered

• **Completion:** Limited

• **Did it open government?** No early results to report yet



<p>from Commitment 3 (Increase the transparency of policy-making)</p> <ul style="list-style-type: none"> <li>• <b>Potential for results:</b> Substantial</li> </ul>	
<p>This commitment aimed to develop a free and secure digital tool for whistleblower reporting as part of the transposition of the EU Whistleblower Directive. The Parliament was expected to adopt the whistleblower protection law during the action plan term. However, parliamentary proceedings came to a standstill after the first reading of the bill in January 2022 due to irresolvable political disagreements both on the desired scope of the regulation and whether it is needed at all.<sup>112</sup> Since this commitment’s activities depended on the adoption of the regulation, the Ministry of Justice could not implement them in the planned timeframe. The ministry undertook a few preparatory steps, such as publishing guidelines on whistleblower protection mechanisms on its website<sup>113</sup> and preparing an initial vision of the reporting tool. The European Commission has begun infringement proceedings for Estonia’s failure to transpose the EU directive on time.<sup>114</sup></p>	

<sup>111</sup> **Editorial notes:**

1. For commitments that are clustered: The assessment of potential for results and “Did it open government?” is conducted at the cluster level, rather than the individual commitment level.
2. Commitments’ short titles may have been edited for brevity. For the complete text of commitments, please see Estonia’s action plan: <https://www.opengovpartnership.org/documents/estonia-action-plan-2020-2022/>
3. For more information on the assessment of the commitments’ design, see Estonia’s Action Plan Review: <https://www.opengovpartnership.org/documents/estonia-action-plan-review-2020-2022/>

<sup>112</sup> Kätlin-Chris Kruusmaa (Ministry of Justice), interview by the IRM, 21 December 2022. Considerable political opposition to the bill is also illustrated by the high number of amendments (close to 300) proposed to the bill after first reading, <https://www.riigikogu.ee/tegevus/eelnoud/eelnou/muudatusettepanekud/be649d11-1eb9-40c2-820b-14391f119fac/Rikkumisest+teavitaja+kaitse+seadus>.

<sup>113</sup> Ministry of Justice, Rikkumisest teavitaja kaitse, <https://www.just.ee/rikkumisest-teavitaja-kaitse#mis-on-teavituskanal> (published in February 2022).

<sup>114</sup> Ministry of Justice, Euroopa Komisjon algatas vilepuhujate direktiiviga seoses rikkumisemenetluse, 28 January 2022, <https://www.just.ee/uudised/euroopa-komisjon-algatas-vilepuhujate-direktiiviga-seoses-rikkumisemenetluse>.