Independent Reporting Mechanism

Action Plan Review: Canada 2022–2024

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Introduction

In January 2021, the Independent Reporting Mechanism (IRM) rolled out the new products that resulted from the IRM Refresh process.[1] The new approach builds on the lessons learned after more than 350 robust, independent, evidence-based assessments conducted by the IRM and inputs from the OGP community. The IRM seeks to put forth simple, timely, fit for purpose, and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

IRM products are:

- **Co-Creation Brief:** Brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design.

- **Action Plan Review:** A quick, independent technical review of the characteristics of the action plan and the strengths and challenges IRM identifies to inform a stronger implementation process.

- **Results Report:** An overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product was rolled out in a transition phase in 2022, beginning with action plans ending implementation on 31 August 2022. Results Reports are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of the Canada 2022–2024 action plan. The action plan comprises five commitments. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data, see Annex 1. For details regarding the methodology and indicators used by the IRM for this Action Plan Review, see Section III.

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[1] For more details regarding the IRM Refresh, visit https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/.

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Section I: Overview of the 2022–2024 Action Plan

The 2022–2024 National Action Plan (NAP) largely carries forward and supplements elements of Canada's 2018–2021 NAP, introducing commitments in two new policy areas. Despite advancing relatively positive activities and initiatives, the potential for results of most commitments and milestones is tempered by the absence of a strong, coherent logic model linking actions to meaningful changes in the problems identified. The plan would benefit from setting out more focused commitments, targeting both current issues facing Canadians and requisite structural improvements to reinforce government capacity, policies, and culture toward openness .

Canada's 2022–2024 NAP is structured around five themes with associated commitments. Three themes carry forward and supplement commitments from the 2018–2021 NAP. Two introduce commitments in new policy areas. The five themes are: climate change and sustainable growth (new area); democracy and civic space; fiscal, financial, and corporate transparency; justice (new area); and open data for results. The commitments associated with each theme set out broad lines of action that, despite including specific activities, are vague in identifying both the specific problem being addressed and the outcomes expected from implementing these activities.

The five themes include 19 milestones and 106 activities identified as indicators of success. As written in the action plan, the stated objectives and proposed actions under each of the five themes are clear and include objectively verifiable activities. In most instances, however, the link between the proposed activities and desired outcome(s) is ambiguous.

There are two key areas in which the action plan might improve. First, the plan lacks a strong, coherent logic model connecting the proposed activities to substantive changes in the problems identified. With few exceptions, the proposed activities constitute relatively positive, but not particularly ambitious or meaningful efforts at addressing the issues set out in the action plan. Second, the milestones and proposed metrics provided in the 2022–2024 action plan should be more specific and include both baselines and measurable indicators – whether quantitative, qualitative, or some combination thereof – for assessing whether proposed activities lead to successful outputs and/or outcomes.

AT A GLANCE

Participating since: 2011
Action plan under review: 2022–2024
IRM product: Action Plan Review
Number of commitments: 5

Overview of commitments:
Commitments with an open government lens: 5 (100%)
Commitments with substantial potential for results: 1 (20%)
Promising commitments: 2 (40%)

Policy areas:
Carried over from previous action plans:
- Democracy and civic space
- Fiscal, financial and corporate transparency
- Open data for results

Emerging in this action plan:
- Climate change and sustainable growth
- Justice

Compliance with OGP minimum requirements for co-creation: Yes

Canada's previous action plans similarly lacked adequate indicators for measuring progress toward desired goals. Specifically, the IRM has consistently identified the validity of the proposed success indicators (i.e., do they actually measure/reflect what they claim to measure?) as needing improvement. As Goodhart's law states, "*when a measure becomes a target, it ceases to be a good measure.*" Echoing Provision 5 of the *OECD Recommendation of the Council on Open*

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Government,[2] in developing indicators for measuring progress toward opening government it is useful to: (i) first establish starting, or reference, points (i.e., baselines) against which progress toward stated objectives can be assessed; and (ii) develop or identify appropriate indicators to be used to measure against the baseline in assessing whether (and what) progress is being made.[3]

In terms of the strengths and limitations of the action plan development process, and as noted in the preamble of the 2022-2024 NAP, both civil society and and government members of the Multi-Stakeholder Forum (MSF) expressed some dissatisfaction.[4] This dissatisfaction appears to have been linked, in part, to the fact that both sides are learning by doing. The principal strength of the process was back-and-forth dialogue that developed in tandem with developing the action plan. As per both the civil society and government members of the MSF with whom the IRM Researcher met, a distinguishing feature of this dialogue, which arose at the behest of the MSF's civil society members, was the government's reporting back to civil society members about the progress being made on their inputs and requests.

One limitation of the plan development was the absence of orientation training for both government and CSO members of the MSF. The government representatives with whom the IRM researcher met felt such training could assist CSO members in better understanding the intricacies of both the federal government's internal operations, and the time and resources needed to implement changes. The CSO members likewise thought it would be useful to train government representatives—both within and outside of the MSF—on how to more effectively engage with civil society representatives.

A related limitation pertains to the governance of the MSF. Specifically, the need to formalize how the two parties collaborate. There is unresolved tension between the notion that government and civil society MSF members are working on the same team toward a common goal versus the idea that they are adversaries who must find ways to collaborate for a common cause. Government representatives are seemingly more sympathetic to the former perspective. However, civil society members seemingly favor the latter, lest the MSF be seen as a body for legitimating government actions. This matter requires further attention as it has direct implications for the perceived legitimacy of the MSF among members of Canadian civil society.

As noted in the IRM's assessments of each of Canada's four previous NAPs, the misalignment between the Government of Canada's budget process and the OGP action plan cycles is an obstacle to co-creating ambitious reforms. This is also the case with the fifth NAP. One of the five associated commitments, Commitment 3, and a number of milestones and indicators of success were *already* near completion or even completed when the plan was launched in September

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[2] Provision 5 recommends that adherents to the OECD *Recommendation of the Council on Open Government*,

> develop and implement monitoring, evaluation and learning mechanisms for open government strategies and initiatives by:
>
> (i) Identifying institutional actors to be in charge of collecting and disseminating up-to-date and reliable information and data in an open format;
> (ii) Developing comparable indicators to measure processes, outputs, outcomes, and impact in collaboration with stakeholders; and
> (iii) Fostering a culture of monitoring, evaluation and learning among public officials by increasing their capacity to regularly conduct exercises for these purposes in collaboration with relevant stakeholders.

See, OECD "Recommendation of the Council on Open Government" (OECD, 2017), https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438. See also, OECD, *Open Government Scan of Canada: Designing and Implementing an Open Government Strategy*, OECD Public Governance Reviews, (OECD Publishing, 2023), https://doi.org/10.1787/1290a7ef-en.

[3] For a concise overview of baselines, see: International Federation of Red Cross and Red Cross Societies. "Basline Basics" (2013), https://www.betterevaluation.org/sites/default/files/Baseline_Basics_2013.pdf. See also, UN Women, "Baseline studies," (Virtual Knowledge Centre to End Violence against Woment and Girls, 2011), https://www.endvawnow.org/en/articles/959-baseline-studies.html.

[4] Open Government Partnership, "Canada Action Plan 2022–2024" (22 Septbember 2022), https://www.opengovpartnership.org/documents/canada-action-plan-2022-2024/

2022.[5] For example, Milestone 3.1 was actualized six months after the launch of the plan, in March 2023, when the Government of Canada tabled new legislation to create a beneficial ownership registry to "make public some information regarding beneficial owners of federal corporations."[6]

Milestone 3.1 (implement public and searchable beneficial ownership registry) and Milestone 4.5 (open government at the Royal Canadian Mounted Police (RCMP)) represent the most promising steps forward in terms of their potential for opening government and generating binding and institutionalized changes across government and Canadian society more broadly.

The associated commitments of the other four themes and their activities are laudable. There is new information about Canadian society being gathered, analyzed, and disclosed as well as efforts to engage with a variety of public groups. However, the absence of a strong, coherent logic model, as described above, combined with the lack of baselines and adequate indicators with which to measure progress impedes assessments of whether these activities meaningfully enhance practices, policies, or institutions that govern a policy area, public sector, or the relationship between citizens and state. Many of the milestones and success indicators set out in the NAP appear to be informed by data solutionism. The IRM Researcher notes that the underlying question informing the development and design of commitments and their associated activities should be "*What are the conditions under which open government can be harnessed to achieve desired outcomes?*" rather than "*How can open government and open data be harnessed to achieve desired outcomes?*"

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[5] Treasury Board of Canada Secretariat, "Canada launches 2022–24 National Action Plan on Open Government" (Government of Canada, 22 Sep. 2022), https://www.canada.ca/en/treasury-board-secretariat/news/2022/09/canada-launches-202224-national-action-plan-on-open-government.html.

[6] Innovation, Science and Economic Development Canada, "Government of Canada tables new legislation to create a beneficial ownership registry" (Government of Canada, 22 Mar. 2023), https://www.canada.ca/en/innovation-science-economic-development/news/2023/03/government-of-canada-tables-new-legislation-to-create-a-beneficial-ownership-registry.html.

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Section II: Promising Commitments in Canada 2022–2024 Action Plan

The following review looks at two (2) commitments that the IRM identified as having the potential to realize the most promising results. Promising commitments address a policy area that is important to stakeholders or the national context. They must be verifiable, have a relevant open government lens, and have modest or substantial potential for results. This review also provides an analysis of challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan.

Table 1. Promising commitments

Promising Commitments
Commitment 3: Fiscal, financial and corporate transparency
Commitment 4: Justice

Commitment 3: Fiscal, financial and corporate transparency
Lead departments: Innovation, Science and Economic Development (ISED); Department of Finance Canada (FIN); Treasury Board of Canada Secretariat (TBS); Multistakeholder Forum

For a complete description of the commitment, see Theme 3 in:
https://www.opengovpartnership.org/documents/canada-action-plan-2022-2024/

Context and objectives:

The Basel AML Index[7] which measures the risk of money laundering and terrorist financing suggests that potential for such activity has fluctuated modestly in Canada between 2016 and 2022. In 2016, the Basel AML Index ranked Canada 105th out of 149 countries, whereas in 2022 the country was ranked 101 among 128 countries. The real estate market in the province of British Columbia has long served as a hot spot for the laundering of money through the Canadian economy.[8] The U.S. Department of State's *2022 International Narcotics Control Strategy Report* includes Canada among the 80 countries it identifies as Major Money Laundering Jurisdictions in 2021.[9]

Transparency International Canada who has long championed the benefits of establishing a national public registry of beneficial ownership has defined Canada as "one of the world's most opaque jurisdictions when it comes to ownership of private companies and trusts" and states that "the extent and impact of foreign investment remains unknown since very little data is collected on

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[7] The Basel AML Index combines 18 indicators and draws on data from 15 available sources including the Financial Action Task Force (FATF), Transparency International, the World Bank, and the World Economic Forum. See, Basel AML Index, 2023, https://index.baselgovernance.org/

[8] Alistair MacDonald, Paul Vieira, and Vipal Monga, "The Money Laundering Hub on the U.S. Border? It's Canada" *Wall Street Journal* (Dow Jones & Company, Inc., 8 Aug. 2018), https://www.wsj.com/articles/canada-comes-under-fire-for-money-laundering-lapses-1533729600; Kevin Comeau, "Why We Fail to Catch Money Launderers 99.9 percent of the Time" *C.D. Howe Institute, E-Brief* (C.D. Howe Institute, 7 May 2019), https://www.cdhowe.org/sites/default/files/attachments/research_papers/mixed/Final%20for%20release%20e-brief_291_web%20%28003%29.pdf; Jen St. Denis, "Canada missing 99.9 per cent of money laundering because of weak rules, expert estimates" *Toronto Star* (Toronto Star Newspapers Ltd. 6 May 2019), https://www.thestar.com/news/canada/2019/05/06/canada-missing-999-per-cent-of-money-laundering-because-of-weak-rules-expert-estimates.html; Marco Chown Oved, "Dirty money is driving up Toronto real estate prices, report says" *Toronto Star* (Toronto Star Newspapers Ltd. 21 Mar. 2019), https://www.thestar.com/news/canada/2019/03/21/dirty-money-is-driving-up-toronto-real-estate-prices-report-says.html.

[9] The U.S. government's Foreign Assistance Act of 1961 defines a "major money laundering country" as one "whose financial institutions engage in currency transactions involving significant amounts of proceeds from international narcotics trafficking" (FAA § 481(e)(7)). United States Department of State Bureau of International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report. Volume II. Money Laundering* (INCSR 2022 Volume II) (A/GIS/GPS, Mar. 2022), 10, https://www.state.gov/wp-content/uploads/2022/03/22-00768-INCSR-2022-Vol-2.pdf.

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property owners."[10] It also merits noting that Canada's ranking on Transparency International's Corruption Perceptions Index (CPI)[11] has fallen during the past six years.[12] Despite being ranked 14th (along with Estonia, Iceland, and Uruguay) among 180 countries, its CPI score has dropped from 82 in 2016 to 74 in 2022.

Commitment 3 builds on Commitment 12 from Canada's third NAP[13] as well as Commitment 3 from its fourth National Action Plan.[14] It parallels broader international efforts[15] aimed at tackling money laundering, corruption, terrorist financing, and tax evasion by requiring federally incorporated private companies (i.e., federal corporations)[16] to retain and provide timely access to beneficial ownership information.[17] The strengthening of corporate law pertaining to beneficial-ownership requires coordination between the federal government, the provinces, and the territories, each of which have a role in regulating corporations. In June 2019, legislative amendments to the *Canada Business Corporations Act* (CBCA) that apply to federally incorporated private companies came into effect. With these amendments, federal corporations are now required to actively collect and maintain information about registered and beneficial shareholders having "significant control"[18] over the corporation.[19]

In both the *Canada Design Report 2018-2020* and the *Canada Transitional Results Report 2018-2020*, Commitment 3 was assessed as not relevant to the OGP value of access to information because it was unclear that new information would be publically available. However, in its 2022 Federal Budget, the Government of Canada committed itself to:

[10] Transparency International, Canada, "Beneficial Ownership: Transparency, Why It Matters" (2017), https://transparencycanada.ca/beneficial-ownership-transparency/why-it-matters.

[11] The Corruption Perceptions Index (CPI) uses 13 sources, including the World Bank and World Economic Forum, to develop a score out of 100 that measures "how corrupt each country's public sector is perceived to be, according to experts and businesspeople." Transparency International, "The Abcs Of The Cpi: How The Corruption Perceptions Index Is Calculated" (20 Dec. 2021) https://www.transparency.org/en/news/how-cpi-scores-are-calculated.

[12] Transparency International, "Corruption Perceptions Index: Canada" (2023), https://www.transparency.org/en/cpi/2022/index/can.

[13] Open Government Partnership, "Canada Action Plan 2016–2018" (18 May 2016), https://www.opengovpartnership.org/documents/canada-action-plan-2016-2018/.

[14] Open Government Partnership, "Canada Action Plan 2018-2021" (17 Dec. 2018), https://www.opengovpartnership.org/documents/canada-action-plan-2018-2021/.

[15] For comparative information about the progress member states of the European Union are making implementing laws on public access to beneficial ownership information, see Dentons, "EU Transparency Registers" https://www.transparencyregisterlaws.com/#.

[16] Businesses operating in Canada can elect to incorporate either at the federal or provincial level. The key difference between the two options pertains to issues of name selection and protection, business reach, annual filings and costs. Federal corporations are incorporated pursuant to the Canada Business Corporations Act (CBCA). They have the right to carry on business anywhere in Canada under their registered corporate name, subject to extra-provincial/territorial registration requirements in each Province or Territory. By contrast provincial corporations can only conduct business within the province in which they are incorporated. See, LawDeport, "Provincial and Federal Incorporation: What is the Difference?" (2023), https://www.lawdepot.ca/resources/business-articles/provincial-and-federal-incorporation/?loc=CA. See also, LawDepot, "Incorporation FAQ - Canada-Federal" (2023), https://www.lawdepot.ca/law-library/business-articles/provincial-and-federal-incorporation/?loc=CA#.XTcf21B7lR0; Government of Canada, "Federal corporations forms and instructions" (2023), https://ised-isde.canada.ca/site/corporations-canada/en/federal-corporation-forms-and-instructions

[17] Canada Business Corporations Act (R.S.C., 1985, c. C-44) defines "beneficial ownership" as including "ownership through any trustee, legal representative, agent or mandatary, or other intermediary." Government of Canada, Canada Business Corporations Act R.S.C., 1985, c. C-44 (Justice Laws Website, 30 Nov. 2023) https://laws-lois.justice.gc.ca/eng/acts/c-44/fulltext.html.

[18] "Significant control" includes an individual owning 25% or more of the voting rights attached to a corporation's outstanding voting shares or 25% or more of the corporation's outstanding shares measured by fair market value. Individuals acting jointly or in concert who meet the 25% threshold as a group, and individuals who can exert influence resulting in "control in fact" over a corporation are also considered individuals with significant control. Jagdeep S. Shergill and Andrew Kemp, "CBCA Corporations Required To Track Beneficial Ownership" *Business Law Blog* (30 Jan. 2019, Lawson Lundell LLP) https://www.lawsonlundell.com/the-business-law-blog/cbca-corporations-required-to-track-beneficial-ownership.

[19] Information required to be held about those with significant control includes: name, birthdate, and address; jurisdiction of residence for tax purposes; day they became or ceased to have significant control; description of the interests and rights they have in shares of the corporation; and a description of how the corporation is keeping the registry up to date.

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accelerating by two years its commitment to amend the *Canada Business Corporations Act* to implement a public and searchable beneficial ownership registry, which will now be accessible before the end of 2023. The registry will cover corporations governed under the aforementioned Act and will be scalable to allow access to the beneficial ownership data held by provinces and territories that agree to participate in a national registry.[20]

In April 2022, an initial set of legislative amendments to the CBCA, was put forward in Bill C-19, *Budget Implementation Act, 2022, No. 1*, which received Royal Assent on June 23, 2022.[21] A second series of amendments to the CBCA along with additional amendments to the *Proceeds of Crime (Money Laundering) & Terrorist Financing Act*,[22] the *Income Tax Act*,[23] and the *Access to Information Act*,[24] were tabled in March 2023.[25] Bill C-42, *An Act to amend the Canadian Business Corporations Act and to make consequential and related amendments to other Acts* received Royal Assent on November 2, 2023.[26] Together, these changes require the Government of Canada to implement a public and searchable registry of information about beneficial owners of federal corporations.

The open government lens for Commitment 3 is transparency insofar as the implementation of Milestone 3.1, along with the necessary intergovernmental dialaogue specified in 3.2, serve to augment fiscal and corporate transparency for federally incorporated private companies.

Potential for results: **Substantial**

The potential results of Commitment 3 are substantial in terms of changing practices and the relationship between citizens and state. However, the realization of this potential hinges upon how effective the new legislation and its enforcement will be in balancing longstanding tensions between the benefits of full public access on the one hand, and concerns about the privacy, security, and investment implications of such access on the other hand.[27]

Implementing a publicly accessible beneficial ownership registry holds the promise of helping to tackle money laundering and increasing the financial transparency of federally incorporated private companies in Canada. However, in the absence of benchmarks upon which to assess change, what remains unclear, and likely will remain so in the near-to-medium term, is whether the efforts expended in creating a publicly accessible beneficial ownership registry will lead to concrete pan-Canadian improvements in corporate financial transparency. To this end, monitoring and evaluation will have an important role to play in the coming years to ensure delivery of the anticipated benefits.

Opportunities, challenges, and recommendations during implementation

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[20] Department of Finance Canada, "Federal Budget," Chapter 5 (Government of Canada, 2022) https://www.budget.canada.ca/2022/report-rapport/chap5-en.html.

[21] Government of Canada, 44th Parliament, "An Act to implement certain provisions of the budget tabled in Parliament on April 7, 2022 and other measures," (LEGIS*info* Website, 30 Nov. 2023), https://www.parl.ca/legisinfo/en/bill/44-1/c-19

[22] Government of Canada, *Proceeds of Crime (Money Laundering) and Terrorist Financing Ac*t (S.C. 2000, c. 17), (Justice Laws Website, 30 Nov. 2023), https://laws-lois.justice.gc.ca/eng/acts/P-24.501/

[23] Government of Canada, *Income Tax Act* (R.S.C., 1985, c. 1 (5th Supp.), (Justice Laws Website, 30 Nov. 2023), https://laws-lois.justice.gc.ca/eng/acts/I-3.3/

[24] Government of Canada, *Access to Information Act* (R.S.C., 1985, c. A-1), (Justice Laws Website, 30 Nov. 2023), https://laws-lois.justice.gc.ca/eng/acts/A-1/

[25] Innovation, Science and Economic Development Canada, "Government of Canada tables new legislation to create a beneficial ownership registry" (Government of Canada, 22 Mar. 2023), https://www.canada.ca/en/innovation-science-economic-development/news/2023/03/government-of-canada-tables-new-legislation-to-create-a-beneficial-ownership-registry.html.

[26] Government of Canada, 44th Parliament, "Bill C-42, An Act to amend the Canada Business Corporations Act and to make consequential and related amendments to other Acts," (LEGIS*info* Website, 30 Nov. 2023)*,* https://www.parl.ca/legisinfo/en/bill/44-1/c-42.

[27] Innovation, Science and Economic Development Canada, "Strengthening Corporate Beneficial Ownership Transparency in Canada" (Government of Canada, 19 Mar. 2020) https://www.ic.gc.ca/eic/site/142.nsf/eng/00001.html. See also, Transparency International, *The Opportunity to Stop Snow Washing in Canada*. https://transparencycanada.ca/beneficial-ownership-transparency/overview.

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The element of Commitment 3 most relevant to OGP values (Milestone 3.1) has already been largely implemented: i.e., the tabling of legislation to create a beneficial ownership registry. Milestone 3.2 deals foremost with matters of inter- and intra-governmental dialogue. Milestone 3.3 focuses on releasing—when available—"aggregate details of applications used by the Government of Canada" and the development of "policy instruments for the ethical use of information technology in the Government of Canada."[28] As written, its connection to matters of fiscal, financial, and corporate transpracy is ambiguous.

Commitment 3 marks the end result of some seven years and two full OGP program cycles of effort. The government and civil society representatives with whom the IRM Researcher met in preparing this report all recognized the significance of the progress made on beneficial ownership in Canada. Their views diverged, however, regarding the operationalization of the link between beneficial ownership and transparency. Whereas the government representatives tended to view transparency as flowing from the actions taken to date, civil society representatives maintained there was a need for continued vigilance and more work on this front. In the words of one former civil society member of the MSF, "This is huge but it ain't done yet!"[29]

Going forward, crucial considerations in supporting the delivery of anticipated benefits include:

(i)   ensuring sustained collaboration and engagement between the federal government, the provinces, the territories, and civil society in creating a pan-Canadian jurisdictional infrastructure to enhance corporate beneficial ownership transparency for law enforcement, security, tax authorities, and members of the public;

(ii)   whether the legislative amendments and the creating a publically accessible beneficial ownership registry lead to the disclosing of more information to the public, and improved channels for members of the broader public to disclose and/or request beneficial ownership information;

(iii)   whether members of the broader public will possess sufficient data literacy and information literacy skills, have access to the requisite technological infrastructures, and/or be sufficiently motivated to make purposeful use of the benefical ownership information that is disclosed;

(iv)   matters of enforcement and protections for whistleblowers that may extend beyond the current whistleblowing provisions set out in Bill C-42.

Commitment 4: Justice
Lead departments: Justice Canada; Royal Canadian Mounted Police (RCMP); International Development Research Centre (IDRC);[30] Multistakeholder Forum
For a complete description of the commitment, see Theme 4 in
https://www.opengovpartnership.org/documents/canada-action-plan-2022-2024/

Context and objectives:

Comitment 4 marks an effort to bring opennes to an issue area not addressed in previous NAPs. Its timing and origins coincided with broader societal calls for social justice such as the Black Lives Matter and #MeToo movements of the early 2020s in North America and elsewhere. The majority of milestones and success indicators associated with this commitment seek to advance access to information relating to justice and to improve legal literacy through the collecting and disseminating of justice data and best pratices—e.g., Milestones 4.1, 4.2, and 4.3. Commitment 4 also seeks to foster collaboration among national and international stakeholders to advance access to justice— e.g., Milestone 4.4. Within the broad theme of justice, Milestone 4.5 targets one specific problem

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[28] Open Government Partnership, "Canada Action Plan 2022–2024," Milestone 3.3 'How will we know we succeeded?' (22 Septbember 2022), https://www.opengovpartnership.org/documents/canada-action-plan-2022-2024/
[29] Former civil society MSF member, Personal communication, July 7, 2023.
[30] At the time of writing, autumn 2023, the IDRC is no longer a lead department on this commitment.

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area for redress through the introduction of open government strategies. Namely, reforming the Royal Canadian Mounted Police (RCMP).

There is a long history of calls both for improved oversight of the RCMP and for better accountability. Most recently, the Mass Casualty Commission that was tasked with investigating the RCMP's response to a mass killing that took place in rural Nova Scotia in 2020 noted:

> More than two years after the event, RCMP leadership had done very little to systematically evaluate its critical incident response to the deadliest mass shooting in Canada's history… In our process, it was apparent that the organizational structure of the RCMP both contributes to these failings and makes it challenging to hold the organization accountable for its work.[31]

According to government and civil society representatives of the MSF with whom the IRM Researcher met in preparing this report, the RCMP-focused component of this theme was the product of widely recognized longstanding demands for reforming Canada's national police force and the federal government's receptivity to moving forward with transparency-centered reforms. In the words of one government representative "seen through an OGP lens, and as previously recommended by the IRM, the inclusion of the RCMP open government strategy reflected the fact that we wanted to apply open government to 'real things' that were not abstract or just internal to government."[32]

The objective of Milestone 4.5, its success indicators, and success indicator 4.1.5 are all elements of a plan to develop "a multi-year roadmap for open government at the RCMP."[33] Success indicator 4.1.5 is a compenent of Milestone 4.1 that deals with collecting and sharing justice-related data more broadly. It is distinguished by its a focus on the collecting and making public "high-value data related to various policing activities [and] workforce composition" pertaining to the RCMP.[34] Indeed, this success indicator could easily be situated as part of Milestone 4.5 insofar as the actions it sets out (establish and release an RCMP inventory of data and information resources of business value; release approved open RCMP datasets on the Government of Canada's open data portal, https://open.canada.ca/en) go hand-in-hand with the actions specified in the milestone.

As written in the action plan, the open government lens for Milestone 4.5 and success indicator 4.1.5 touch upon the OGP values of transparency and civic participation. Milestone 4.5 and success indicator 4.1.5 also potentially align with the OGP value of public accountability as the actions they embody raise the prospect of the RCMP taking steps toward meaningful transparency. This could potentially make an important, though indirect, contribution to public accountability. At present, there is insufficient information to assess whether this is the case because neither Milestone 4.5 nor success indicator 4.1.5 meet the accountability threshold specified in the *IRM Procedures Manual*. As per this document:

> Formal accountability commitments include means of formally expressing grievances or reporting wrongdoing and achieving redress… A commitment that claims to improve accountability, but assumes that merely providing information or data without explaining

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[31] Mass Casualty Commission, *Final Report: Turning the Tide Together* (Privy Council Office, 30 Mar. 2023) https://masscasualtycommission.ca/final-report/. Catharine Tunney and Haley Ryan "N.S. mass shooting report condemns RCMP failures, calls for dramatic reforms CBC News" (CBC/Radio-Canada, 30 Mar. 2023) https://www.cbc.ca/news/canada/nova-scotia/n-s-mass-shooting-report-condemns-systemic-rcmp-failures-calls-for-dramatic-reforms-1.6795826; Beatrice Britneff, "Complaints about RCMP conduct are mounting. But who holds them accountable?" (Global News, 17 Jun. 2020) https://globalnews.ca/news/7067010/complaints-accountability-rcmp-conduct/; Susan M. Kootnekoff, "Police Brutality, Discrimination and Accountability in Canada" (Inspire Law, 12 Jun. 2020) https://www.inspirelaw.ca/police-brutality-discrimination-and-accountability-in-canada/.
[32] Government of Canada representative, Personal communication, July 20, 2023.
[33] Open Government Partnership, "Canada Action Plan 2022–2024," Milestone 4.5 'What will do?' (22 Septbember 2022), https://www.opengovpartnership.org/documents/canada-action-plan-2022-2024/
[34] Open Government Partnership, "Canada Action Plan 2022–2024," Milestone 4.1 'How will we know we succeeded?' (22 Septbember 2022), https://www.opengovpartnership.org/documents/canada-action-plan-2022-2024/

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what mechanism or intervention will translate that information into consequences or change, would not qualify as an accountability commitment.[35]

Potential for results: Modest

The activities associated with Milestones 4.1 through 4.5 and the various success indicators ascribed to them continue "ongoing practices in line with existing legislation, requirements, or [and] policies without indication of the added value or enhanced open government approach in contrast with existing practice."[36] They also do not "generate binding or institutionalized changes across government or institutions that govern a [the] policy area[s]."[37] Equally noteworthy, the theory of change and the logic model underlying Commitment 4 is ambiguous. Nonetheless, some activites associated with this commitment do constitute an incremental positive step in working toward providing opportunities for those Canadians possessing the necessary resources, capacities, and skills with access to new justice-related information and tools. This broadly contributes to establishing one of the many necessary conditions for creating opportunities that enable both expert and non-expert members of the public to make purposeful use of these resources. Given the centrality of online tools, data release, and training within this commitment, Commitment 4 is assessed as having a modest potential for results.

The standout element of Commitment 4 is Milestone 4.5. The aim of this milestone centers on establishing the requisite administrative and institutional infrastructures needed to facilitate, guide, and support change in the future. It focuses on creating a multi-year roadmap for change, with the listed success indicators comprising actions that directly pertain to the creation of this roadmap: developing a strategy for action, establishing a RCMP-centric open government office, establishing a RCMP open government working group, and establishing a RCMP multistakeholder forum. Milestone 4.5 is a first step in what, if seen through to completion, will be a long and arduous process of institutional reform.

As a stand-alone action, success indicator 4.1.5 offers little in terms of potential results per the IRM's 'Potential for Results' indicator definitions. This is because it focuses solely on releasing RCMP data and non-defined 'information resources of business value.' Any determination and measurement of success is contingent upon specifying *a priori* the expected outputs and outcomes. Despite being an important aspect of opening government, simply releasing data is not synonymous with open government. However, when considered as part of a larger project of developing an open government strategy for the RCMP, the actions associated with this particular success indicator are noteworthy given their potential to augment transparency and, assuming citizens are sufficiently motivated and possess the necessary resources and skills to access and make purposeful use of the data and information, civic participation.

Bearing in mind the context and objectives of Milestone 4.5 and success indicator 4.1.5, the potential for results in relation to reforming the RCMP may initially seem substantial. However, despite being a laudable initiative, developing a roadmap does not in itself generate binding or institutionalized changes across government or the the relevant governing institutions. Hence, the *potential* for change flowing from reforming the RCMP is noted but at this time, and in accordance with IRM's indicator defintions , Milestone 4.5 is assessed as having modest potential for results. This assessment echoes the views of two former civil society members of the MSF who despite embracing the idea of reforming the RCMP, were less sanguine about the success of the initiative. Both stressed that the outcome of the mapping exercise, let alone reforming the police force, is yet to be determined.[38]

Opportunities, challenges, and recommendations during implementation

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[35] Open Government Partnership, IRM Procedures Manual (2017) 49, https://www.opengovpartnership.org/wp-content/uploads/2017/09/IRM-Procedures-Manual-v4_Sept2017.docx.s
[36] See 'Potential for Results' indicator scale in Section III below.
[37] Ibid.,
[38] Former civil society MSF members, Personal communication, July 7, 2023 and July 28, 2023.

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Ultimately, the success of the most substantive feature of Commitment 4—the multi-year open government roadmap for the RCMP and accompanying infrastructures (Milestone 4.5)—will be contingent, in large measure, upon overcoming institutional inertia, the ongoing presence of change champions, sustained political will to bring about the types of open-focused change proposed, as well as buy-in from, and on-going engagement with, a diverse range of civil society, First Nations, Métis, and Inuit stakeholders. To this end there are five key challenges:

1. Advancing openness and transparency across the RCMP will constitute a dramatic change in how Canada's national police force conducts its affairs and engages with the public. To succeed, a shift toward open government at the RCMP will need a culture shift and 'leap of faith' among the RCMP leadership and those who comprise the force;

2. Beyond initial commitment, there will be a need to foster and sustain enterprise-wide commitment to open government within the RCMP;

3. Ensuring ready access to adequate resources—financial and otherwise—to help the RCMP leadership and those who comprise the force:

   (i) build capacity and competencies in the areas of dialogue, information, and data;

   (ii) be more open and responsive to the public; and

   (iii) embrace the principles of open government;

4. Cultivating and facilitating public engagement by redressing information disparities between the RCMP and members of the public; and

5. Catalyzing sustained commitment, inside and outside of the RCMP, to ongoing inclusive dialogue with diverse, relevant stakeholders that ensures stakeholder ownership and safety in the change process throughout the period of reform, and after.

These considerations highlight the scale of the capacity-building effort that will be required inside and outside the RCMP to ensure members of the public will be served well by this initiative over the near-, medium-, and long-term.

Other commitments

Other themes and their associated commitments that the IRM did not identify as promising commitments are discussed below. This review provides recommendations to contribute to the learning and implementation of these commitments.

Theme 1: Climate change and sustainable growth

The commitment associated with this theme focuses on joining "levels of governments, businesses, and citizens in improving our collective understanding of climate change and its impacts on ecosystems" and helping "inform decision-making and build climate change resiliency, which will contribute to the implementation of the National Adaptation Strategy."[39] It marks an effort to open an issue area not addressed in previous NAPs. The origins of Commitment 1 can be traced to ideas and suggestions received from members of the public during the earliest stages of the 2022-2024 action plan co-creation process and was, according to government and civil society representatives, partially motivated by IRM recommendations emerging from Canada's 2018–2021 NAP regarding the desirability of applying open government to specific real-word problems. As one government representative to the MSF put it,

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[39] Open Government Partnership, "Canada Action Plan 2022–2024," Theme 1, Commitment (22 Septbember 2022), https://www.opengovpartnership.org/documents/canada-action-plan-2022-2024/

> Climate is a problem. We didn't apply 'open' to solve **a** particular problem. We sought to bring 'open' to the issue area. Climate is always front of mind.[40]

Echoing this view when commenting on Theme 1, a former civil society member of the MSF stated, "We were throwing 'open' at the wall and seeing what sticks."[41]

The four milestones and 13 activities constituting Theme 1 and its associated commitment seek to make it easier for citizens to find high quality data and resources about climate change and sustainable growth. Striving for "improving our collective understanding of climate change and its impacts on ecosystems" is a commendable objective.[42] As written, the commitment has an open government lens (i.e., transparency) insofar as disclosing government held data and information is the foundation of its implementation. Much weight is placed on delivering information, reports, analyses, and making it easier for users to engage with data and information about various facets of climate change and sustainable growth. Nothing in the commitment, however, speaks to how expert and non-expert members of the public might use the information to inform government policy-making.

Overall, the commitment largely continues "ongoing practices in line with existing legislation, requirements, or [and] policies without indication of the added value or enhanced open government approach in contrast with existing practice."[43] Nor does it "generate binding or institutionalized changes across government or institutions that govern a [the] policy area[s]."[44] As currently written, the commitment's potential for results is ambiguous. Nonetheless, some activites associated with the commitment constitute an incremental positive step toward providing opportunities for those Canadians who possess the necessary resources, capacities, and skills to access new information about climate change and its impacts on ecosystems and, hopefully, to make purposeful use of this information in myriad contexts. Given the central place of online tools, data release, education and training, and pilot projects within this commitment, the commitment is assessed as having modest potential for results.

The link between the commitment, the milestones, and the proposed success indicators–which predominantly are targeted activities, not measures–is ambiguous. No information is provided about the current status of Canadians' understanding of climate change and its impacts on ecosystems (i.e., there is no baseline for measurement), the targeted change that is meant to emerge from implementing this commitment, or metrics to measure progress in public environmental education. In short, the commitment's potential for results is constrained by a propensity to equate the provision of data and information with enhancements in public knowledge and understanding.

The IRM Researcher notes the need to to be wary of the pitfalls of data solutionism. Making government-held information publicly available, whether as open data or in other forms, is not synonymous with increased transparency and learning. Realizing such benefits is contingent upon the presence of the necessary motivation, resources, and competencies to make purposeful use the information provided.[45]

Theme 2: Democracy and civic space

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[40] Government of Canada representative, Personal communication, July 20, 2023.
[41] Former civil society MSF member, Personal communication, July 28, 2023.
[42] Open Government Partnership, "Canada Action Plan 2022–2024," Theme 1, Commitment (22 Septbember 2022), https://www.opengovpartnership.org/documents/canada-action-plan-2022-2024/
[43] See 'Potential for Results' indicator scale in Section III below.
[44] Ibid.,
[45] Mike Ananny and Kate Crawford, "Seeing without knowing: Limitations of the transparency ideal and its application to algorithmic accountability" *New Media and Society* 20(3) (Dec. 2016) 973–989, DOI:10.1177/1461444816676645. See also, Greg Michener and Katherine Bersch, "Identifying transparency" *Information Polity* 18(3) (24 Oct. 2013) 233-242, https://doi.org/10.3233/IP-130299; Fons Wijnhoven, Michel Ehrenhard, and Johannes Kuhn, "Open government objectives and participation motivations" *Government Information Quarterly* 32(1) (Jan. 2015) 30-42, https://doi.org/10.1016/j.giq.2014.10.002.

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The commitment associated with this theme builds on Commitment 6 from Canada's 2018–2021 NAP. The conclusion specified about the previous commitment in the IRM's *Canada Transitional Results Report 2018-2021* also applies to the current commitment:

> the ambiguous manner in which the commitment and its milestones were written, combined with its focus on information about government and public policy related matters circulating in the mediasphere as opposed to government-held information rendered its connection to open government and OGP values tenuous. Likewise, many of the activities in this commitment reflected initiatives that likely would have been carried out regardless of their inclusion in the action plan (like catalyzing the building of resilient democratic institutions in the digital age). As such, it is not clear how these initiatives are strengthened or otherwise benefit as a consequence of their inclusion in the action plan.[46]

This said, the IRM Researcher recognizes there is much to be applauded in the four milestones and 26 activities associated with this commitment. They are all positive steps in addressing supply-side disinformation-based threats (i.e., willful dissemination of misinformation on- and offline) in Canada and internationally. However, the commitment, its milestones, and the success indicators overlook how open government and open data might be used to redress factors feeding the demand for disinformation.[47] This is a notable oversight given the commitment's stated goal of "actively combatting disinformation, safeguarding fair elections, fostering social inclusion and trust toward public institutions, and protecting civic space online and offline in an inclusive way."[48]

As written, the commitment is built around a series of broad-scope activities and offers no information about the current state of affairs prior to its launch (i.e., there is no baseline for measurement) nor the targeted change that is meant to emerge from its implementation. Given that two of the 26 proposed success indicators entail providing opportunities for select groups of stakeholders to engage with government, the commitment loosely aligns with the open government lens of civic participation.

Overall, the commitment largely continues "ongoing practices in line with existing legislation, requirements, or [and] policies without indication of the added value or enhanced open government approach in contrast with existing practice"[49] and does not "generate binding or institutionalized changes across government or institutions that govern a [the] policy area[s]."[50] Furthermore, the commitment appears to be rooted in the same proposition as Commitment 6 in Canada's 2018–2021 NAP. Namely, that completing the milestones will necessarily re-invigorate Canadians' trust in public institutions. As stated in *IRM's Canada Design Report (2018–2020)*:

> First, there is no direct causal relationship between the proposed actions to be taken and citizens' levels of trust in democratic institutions. Second, and despite being verifiable, the milestones do not specify how or why these actions would actually impact on Canadian citizens' levels of trust in democratic institutions.[51]

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[46] Daniel J. Paré, *Independent Reporting Mechanism (IRM): Canada Transitional Results Report 2018–2021* (Open Government Partnership, 23 Mar. 2023) https://www.opengovpartnership.org/documents/canada-transitional-results-report-2018-2021-for-public-comment/.

[47] Terry Flew, "Beyond the Paradox of Trust and Digital Platforms: Populism and the Reshaping of Internet Regulations" in T. Flew, F.R. Martin (eds), *Digital Platform Regulation* (Palgrave Macmillan, 24 May 2022) 281–309, https://doi.org/10.1007/978-3-030-95220-4_14. W. Lance Bennett and Steven Livingston, "A Brief History of the Disinformation Age: Information Wars and the Decline of Institutional Authority" in W. Lance Bennett and Steven Livingston (eds), *The Disinformation Age: Politics, Technology, and Disruptive Communication in the United States* (Cambridge Univ. Press, 2020) 3–40, https://www.cambridge.org/core/books/disinformation-age/1F4751119C7C4693E514C249E0F0F997#fndtn-information. Dean Jackson, "Issue Brief: The 'Demand Side' of the Disinformation Crisis" (National Endowment for Democracy, 2018), https://www.ned.org/wp-content/uploads/2018/08/The-Demand-Side-of-Disinformation.pdf.

[48] Open Government Partnership, "Canada Action Plan 2022–2024," Theme 2, Commitment (22 Septbember 2022), https://www.opengovpartnership.org/documents/canada-action-plan-2022-2024/

[49] See 'Potential for Results' indicator scale in Section III below.

[50] Ibid.,

[51] Daniel J. Paré, *Independent Reporting Mechanism (IRM): Canada Design Report 2018–2020* (Open Government Partnership, 6 July 2021) https://www.opengovpartnership.org/documents/canada-design-report-2018-2020/

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Given Commitment 2's highly tenuous connection to open government and the absence of a discernable logic model between it and its specified milestones and success indicators,[52] its potential for results is ambiguous. However, some of the commitment's activites do seemingly constitute an incremental, positive step toward combatting domestic and international supply-side disinformation-based threats by providing on- and offline resources, publishing documents about the national security-disinformation-democracy nexus, and supporting research projects. As such, if one views these activities through the lens of interpretative flexibility afforded by the IRM's indicator scale of 'Potential for Results,' one can advance the claim that there are grounds to suggest the commitment may be very loosely seen as having a modest potential for results.

There are two other notable aspects of the commitment's design. Six of the activities are outward-facing with nothing specified about the targeted change that is meant to emerge, their domestic implications, or the benchmarks to be used to assess the change. Here too, concerns previously raised by the IRM about including externally-focused activities in national action plans sum up the current situation and, as such, bear repeating:

> Despite aligning with the pledge specified in the Open Government Declaration to, "lead by example and contribute to advancing open government in other countries by sharing best practices and expertise,"[53] no information was provided about the targeted change that was meant to emerge from its implementation. Additionally, as expressed in the IRM's Canada Progress Report 2016-2017,[54] the absence of benchmarks and indicators renders tenuous any assessment of the extent to which completing milestones contributes to supporting ongoing efforts at supporting open government community- and capacity-building; and the OGP process is designed to support actions with domestic implications that foment open government at the national level.[55]

Second, and like prior concerns raised by the IRM, given the exceedingly loose connection between the activites set out for this commitment and opening government, it is unclear how the commitment and most of the associated initiatives are strengthend or otherwise benefit from being included in the action plan.

Theme 5: Open Data for results

The commitment associated with this theme commits the Government of Canada to "managing data and information in an open and strategic manner, building a more mature open government and open data ecosystem, and focusing on disaggregated data."[56] Comprised of three milestones and 38 activities, it builds on various elements of Commitments 1, 4, and 10 from the Canada's 2018–2021 National Action Plan and is linked to Statistics Canada's Disaggregated Data Action Plan (DDAP).[57] Rooted in the notion of 'better data for better decision-making,' the DDAP is a Statistics Canada led "a whole-of-government approach" aimed at "supporting governmental and

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[52] Most of the success indicators for this commitment are activities and not measurements.
[53] Open Government Partnership, "Open Government Declaration" (Sep. 2011), https://www.opengovpartnership.org/open-government-declaration.
[54] As noted in the report, "there remains a question as to whether externally focused work should be included in Canada's action plan, since impact on open government in Canada will be negligible. This is an appropriate approach to Canada's foreign aid planning, which should target external goals rather than prioritising projects which benefit Canadians. However, it is unclear whether this is the right approach for an open government action plan commitment." Michael Karanicolas, *Independent Reporting Mechanism (IRM): Canada Progress Report 2016-2017* (Open Government Partnership, Mar. 2018) 86, https://www.opengovpartnership.org/wp-content/uploads/2018/03/Canada_MidTerm-Report_2016-2018_EN_for-public-comment.pdf.
[55] Daniel J. Paré, *Independent Reporting Mechanism (IRM): Canada Transitional Results Report 2018–2021* (Open Government Partnership, 23 Mar. 2023) https://www.opengovpartnership.org/documents/canada-transitional-results-report-2018-2021-for-public-comment/.
[56] Open Government Partnership, "Canada Action Plan 2022–2024," Theme 5, Commitment (22 Septbember 2022), https://www.opengovpartnership.org/documents/canada-action-plan-2022-2024/
[57] Statistics Canada, "Disaggregated Data Action Plan: Why it matters to you," (Government of Canada, 8 Dec 2021), https://www150.statcan.gc.ca/n1/pub/11-627-m/11-627-m2021092-eng.htm.

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societal efforts to address known inequalities and promote fair and inclusive decision making."[58] It is designed to guide the modernizing Statistics Canada's data collection and administrative data programs and to produce "detailed statistical information to highlight the experiences of specific population groups, such as women, Indigenous peoples, racialized populations and people living with disabilities."[59]

As written, this commitment has an open government lens (i.e., transparency) insofar as disclosing government-held data and information is core to its implementation. Much weight is placed on delivering information, reports, analyses, facilitating user engagement with data and information, and managing data standards. However, nothing in the commitment speaks directly to expert and non-expert members of the public subsequently being able to use the information in purposeful ways, such as informing and/or influencing government policy or decision-making.

The commitment continues "ongoing practices in line with existing legislation, requirements, or [and] policies without indication of the added value or enhanced open government approach in contrast with existing practice"[60] and does not "generate binding or institutionalized changes across government or institutions that govern a [the] policy area[s]."[61] As currently written, its potential for results is ambiguous. Nonetheless, the activites associated with the commitment constitute an incremental, positive step in working toward providing opportunities for those Canadians who possess the necessary resources, capacities, and skills to access and, hopefully, make purposeful use of the resources afforded by a more mature open government and open data ecosystem. Viewing the commitment's focus on developing tools and processes to better manage "data and information in an open and strategic manner,"[62] there is some basis for suggesting that, taken together, the associated activities offer modest potential for results.

The link between the commitment, the milestones, and the success criteria is ambiguous. No baselines are provided, no mention is made of the targeted changes that are meant to emerge from implementing this commitment, and the success criteria are target activities, not measures. Overall, the commitment's potential is tempered by its seeming rootedness in the idea that merely providing data and information is a proxy for delivering socially desirable results.

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[58] Statistics Canada, "Disaggregated Data Action Plan Accomplishments Report 2022-2023: Building on a solid foundation," (Government of Canada, 19 Dec 2023), https://www.statcan.gc.ca/en/about/reports2/accomplishments2023
[59] Statistics Canada, "Disaggregated Data Accomplishments report 2021-22: Better Quality Data for Better Decision Making," (Government of Canada, 27 July 2023), https://www.statcan.gc.ca/en/about/reports2/accomplishments2022.
[60] See 'Potential for Results' indicator scale in Section III below.
[61] Ibid.,
[62] Open Government Partnership, "Canada Action Plan 2022–2024," Theme 5, Commitment (22 Septbember 2022), https://www.opengovpartnership.org/documents/canada-action-plan-2022-2024/

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Section III: Methodology and IRM Indicators

The purpose of this review is not an evaluation. It is intended as a quick, independent, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. The IRM highlights commitments that have the highest potential for results, a high priority for country stakeholders, a priority in the national open government context, or a combination of these factors.

The IRM follows a filtering and clustering process to identify promising reforms or commitments:

> **Step 1:** Determine what is reviewable based on the <u>verifiability</u> of the commitment as written in the action plan.
> **Step 2:** Determine if the commitment has an <u>open government lens</u>. Is it relevant to OGP values?
> **Step 3:** Review commitments that are verifiable and have an open government lens to identify if certain commitments need to be clustered. Commitments that have a common policy objective or contribute to the same reform or policy issue should be clustered. The potential for results of clustered commitments should be reviewed as a whole. IRM staff follow these steps to cluster commitments:
> > a. Determine overarching themes. If the action plan is not already grouped by themes, IRM staff may use OGP's thematic tagging as reference.
> > b. Review commitment objectives to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
> > c. Organize commitments into clusters as needed. Commitments may already be organized in the action plan under specific policy or government reforms.
> **Step 4:** Assess the <u>potential for results</u> of the clustered or standalone commitment.

Filtering is an internal process. Data for individual commitments is available in Annex 1. In addition, during the internal review process of this product, the IRM verifies the accuracy of findings and collects further input through peer review, OGP Support Unit feedback as needed, interviews and validation with country stakeholders, an external expert review, and oversight by IRM's International Experts Panel (IEP).

As described earlier, IRM relies on **three key indicators** for this review:

I. Verifiability
- **Yes, specific enough to review:** As written in the action plan, the stated objectives and proposed actions are sufficiently clear and include objectively verifiable activities to assess implementation.
- **No, not specific enough to review:** As written in the action plan, the stated objectives and proposed actions lack clarity and do not include explicitly verifiable activities to assess implementation.
- Commitments that are not verifiable will be considered not reviewable, and further assessment will not be carried out.

II. Open government lens
This indicator determines if the commitment relates to the open government values of transparency, civic participation, or public accountability as defined by the Open Government Declaration and the OGP Articles of Governance by responding to the following guiding questions. Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:
- **Yes/No:** Does the commitment set out to make a policy area, institution, or decision-making process more transparent, participatory, or accountable to the public?

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The IRM uses the OGP values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will the government create or improve opportunities, processes, or mechanisms for the public to inform or influence decisions? Will the government create, enable, or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association, and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable legal, policy, or institutional frameworks to foster accountability of public officials?

III. Potential for results

The IRM adjusted this indicator—formerly known as the "potential impact" indicator—to take into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, the IRM modified this indicator to lay out the expected results and potential that would be verified in the IRM Results Report after implementation. Given the purpose of this Action Plan Review, the assessment of potential for results is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** The commitment is aimed at continuing ongoing practices in line with existing legislation, requirements, or policies without indication of the added value or enhanced open government approach in contrast with existing practice.
- **Modest:** A positive but standalone initiative or change to processes, practices, or policies. The commitment does not generate binding or institutionalized changes across government or institutions that govern a policy area. Examples are tools (e.g., websites) or data release, training, or pilot projects.
- **Substantial:** A possible game changer for practices, policies, or institutions that govern a policy area, public sector, or the relationship between citizens and state. The commitment generates binding and institutionalized changes across government.

This review was prepared by the IRM in collaboration with Daniel J. Paré and was externally expert-reviewed by Brendan Halloran The IRM methodology, quality of IRM products, and review process are overseen by IRM's IEP. For more information, see the IRM Overview section of the OGP website.[63]

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[63] Open Government Partnership, "Overview: Independent Reporting Mechanism" (accessed 2023), https://www.opengovpartnership.org/irm-guidance-overview/.

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Annex 1: Commitment by Commitment Data[64]

Commitment 1: Climate Change and Sustainable Growth
• Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest

Commitment 2: Democracy and civic space
• Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest

Commitment 3. Fiscal, financial and corporate transparency
• Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Substantial

Commitment 4: Justice
• Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest

Commitment 5: Open Data for results
• Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest

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[64] **Editorial notes:**
1. For commitments that are clustered, the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.
2. Commitment short titles may have been edited for brevity. For the complete text of commitments, see Government of Canada's *National Action Plan on Open Government 2022-2024*: https://open.canada.ca/en/content/national-action-plan-open-government.

Annex 2: Action Plan Co-Creation

OGP member countries are encouraged to aim for the full ambition of the updated OGP Participation and Co-Creation Standards that came into force on 1 January 2022.[65] IRM assesses all countries that submitted action plans from 2022 onward under the updated standards. OGP instituted a 24-month grace period to ensure a fair and transparent transition to the updated standards. During this time, IRM will assess countries' alignment with the standards and compliance with their minimum requirements.[66] However, countries will only be found to be acting contrary to the OGP process if they do not meet the minimum requirements, starting with action plans submitted to begin in 2024 and onward. Table 2 outlines the extent to which the countries' participation and co-creation practices meet the minimum requirements that apply during development of the action plan.

Table 2. Compliance with minimum requirements

Minimum requirement	Met during co-creation?	Met during implementation?
1.1 Space for dialogue: The MSF is meant to meet at least every two months in Ottawa or via teleconference.[67] Minutes of the meetings are publicly available.[68]	Yes	*To be assessed in the results report*
2.1 OGP website: Each of Canada's five National Action Plans on Open Government are available online	Yes	*To be assessed in the results report*
2.2 Repository: The National Action Plan on Open Government Tracker is a tool that is: (1) available online, without barriers to access; (2) linked, to varying extents, to evidence; and (3) regularly updated.	Yes	*To be assessed in the results report*
3.1 Advanced notice: In accord with public health guidelines in force at the time, the co-creation process took place entirely online from July 2021 to February 2022. The various related activities were announced *a priori* via multiple online and social media channels online. The Consultation Data for Canada's 2022–24 National Action Plan (NAP) on Open Government is available at: https://open.canada.ca.	Yes	Not applicable
3.2 Outreach: Public outreach/consultations were conducted through online channels between July 2021 and February 2022. See Consultation Data for Canada's 2022-24 National Action Plan (NAP) on Open Government and What We Heard Report.	Yes	Not applicable
3.3 Feedback mechanism: Public outreach/consultations were conducted through online channels between July 2021 and February 2022. See Consultation Data for Canada's 2022-24 National Action Plan (NAP) on Open Government and What We Heard Report.	Yes	Not applicable
4.1 Reasoned response: Stakeholder contributions were documented, and feedback published in summary form. The government reported back to stakeholders via two reports (Consultation Data for Canada's 2022-24 National Action Plan (NAP) on Open Government and What We Heard Report and some in-person consultations with members of the MSF and other civil society representatives. The MSF does not publish written feedback to stakeholders.	Yes	Not applicable

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[65] Open Government Partnership, "OGP Participation and Co-Creation Standards" (24 Nov. 2021) https://www.opengovpartnership.org/ogp-participation-co-creation-standards/.
[66] Open Government Partnership, "IRM Guidelines for the Assessment of Minimum Requirements" (31 May 2022), https://www.opengovpartnership.org/documents/irm-guidelines-for-the-assessment-of-minimum-requirements/.
[67] Multi-Stakeholder Forum, "Multi-stakeholder Forum Terms of Reference" https://docs.google.com/document/d/1NHSHqGDQBEuY76d5VA3lcz-AtaMegyUa6C7XE9DKQv0/edit.
[68] Government of Canada," Multi-Stakeholder Forum on Open Government" (5 Nov. 2023) https://open.canada.ca/data/en/dataset/cd94b0b3-c328-4468-958e-ccd7bd140b48. NOTE: At the time of preparing this report, the minutes for the 2021 MSF meetings are not publicly available. These materials previously were available from a Google Drive but included material in only one official language and was not checked for accessibility. The Open Government Team is currently working through the backlog of materials and expects the meeting materials for 2021 to be published to the open government portal by late September 2023.

Open
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5.1 Open implementation: The IRM will assess whether meetings were held with civil society stakeholders to present implementation results and enable civil society to provide comments in the Results Report.	Not applicable	*To be assessed in the results report*