5 Conclusions and recommendations for the Arab countries

Building on the findings of the previous chapter, the reports proposes some conclusions on the progress and challenges of the open government agenda in the Arab region, proposing a number of sectors for further opening in the current COVID-19 recovery context. It then makes a number of concrete and actionable recommendations for Arab countries to strengthen their legal, policy and institutional frameworks related to OG as well as to enhance transparency, openness and stakeholder engagement in practice.

Main conclusions

Open government is closely linked to the **Sustainable Development Goals** (SDGs) that constitute a strong commitment from all countries including members of the OECD and the ESCWA. While SDG 16 "*Peace, Justice and Strong Institutions*" has the most obvious link with open government and its principles, most other SDG goals, targets and indicators also involve a strong dimension of Open government. Moreover, the implementation of all SDGs benefits from the application of OG principles and practices. ESCWA and OECD frameworks on Open Government involve the dimensions of accountability, transparency, participation and inclusiveness[1]. OG implementation, especially in the Arab countries, requires serious, genuine and continuous efforts that are interrelated with openness, participation, collaboration and engagement of—and especially with—individuals, enterprises, civil society organisations and business associations.

Three Arab countries have joined the **OGP** and have committed to its core values and principles: Jordan, Morocco and Tunisia. They regularly elaborate dedicated national action plans. In addition, several local authorities in these countries also joined the OGP: Greater Karak and Greater Salt municipalities in Jordan; the Tangier, Tetouan, Al-Hoceima group of municipalities in Morocco; and El Kef and Regueb municipalities in Tunisia. The governments of these countries and the local authorities are elaborating biannual action plans for Open government, in collaboration with civil society stakeholders and with technical assistance from the OECD and the ESCWA. In addition, a number of Arab countries cooperate with the OECD and with the ESCWA on open government, open data and digital government, benefitting from technical assistance, policy advice and analysis well beyond their OGP commitments[2].

Many ESCWA countries have made serious progress in matters of **e-government**, taking advantage of the significant development and use of ICT infrastructures and human capital. The progress, assessed through the Government Electronic and Mobile Services maturity index (GEMS) established by ESCWA, is noticeable in terms of availability, reach and usage of services. Many of the e-government initiatives enable direct interaction with individuals and enterprises, easing their dealings with government institutions. These institutions have made substantial efforts to streamline processes, thus reducing bureaucracy especially for businesses. This progress is paving the way for a gradual uptake of open government if countries use these initiatives as enablers of transparency, accountability and participation.

Selected Arab countries have also been engaged in **open data** and have created specific portals for that purpose by their individual commitment or in collaboration with international institutions, such as the African Development Bank. This constituted a significant step towards what ESCWA considers the first stage of open government, i.e. openness. In some countries, these portals provide significant information on selected sectors in each country. However, the depth, quality and usefulness of the information provided on these portals vary considerably. In some cases, they consist of general information on the country and its regions or are merely a gateway to e-government websites. Some basic information, such as on national or local budgets or on employment, are still considered by some governments as too sensitive or confidential to be shared openly.

In most of the countries, there is still a need to enhance **openness** and the collaborative status as per the ESCWA framework and to proactively disclose clear, complete, timely, reliable and relevant public sector data and information, in an open and reusable format. Such transparency should follow the Open Data Charter (ODC), provision 7 of the OECD Recommendation on open government or the Declaration of the Open Government Partnership.

In order to contribute towards a stage of open government data in line with the open government principles, six ESCWA countries have enacted **Access to Information** (ATI) legislation, namely Jordan, Lebanon, Morocco, Sudan, Tunisia and Yemen. Tunisia even introduced the right to access information in its new constitution. Its access to information law is ranked among the world's best in international standards, according to the Center of Law and Democracy, partly thanks to the special institution, with a judiciary

status, that has been created to enforce this right. The Yemeni law is also ranked high, even though it lacks implementation tools given the ongoing conflict. The quality of the other four ESCWA countries' laws in guaranteeing the right to information vary greatly and are comparable to some OECD and other countries. But most importantly, progress is still needed for the effective implementation of these enacted laws.

International indices related to openness show that while many Arab countries have made progress, significant challenges remain. Consequently, moving towards open government can result in increased transparency and accountability and will in turn improve the Arab countries' score in these rankings.

The **COVID-19 crisis** has prompted the acceleration of government implementation of e-government and in some cases open government data, and most of the ESCWA countries have made considerable progress. In the same way that the COVID-19 crisis has resulted in governments encouraging online work and digital services, this crisis constitutes an opportunity for governments to take measures and draft legislation to protect personal information and to create innovative approaches to collaboration and partnership between public authorities and citizens. Subsequently, this would constitute a major move towards the collaboration and engagement stages of open government.

In fact, the socio-economic consequences of COVID-19 will most likely compound existing challenges and threats to many states in the region. The pandemic has laid bare structural weaknesses in institutions and governance at the national and regional levels. Its multi-dimensional effects will most likely unleash further economic contraction even as the health threats recede, especially hitting the most vulnerable groups in the region, the poor, the working poor, women, youth, etc. In addressing the challenges associated with COVID-19, the empowerment through an open government approach, with active participation of local governance, is critical within the socio-economic as well as health spheres. Local governance structures such as municipalities or local councils need to be supported to assist their own constituencies as well as vulnerable groups (forced displaced, humanitarian-aid dependent populations, etc.). An Open government approach could enhance institutional capacity-building to address grievances (judiciary, structural, legal, constitutional), create more inclusive institutional structures, increase the accountability and transparency of public institutions performance and guarantee participation of marginalised populations in decision-making.

However, as in other countries in the world, new risks have emerged with the confinement imposed by authorities to contain the pandemic. These risks are mostly related to the protection of personal information and the shrinking of the civic space.

Some areas deserve special attention from the Arab states in terms of OG data and public engagement. Government budget planning and effective execution are key issues for all social and economic stakeholders, especially with the downturn of all world economies due the pandemic but also the pre-pandemic slowdown coupled with ballooning public debt in ESCWA countries. Budget transparency concerns central government, public services institutions, as well as local authorities. In fact, a few best practices are observed in terms of transparency and accountability at the basic governance level, the local one in cities and municipalities. This comes despite the efforts and progress made in line with SDG 11 (Make cities and human settlements inclusive, safe, resilient and sustainable), by the regional office of UN Habitat[3] within the framework of the New Urban Agenda (NUA) (UN Habitat, 2020[1]).

Another key area is employment and social protection. Here also, few best practices are observed in conducting the yearly and quarterly labour force surveys and publishing their results in line with SDG 8 (*Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all*) or ILO standards and recommendations[4]. Most of the ESCWA countries have low effective participation of women in the labour force, high youth unemployment and a large share of informality in employment, i.e. employment with no social insurance or assistance in healthcare, retirement schemes, etc. The pre-pandemic share of informal employment in total was already above 65% in most ESCWA countries (Aita, 2017[2]). This has been pushed dramatically higher with the impact of the

pandemic, while social protection has been woefully insufficient in mitigating the effects on people's livelihood let alone setting a course towards economic recovery. Data is needed on job creation/loss, informal employment and social protection coverage, and major changes by economic sector. Data tends to lag by several years in many cases, and the content that is released can by extremely limited in scope.

Other areas of interest for opening up data in ESCWA countries include education, transport, energy and food security and agriculture, because of their high importance for social and economic development as seen during COVID-19. A special focus should also be on SDG goals 9 (*industry, innovation & infrastructure*), 7 (*affordable and clean energy*) and 12 (*responsible consumption and production*).

In recent years, some governments of the Arab countries have been engaged in organising public consultations and dialogues on major social and economic policy issues. These consultations and dialogues have been very useful in assessing challenges and opportunities and in defining necessary policy measures. Typical examples are related to fostering economic development, easing creation of new businesses and promoting SMEs. They have also dealt with the implementation or the reform of social protection insurance systems and floors. These consultations and dialogues should be replicated and institutionalised within an open government framework, using Open Government Data to create awareness of the stakeholders on government challenges. It is also important to imagine new innovative approaches to engage citizens and promote civic space, especially in the context of the current crisis and the road to recovery.

Recommendations and the way forward

Based on the above conclusions, several recommendations can be formulated to ensure progress in implementing open government principles to deliver on the sustainable development goals commitments. They are hereby formulated across different dimensions:

- **The legal, policy and institutional frameworks:**
  - More Arab countries should establish a structured social dialogue, publicly consulting with stakeholders and citizens, to develop and enact modern Access to Information legislation in line with the highest international standards, including provisions both for proactive disclosure by public institutions and for citizens to request information (reactive disclosure).
  - These laws should create, with the support of the highest governance level in the countries, specialised independent bodies with the power to enforce the right to information, as in Tunisia, Chile or Mexico.
  - In parallel with the Access to Information laws, other relevant laws should be passed that follow OG principles. Topics could include:
    - Transparency: laws on OGD specifying the definition of the restricted information or secret information, and licence for the re-use of data
    - Personal data protection and privacy: laws for the protection of personal data
    - Civic space and fundamental freedoms: laws on freedom of opinion and expression, on freedom of media, on freedom of assembly and of association, etc.
    - Participation: laws including requirements for governments to involve and consult citizens (petitions, participatory budgeting, etc.)
    - Integrity and anti-corruption: laws on whistle-blower protection, conflicts of interest and asset declarations, lobbying, etc.
    - Archive: Preservation and dissemination of archives, etc.
  - In parallel with the commitments of some ESCWA countries in the Open Government Partnership, a specific regional partnership could be initiated, which could lead to regular action

plans, under UN mandate, addressing specific OG-oriented issues relevant to their most important challenges, with proper measurement and evaluation methodologies. Such regional partnership will support the achievement of SDG 16 in the Arab countries.

o Within this partnership, Arab countries could consider developing a national Open Government Strategy, outlining a long-term vision, clear objectives and priorities providing a consistent framework for implementing OG reforms (complementing the OGP action plans for the countries that are OGP members). At the same time, Arab countries should make sure that the principles of transparency, accountability, integrity and participation are embedded and mainstreamed in other major strategies, such as the government programme, the national development strategy or the public administration modernisation strategy.

o Willing municipalities and local authorities in Arab countries might want to design and implement open government strategies and initiatives at the sub-national level, in line with the UN-Habitat New Urban Agenda.

o Governments should consider developing specific policies or strategies to complement the legal framework, for example a national anti-corruption strategy or a policy to promote open data or policies for participation and engagement of citizens.

o The key subjects that are very relevant to the demands of citizens, businesses and civil societies in the Arab region and which are suggested to be included in the specific ESCWA framework for open government encompass national, regional and local budgets, as well as sectoral policies as prioritised by each country.

o Besides establishing or strengthening specific institutions, such as those in charge of access to information or anti-corruption, Arab countries might want to set up or identify a body in charge of coordination, monitoring and evaluation of OG initiatives. This could be an office in the "centre of government", like the presidency or the prime minister's office, but other formats are of course possible. A national coordination mechanism, such as the OGP joint steering committee in OGP member countries; bringing together different stakeholders should also be considered.

o Strong monitoring and evaluation frameworks should be established in order to assess the extent to which the legal and policy frameworks are implemented in practice, and to make adjustments if and where needed to maximise their impact.

- **Transparency and Openness:**
  o Arab states should adopt national definitions of e-government and open government, using e-government/digital government as a tool to foster transparency, accountability and participation. Open government is beyond easing transactions with public entities and aims at improving governance by engaging the society and all stakeholders.

  o In order to promote a "culture" of openness, governments should encourage and support their public officials to embrace the OG principles. There are a multitude of ways to do so, including awareness-raising campaigns, drafting guidelines and codes of conduct, developing manuals and toolkits, and providing training to staff in ministries and other public institutions, including officials at local level. Public communication and awareness-raising initiatives targeting citizens, CSOs and the private sector are also crucial to increase the "demand" for openness.

  o The current Open Government Data initiatives and actions in the Arab countries need to move towards a level compatible with the openness stage of open government as defined by the ESCWA's framework. This entails proactively making available public sector data and information that is clear, complete, timely, reliable and relevant. The format should be open, machine-readable and reusable. This service should be free of charge to the extent possible. In order to facilitate the spread of OGD, relevant capacity-building programmes are very much needed in the Arab region.

o A useful way of fostering access to public data and information is by establishing transparency portals, either as a single whole-of-government portal or different websites/platforms by institution. At the same time, more traditional non-digital tools should still be used to avoid widening the digital divide and make sure the most vulnerable segments of the population are not excluded.

o One priority area in the Arab region concerns open data on central government budget. There is a need for greater transparency and timely dissemination in relation to planned and effectively executed budgets, of both the central government and major public services bodies. This is of the utmost importance in the present context of swelling budget deficits and total public debt in the Arab countries.

o The municipalities' and local authorities' budgets constitute another priority for progress in open government in the Arab states. They are directly linked to SDG 11 on sustainable cities and communities. Also, the local level should be strengthened as it is where citizens interact the most with authorities and it is often the state level which provides the most needed public services. Hence, it would be relevant to apply to this level the principles of transparency, accountability, integrity, participation, collaboration and engagement with individuals, enterprises, social and economic associations.

o Employment, the labour market, informality and social protection are another priority for the adoption of OG principles as the share of informal employment, i.e. employment with no social protection, is high in all Arab countries, for citizens, migrant workers and refugees.

o Alongside these three cross-cutting priorities, sectorial policies as prioritised by each country could all benefit from openness.

o Governments are encouraged to make strategic use of public communication as a tool to enhance the visibility of OG reforms, raise awareness among their population on the OG principles and engage citizens in the public sphere.

- **Participation, collaboration and engagement**

o The Arab states need to foster the public consultations and economic and social dialogues that are already being conducted on public policies and its challenges, encouraging citizens to contribute their views, opinions, ideas and evidence to the design, implementation and M&E of public policies and services. Participation processes should also be designed in a participatory way and allow enough time and resources for citizens to meaningfully participate and for their inputs to be taken into due consideration by authorities.

o Open government reforms should be designed and implemented in ways that effectively guarantee a more collaborative governance environment and outcomes, by including all stakeholders in the design, strategy and implementation of OG programmes. They should be associated with proper monitoring and evaluation of the impact and of citizens' and stakeholders' perception.

o New approaches need to be implemented to develop participatory mechanisms and opportunities around the key issues of the business environment and socioeconomic development, the economic consequences of the present COVID-19 crisis and the measures necessary for recovery and enhancement of growth. This is in line with SGDs 7, 8, 9, 11 and 12.

o Similar innovative approaches should be implemented on the other key issues of employment and social protection. This is in line with SDGs 1 (*no poverty*), 2 (*no hunger*), 3 (*good health and wellbeing*), 5 (*gender equality*), 8 (*decent work and economic growth*) and 10 (*reduced inequalities*).

o Such new approaches could consider moving from informing and consulting citizens to more ambitious forms of engagement whereby public authorities share a part of the responsibility

and actually collaborate with other stakeholders (co-creation, co-implementation and co-evaluation of public policies). These innovative tools and approaches could be more easily and successfully introduced at the local level, as demonstrated by several of the good practices presented in this report and should not overlook the marginalised segments of society.

o   A powerful tool to engage citizens that Arab countries might want to consider is portals allowing citizens to comment on draft laws, suggest new policies, discuss among themselves about a public initiative and so on. There could also be an accountability function allowing citizens to report irregularities, wrongdoings (including corruption) and problems in the provision of public services. Such portals should provide feedback to citizens, informing them of how their suggestions were taken into consideration and how their complaints were acted upon.

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Notes

[1] Contestability means allowing all citizens to intervene in the selection of leaders, public officials, policies, service providers and products; see (ESCWA, 2018, p. 6[3]).

[2] Please see Annex for more details about the ESCWA's and OECD's support for open government reforms in Arab countries.

[3] See (UN-Habitat/UNDP/Derasat, 2020[4]) and http://www.economistes-arabes.org/fr/wp-content/uploads/2017/12/LADP-Municipal-Finance-Brief-2_Dec2017-V1.pdf

[4] In compliance with the resolutions of the International conferences of Labor Statisticians (ICLS), and with the Convention C102 on social security and Recommendation R204 concerning the transition from informal to formal economy and R202 on social protection floors. See (ESCWA, 2019[5]) and (ILO, 2020[6]).