

Chair
External Relations and Defence Committee

AGREEMENT TO JOIN OPEN GOVERNMENT PARTNERSHIP

Proposal

1. This paper seeks agreement to accept an invitation for New Zealand to join the Open Government Partnership (OGP), an international grouping of countries aimed at fostering good governance and improving relations between citizens and their states.

Executive summary

2. Having received a high score against eligibility criteria, New Zealand has been invited to join the OGP by the current co-chair of OGP, Rt Hon Francis Maude, United Kingdom Minister of State.
3. Membership of the OGP complements New Zealand's reputation for integrity, openness and lack of corruption, and supports New Zealand's leadership role internationally in the area of transparency and open government. The OGP principles are also consistent with Cabinet's expectation under the Declaration on Open and Transparent Government, directing all public service departments to commit to actively release high value public data [CAB Min (11) 29/12 refers].
4. If New Zealand agrees to join we would be obliged to develop an action plan with concrete commitments structured around one of the specified "grand challenges". It is proposed that New Zealand's first action plan build on existing efforts and focus on "improving public services". It is proposed that New Zealand's action plan draw largely from the Better Public Service (BPS) programme to avoid duplication of effort.

Background

5. The OGP is a multilateral initiative overseen by a steering committee of governments and civil society organisations. Government members commit to promote transparent and open government by empowering citizens, fighting corruption and harnessing new technologies. This mission is one that resonates with New Zealand values and with our goals for international economic and social development.
6. Eligibility to join is determined by comparing a country's openness and transparency against a range of criteria: New Zealand has been rated the highest possible score. At a meeting with the Prime Minister, Rt Hon Francis Maude, United Kingdom Minister of State, and current co-chair of the OGP, invited New Zealand to join the OGP.
7. The OGP is a rapidly expanding initiative. From eight founding countries in 2011, it now consists of 58 countries, including many European, North American and South American countries. The Asia-Pacific region is currently represented by Indonesia (which will be the next lead OGP chair), Philippines and South Korea. Australia has recently announced its intention to join in 2014. A full list of OGP member countries is provided in Appendix One.

Discussion

Benefits of membership

8. There are benefits to New Zealand in joining the OGP. It is important that New Zealand maintain its reputation as a responsible international citizen. This supports New Zealand's efforts to pursue a wide range of goals multilaterally. The OGP principles of openness and transparency complement New Zealand's participation in other international forums including Transparency International and the OECD. Joining the OGP would also support current efforts to safeguard New Zealand's international reputation.
9. The OGP is an opportunity to build and strengthen ties with current and future trading partners. New Zealand's role in the OGP is expected to largely be one of a role model, encouraging the adoption of open government practices. It is easier to conduct trade and business in countries with open, transparent and strong government systems, including low levels of corruption.
10. Taking on a leadership role in the OGP, albeit with the driving support of key OGP members such as the US and the UK (current co-chair), is an opportunity for New Zealand to engage with some states, with whom our overall engagement is low.
11. There is also a risk that New Zealand's continued absence from the OGP may become increasingly obvious as membership expands, especially given our existing reputation for strong transparency and openness in government. Membership of the OGP provides New Zealand with the opportunity to provide leadership in the Asia Pacific region on the importance of transparency and open government.

Membership obligations

12. If New Zealand becomes a member of the OGP we will be obliged to:
 - publicly endorse the OGP Declaration of Principles (see Appendix Two);
 - prepare a national action plan with broad public consultation, including:
 - participating in peer consultation on our action plan with other OGP members;
 - publishing a self-assessment report on progress after 1 year of action plan implementation;
 - attend the annual meeting of the OGP and a separate OGP Steering Committee meeting to present our national action plan; and
 - contribute to the advancement of open government in other countries through sharing best practices, expertise, technical assistance, technologies and resources, as appropriate.

Proposed focus of New Zealand's Open Government Action Plan

13. The key deliverable for OGP membership is an action plan that elaborates on concrete commitments to open government. The action plan must be structured around one or more of the specified "grand challenges". It is proposed that, should New Zealand join the OGP, New Zealand's first action plan focus on the grand challenge of:

"Improving public services such as health, criminal justice, water, electricity, telecommunications and any other relevant service areas, by fostering public service improvement or private sector innovation".

14. The BPS programme is an example of New Zealand's approach to open and accountable government, and is likely to fulfil the "grand challenge" commitments. Framing New Zealand's action plan around the BPS programme provides an opportunity to showcase the New Zealand Government's approach to open government, while avoiding duplication of effort and minimising reporting impacts.
15. The goals and principles of the OGP are in line with the commitment of the New Zealand Government to transparency and openness. Current New Zealand Government initiatives would appear to fulfil the initial steps required for OGP membership, including the development of an action plan.
16. The BPS results are deliberately difficult to achieve in full. This challenge is consistent with the OGP principles where countries are asked to set OGP commitments which stretch government practice beyond its current baseline with respect to the relevant grand challenge. Publication of performance information also addresses Cabinet's expectation under the Declaration on Open and Transparent Government, directing all public service departments to commit to actively release high value public data [CAB Min (11) 29/12 refers].
17. It is proposed that New Zealand's first action plan focus on the following three existing themes that are central to the BPS programme:
 - 17.1 publication of performance targets and regular public reporting against targets to promote accountability;
 - 17.2 greater online engagement with citizens and business with government;
 - 17.3 greater involvement of communities and NGO's in the business of government.
18. The action plan is to be developed in consultation with civil society. Midway through the development of the plan, we will participate in a "peer engagement" meeting with other OGP countries to discuss progress in developing concrete commitments and share experiences.
19. Once the action plan is finalised, New Zealand will be required to attend an OGP Steering Committee meeting to endorse the OGP Declaration of Principles and announce our action plan.

Membership process and implementation steps

20. To become a member of the OGP New Zealand must follow specified steps, develop an action plan and then participate in implementation processes for the action plan. Timeframes for developing and presenting the action plan are determined by the time a country joins. The key steps and dates are set out below for two timing options.
21. Option A is recommended to align with the intention to make this announcement during the Prime Minister's visit to the UK in September. Option B provides for a later announcement and would allow a longer period for the development of an action plan, but would not allow announcement in September this year as desired.

Steps for countries	Option A: join by 31 December 2013	Option B; join after 1 January 2014
1. Submit letter of intent to join OGP	By December 31, 2013	By December 31, 2014
2. Develop action plan in close collaboration with civil society	By March 31, 2014	By March 31, 2015
3. Present action plan at OGP Steering Committee meeting & post online in required format	Jakarta, Indonesia, April 2014 (exact date TBD) <i>Countries officially join when they present their action plans to the Steering Committee and endorse the Open Government Declaration</i>	April 2015 (exact date TBD) <i>Countries officially join when they present their action plans to the Steering Committee and endorse the Open Government Declaration</i>
4. First full year of action plan implementation	July 1, 2014 - June 30, 2015	July 1, 2015 - June 30, 2016
5. Publish 1st year self assessment, including section confirming intent to remain active in OGP	By September 2015	By September 2016
6. First independent assessment report published	By January 2016	By January 2017
7. Update action plan in collaboration with civil society	Starting by October 1, 2015, to be completed within 4 to 6 months (no later than March 2016)	Starting by October 1, 2016, to be completed within 4 to 6 months (no later than March 2017)

22. Option A would result in New Zealand being on the same timeline as Australia. While Option A is likely to have resource implications for the Ministry of Justice, the OGP has indicated that they could accommodate some delay in delivery of the action plan if required.
23. It is anticipated that the Ministry of Justice will lead the technical input to the action plan due to the overlap with access to information and transparency which falls within the Ministry's remit. The Ministry of Foreign Affairs and Trade will assist in the consultation of the action plan with civil society and with meeting international obligations. It is expected that central agencies and BPS leads will also have a significant interest in the action plan.

Ongoing resource implications and financial commitments

24. The monitoring and reporting of the proposed action plan will be closely linked to BPS reporting.
25. New Zealand may also be expected to offer technical and policy support to lesser developed countries. This requirement would need to be undertaken only as resources and other priorities allow.

26. Annual costs are expected for travel and servicing costs for consultation and attendance at required OGP meetings by officials.
27. New Zealand would not be required to make a financial contribution upon joining the OGP. The OGP Steering Committee has, however, agreed that they will seek agreement with member countries about moving to a position where the OGP require contributions for all members. Firmer guidance on expectations is anticipated later this year. Based on current contribution levels of Steering Committee members it is anticipated that New Zealand's maximum contribution could be in the range NZD\$50,000 to \$200,000 per year.
28. Senior ministerial attendance is expected at annual international conferences (the next conference is in London 31 October - 1 November 2013) and for presentation of the New Zealand Action Plan at the Steering Committee meeting (Jakarta, April 2014 TBC). An annual Asia-Pacific regional conference may also occur in later years.

Managing expectations

29. The action plan is required to be developed in consultation with civil society. As the BPS programme and targets have already been set, linking the OGP Action Plan to the BPS programme creates risk of criticism that meaningful public participation has not been carried out in the development of the OGP Action Plan. Public expectations will need to be managed and the Action Plan carefully developed to ensure there is no impact on the BPS programme.

Consultation

30. The Ministry of Foreign Affairs, the Treasury, Department of Internal Affairs, Ministry of Social Development, Ministry of Business, Innovation and Employment, Ministry of Education, New Zealand Police, and Department of Corrections were consulted. The Department of the Prime Minister and Cabinet has been informed.

Financial implications

31. Travel costs for the officials to attend the Annual Conference and other meetings will be met within the current baselines.
32. There are no immediate financial obligations upon joining the OGP. The OGP Steering Committee has, however, agreed that they will seek agreement with member countries about moving to a position where the OGP require contributions for all members. Firmer guidance on expectations is anticipated later this year. Any future membership costs will be met within current baselines.

Human rights, gender implications and disability perspective

33. There are no human rights, gender or disability implications from the proposals in this paper.

Legislative implications

34. There are no legislative implications arising from this paper.

Regulatory impact analysis

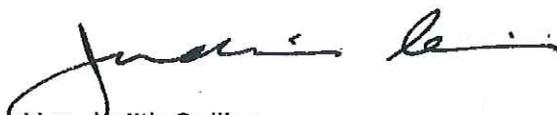
35. A Regulatory Impact Statement is not required for this paper as it does not seek policy decisions.

Publicity

36. If it is agreed that New Zealand join the OGP, an announcement by the Prime Minister during his trip to the United Kingdom in September 2013 will be arranged. Following the Prime Minister's announcement, New Zealand will then write to the three OGP co-chairs indicating New Zealand's intent to join.

Recommendations

37. I recommend that the Cabinet Business Committee:
1. **note** that the Open Government Partnership is an international grouping of countries aimed at fostering good governance and improving relations between citizens and their states;
 2. **note** that New Zealand has been invited to join the Open Government Partnership after being rated the highest possible eligibility score;
 3. **agree** that the New Zealand Government join the Open Government Partnership in April 2014;
 4. **note** that the Prime Minister will announce New Zealand's intention to join the Open Government Partnership during a visit to the United Kingdom in September 2013;
 5. **note** that the travel and servicing costs for consultation and attendance at required Open Partnership meetings by officials can be met within current baselines;
 6. **note** that, while joining the Open Government Partnership does not create any immediate financial obligations, it may entail future membership costs which are expected to be met within current baselines;
 7. **agree** that the New Zealand Open Government Action Plan will:
 - 7.1 focus on the Open Government Partnership's grand challenge of "*Improving public services such as health, criminal justice, water, electricity, telecommunications and any other relevant service areas, by forecasting public service improvement of private sector innovation*"; and
 - 7.2 use the Better Public Services programme and targets as the key mechanism to be reported on within the action plan;
 8. **agree** that the Ministry of Justice lead, with support from central agencies and the Ministry of Foreign Affairs and Trade, the development of New Zealand's initial Open Government Partnership Action Plan; and
 9. **invite** the Minister of Justice to present a draft New Zealand Open Government Action Plan for approval no later than 31 March 2014.



Hon. Judith Collins

Minister of Justice

Date: 22 8, 13

Appendix 1 - OGP Member Countries

OGP commitments delivered

Albania	Argentina
Armenia	Azerbaijan
Brazil	Bulgaria
Canada	Chile
Colombia	Costa Rica
Croatia	Czech Republic
Denmark	Dominican Republic
El Salvador	Estonia
Finland	Georgia
Ghana	Greece
Guatemala	Honduras
Indonesia	Israel
Italy	Jordan
Kenya	Latvia
Lithuania	Macedonia
Malta	Mexico
Moldova	Montenegro
Netherlands	Norway
Panama	Paraguay
Peru	Philippines
Romania	Serbia
Slovak Republic	South Africa
South Korea	Spain
Sweden	Tanzania
Turkey	Ukraine
United Kingdom	United States
Uruguay	

Developing OGP Commitments

Australia	Hungary
Ireland	Liberia
Mongolia	Trinidad and Tobago

Appendix 2 - OGP Declaration/Principles

As members of the Open Government Partnership, committed to the principles enshrined in the Universal Declaration of Human Rights, the UN Convention against Corruption, and other applicable international instruments related to human rights and good governance:

We acknowledge that people all around the world are demanding more openness in government. They are calling for greater civic participation in public affairs, and seeking ways to make their governments more transparent, responsive, accountable, and effective.

We recognize that countries are at different stages in their efforts to promote openness in government, and that each of us pursues an approach consistent with our national priorities and circumstances and the aspirations of our citizens.

We accept responsibility for seizing this moment to strengthen our commitments to promote transparency, fight corruption, empower citizens, and harness the power of new technologies to make government more effective and accountable.

We uphold the value of openness in our engagement with citizens to improve services, manage public resources, promote innovation, and create safer communities. We embrace principles of transparency and open government with a view toward achieving greater prosperity, well-being, and human dignity in our own countries and in an increasingly interconnected world.

Together, we declare our commitment to:

Increase the availability of information about governmental activities.

Governments collect and hold information on behalf of people, and citizens have a right to seek information about governmental activities. We commit to promoting increased access to information and disclosure about governmental activities at every level of government. We commit to increasing our efforts to systematically collect and publish data on government spending and performance for essential public services and activities. We commit to proactively provide high-value information, including raw data, in a timely manner, in formats that the public can easily locate, understand and use, and in formats that facilitate reuse. We commit to providing access to effective remedies when information or the corresponding records are improperly withheld, including through effective oversight of the recourse process. We recognize the importance of open standards to promote civil society access to public data, as well as to facilitate the interoperability of government information systems. We commit to seeking feedback from the public to identify the information of greatest value to them, and pledge to take such feedback into account to the maximum extent possible.

Support civic participation.

We value public participation of all people, equally and without discrimination, in decision making and policy formulation. Public engagement, including the full participation of women, increases the effectiveness of governments, which benefit from people's knowledge, ideas and ability to provide oversight. We commit to making policy formulation and decision making more transparent, creating and using channels to solicit public feedback, and deepening public participation in developing, monitoring and evaluating government activities. We commit to protecting the ability of not-for-profit and civil society organizations to operate in ways consistent with our commitment to freedom of expression, association, and opinion. We commit to creating mechanisms to enable greater collaboration between governments and civil society organizations and businesses.

Implement the highest standards of professional integrity throughout our administrations.

Accountable government requires high ethical standards and codes of conduct for public officials. We commit to having robust anti-corruption policies, mechanisms and practices, ensuring transparency in the management of public finances and government purchasing, and strengthening the rule of law. We commit to maintaining or establishing a legal framework to make public information on the income and assets of national, high ranking public officials. We commit to enacting and implementing rules that protect whistleblowers. We commit to making information regarding the activities and effectiveness of our anticorruption prevention and enforcement bodies, as well as the procedures for recourse to such bodies, available to the public, respecting the confidentiality of specific law enforcement information. We commit to increasing deterrents against bribery and other forms of corruption in the public and private sectors, as well as to sharing information and expertise.

Increase access to new technologies for openness and accountability.

New technologies offer opportunities for information sharing, public participation, and collaboration. We intend to harness these technologies to make more information public in ways that enable people to both understand what their governments do and to influence decisions. We commit to developing accessible and secure online spaces as platforms for delivering services, engaging the public, and sharing information and ideas. We recognize that equitable and affordable access to technology is a challenge, and commit to seeking increased online and mobile connectivity, while also identifying and promoting the use of alternative mechanisms for civic engagement. We commit to engaging civil society and the business community to identify effective practices and innovative approaches for leveraging new technologies to empower people and promote transparency in government. We also recognize that increasing access to technology entails supporting the ability of governments and citizens to use it. We commit to supporting and developing the use of technological innovations by government employees and citizens alike. We also understand that technology is a complement, not a substitute, for clear, useable, and useful information.

We acknowledge that open government is a process that requires ongoing and sustained commitment. We commit to reporting publicly on actions undertaken to realize these principles, to consulting with the public on their implementation, and to updating our commitments in light of new challenges and opportunities.

We pledge to lead by example and contribute to advancing open government in other countries by sharing best practices and expertise and by undertaking the commitments expressed in this declaration on a non-binding, voluntary basis. Our goal is to foster innovation and spur progress, and not to define standards to be used as a precondition for cooperation or assistance or to rank countries. We stress the importance to the promotion of openness of a comprehensive approach and the availability of technical assistance to support capacity- and institution-building.

We commit to espouse these principles in our international engagement, and work to foster a global culture of open government that empowers and delivers for citizens, and advances the ideals of open and participatory 21st century government.