OECD Public Governance Reviews

Open Government in Argentina

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Foreword

Open government is a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth. It represents a changed understanding of the role of the state in a modern society. Countries around the world increasingly acknowledge that open government can improve government efficiency and effectiveness, while bringing the administration and its officials closer to citizens.

Recognising these benefits, Argentina has launched ambitious and innovative open government initiatives across the country. By involving all branches of power and levels of government, Argentina is moving towards what the OECD calls an "open state".

This *OECD Open Government Review of Argentina* analyses the current state of open government in the country. It examines Argentina's open government policies and initiatives against the principles of the *OECD Recommendation of the Council on Open Government* (2017), the first internationally recognised legal instrument in this area. As the first country to be assessed against the Recommendation's ten provisions, Argentina will contribute to developing the methodology and set an ambitious baseline for future country reviews.

While it has made significant progress in open government, Argentina now needs to institutionalise these reforms and practices, to ensure their impact and long-term sustainability. In addition, Argentina should consider developing a whole-of-government framework for open government to provide a clear direction to the entire public sector and clarify priorities and goals for all stakeholders.

The *Review* starts by analysing the context for open government reforms in Argentina (Chapter 1). It then provides recommendations to strengthen the policy framework (Chapter 2) and the legal and regulatory framework (Chapter 3) for open government. It analyses ways to ensure the effective implementation of open government reforms (Chapter 4), the government's efforts to build a monitoring and evaluation system for open government (Chapter 5), and citizen and stakeholder participation practices (Chapter 6). At the request of the Government of Argentina, the *Review* puts a particular focus on the multilevel governance of open government and on the country's progressive move towards an open state (Chapter 7). It concludes with an integrated analysis of digital government and open government practices (Chapter 8).

The *Review* was prepared under the auspices of the OECD Public Governance Committee, as part of its broader engagement with Argentina, which currently includes three other policy reviews in the areas of digital government, integrity and regulatory policy. Together these reviews provide an integrated set of recommendations to support Argentina's public sector modernisation efforts.

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Acronyms and abbreviations

AAPI	Agency of Access to Public Information
ADM	Assistant Deputy Minister
AGE	General State Administration
AIE	Access Info Europe
ATI	Access to information
CABA	Autonomous City of Buenos Aires
CEPE	Centre for the Evaluation of Evidence-Based Policies
CIA	Central Intelligence Agency
CIDE	Centre for Economic Research and Teaching
CIPPEC	Center for the Implementation of Public Policies for Equity and Growth
CLAD	Centro Latinoamericano de Administración para el Desarrollo
CLD	Centre for Law and Democracy
CMO	Office of the Chief of Cabinet of Ministers
CNGA	National Open Government Steering Committee
COFEMOD	Federal Council on Modernisation and Innovation for the Public Administration
COG	Centre of government
CONEVAL	National Council for the Evaluation of Social Development Policy
CPI	Corruption Perception Index
CSOs	Civil society organisations
DEFRA	Department of Food and Rural Affairs
ECCC	Environment and Climate Change Canada
FEMP	Spanish Federation of Municipalities and Provinces
FOI	Freedom of information
HRM	Human resource management
ICT	Information and communications technologies
IGAI	Institution guaranteeing access to information

INAI	National Institute for Transparency, Access to Information and Personal Data Protection
INAP	National Institute for Public Administration
INDEC	National Institute of Statistics and Censuses
INJUVE	National Institute of Youth
INSSJP-PAMI	Comprehensive Medical Attention Programme
ITU	International Telecommunications Union
JGM	Office of the Chief of Cabinet of Ministers
LABgobar	Government Lab of Argentina
LAC	Latin America and the Caribbean
M&E	Monitoring and evaluation
MoM	Ministry of Modernisation
NAP	National Action Plan
NOGS	National Open Government Strategy
NRW	North-Rhine Westphalia
OA	Anti-Corruption Office
OAS	Organization of American States
OGD	Open Government Data
OGIP	Open Government Implementation Plan
OGP	Open Government Partnership
OGR	Open Government Review
OI	Ombudsman Institutions
PAMI	Public Health Insurance Agency
RCT	Randomised controlled trial
RTI	Right to information
SDGs	Sustainable Development Goals
SGM	Government Secretariat of Modernisation
SGMAP	Secretariat General for the Modernisation of Public Action
SIEMPRO	System of Information, Evaluation and Monitoring of Social Programs
SINDAP	National System of Public Data
SNT	National System of Transparency, Access to Information and Protection of Personal Data
TBS	Treasury Board of Canada Secretariat
TOR	Terms of reference

UNDP	United Nations Development Programme
UOG	Undersecretariat of Public Innovation and Open Government
WEF	World Economic Forum

Executive summary

Reforming and modernising the state through open government initiatives is one of the top priorities of the current government of Argentina. The country has made significant progress by creating an Open Government Roundtable, adopting a Law on the Right of Access to Public Information, and creating new tools for citizens to interact with the state.

In an effort to promote a more holistic approach to open government, Argentina, like many OECD countries, has promoted greater collaboration among all branches of power and levels of government, exploiting synergies and sharing good practices. To continue this move towards what the OECD Recommendation on Open Government defines as an "open state", the Argentinian government needs to build on the opportunities offered by the extensive restructuring of its administration carried out in 2018. It should focus on institutionalising its ongoing efforts to ensure sustainability and continuity in the medium and long term.

Key findings and opportunities

- Open government principles figure in key policy documents in Argentina. However, these policy documents, including the State Modernisation Plan, the Federal State Modernisation Commitment and the OGP Action Plan, are only partially linked to each other. There is a need for an overarching whole-of-government framework for open government.

- As in many OECD countries, the Argentine Constitution contains a number of provisions on transparency, accountability, integrity, and stakeholder participation that provide a strong basis for open government strategies and initiatives. Argentina has taken an important step towards the creation of a robust legal framework for open government through the adoption of the Law on the Right of Access to Public Information (ATI) in 2016. Nonetheless, there are opportunities to further ensure the law's effective implementation in the executive branch and promote the horizontal application across all branches of the state.

- Argentina has made significant progress in fostering the effective co-ordination and implementation of its open government agenda. The National Open Government Roundtable, created in 2017 and formalised by the Government Secretary of Modernisation after a public consultation, marks an important step towards greater whole-of-government co-ordination and dialogue with civil society. However, the Roundtable's mandate does not cover the country's entire open government agenda and it does not currently involve key stakeholders such as academia and the private sector.

- Moving the Government Secretariat of Modernisation, the country's leading open government actor, to the Office of the Chief of Cabinet of Ministers, Argentina's

main centre of government institution, provides new opportunities to strengthen horizontal co-ordination and collaboration.

- The government of Argentina has developed a variety of digital channels through which citizens and other stakeholders can interact with the government. While this is laudable, stakeholders lack an overview of the appropriate platforms through which they can engage with public officials and policy makers. The multitude of stakeholder participation initiatives that the government and provinces have developed provide a strong basis on which to build future collaborative policies and practices. The government's ongoing efforts to unify existing platforms are of critical importance.

- The executive decree that established Argentina's national open data policy in 2016 and the focus on high-quality data in the open data portal *Datos.gob.ar* have helped create an enabling environment for open government. Locating the Secretariat in charge of open government and digital government in the Office of the Chief of Cabinet of Ministers offers great potential for further aligning the two reform agendas, and promoting the use of digital and open government across the administration.

- Argentina has made substantial progress since 2016 in promoting monitoring and evaluation (M&E) practices across government. In the area of open government, various monitoring mechanisms and platforms allow periodical reporting on progress made, for example under the commitments of the Open Government Partnership Action Plan. Nevertheless, there are opportunities to further promote M&E of open government efforts within the National Administration and across level of governments.

- Collaboration among branches of power, independent public institutions and levels of government to promote open government principles has increased significantly and Argentina has started actively moving towards an open state. However, there is currently no coherent implementation framework for the open state agenda and there is scope for greater horizontal and vertical collaboration.

Key recommendations

The Review's main policy recommendations for the Argentinian government are as follows:

- Create a National Open Government Steering Committee to co-ordinate the country's entire open government agenda with all relevant stakeholders; organise regular Open State Meetings of the Committee to harmonise approaches.

- Design and implement the National Open Government (or Open State) Strategy to enable a whole-of-government approach to open government. The Strategy could be developed within the framework of the National Steering Committee and its Open State meetings.

- Involve all branches of power and levels of government in the development of the National Strategy to ensure it reflects a shared vision, common objectives and a common understanding of what open government entails.

- Ensure the effective implementation of the Law on Access to Public Information through simple request procedures for citizens, clear legal enforcement and strong appeals procedures that create legal certainty for all actors involved.

- Consider developing a strategic document or law on stakeholder participation to improve harmonisation and alignment of stakeholder participation practices.

- Ensure close interaction among the different bodies within the Government Secretariat of Modernisation in charge of open government, digital government and open government data, to improve the design and delivery of public services, prioritise data publication, and foster data re-use.

  - Include specific monitoring and evaluation provisions in the recommended National Open Government (Open State) Strategy.

Assessment and Recommendations

Setting the scene: The context for open government reforms in Argentina

The current government has brought new dynamism to Argentina's open government reform agenda but important challenges remain

Argentina has been implementing policies to promote open government principles for some time, but the current government has given new impetus to the country's open government reform agenda. The new approach to open government represents a true change of paradigm and could be characterised as a big bang approach. In the space of only a few years, thanks to the important efforts of the then Ministry of Modernisation, an important number of new institutions joined the open government agenda and initiatives are now being implemented by entities at all levels of government and by all branches of power. From a narrow initial focus on e-government the current government has seen Argentina's open government agenda start to mature, moving beyond the Open Government Partnership (OGP) process towards a much broader approach incorporating all open government principles.

Within a few years, Argentina has become an international leader in a number of fields of open government, taking over the position of co-chair of the OGP and improving the country's position in international rankings. Despite significant progress and an ongoing move toward an open state approach, further collaboration with other branches and levels of the state offers Argentina opportunities to improve the implementation of open government reforms, so as to avoid their fragmentation and ensure their impact and long-term sustainability.

Argentina is the first country to be assessed against the OECD Recommendation of the Council on Open Government

The analysis in this OECD Open Government Review is based on the OECD Recommendation of the Council on Open Government. Adopted in December 2017, the Recommendation represents the first international legal instrument on open government. It defines a set of criteria for the design and implementation of successful open government agendas. It features ten provisions that help adhering countries to identify an enabling environment that is conducive to efficient, effective and integrated governance of open government and to ensure that open government principles are rooted in the public management culture. The Recommendation further promotes the alignment of open government strategies and initiatives with – and their contribution to – all relevant national and sectoral socio-economic policy objectives, at all levels of the administration. Argentina adhered to the OECD Recommendation in July 2018 and is the first country worldwide to be assessed against its ten provisions.

Creating a sound policy framework for open government in Argentina

Argentina's definition of open government is not yet uniformly applied across the whole public sector

Like almost all OECD countries, Argentina has elaborated a definition of open government. The then Ministry of Modernisation (MoM), as the co-ordinating entity of the national agenda, defined it as "a process of state transformation that promotes transparency, citizen participation and collaboration as principles for the design of innovative public management".

In addition, a majority of ministries (79%) and provinces (80%) have a definition of open government in place, which demonstrates wide uptake of the concept across the country. These definitions, however, vary widely. This indicates that actors either do not yet share a common understanding of what open government entails (and does not entail) or prefer to focus on specific aspects of it. In any case, the result is an inhomogeneous and potentially unaligned prioritisation of open government initiatives across the country.

Open government principles figure in a variety of key policy documents in Argentina

The open government principles of transparency, accountability, integrity, and stakeholder participation form part of a significant number of policy documents of the Government of Argentina (GoA):

- o Open government principles are present among the 100 priority objectives of the current government.

- o The State Modernisation Plan (*Plan de Modernización del Estado*) provides the strategic framework for public governance reform and includes open government as one of its core elements.

- o Within the framework of the Federal Council for Modernisation and Innovation in Public Management (COFEMOD), provinces and the national government have developed the Federal Commitment for the Modernisation of the State (*Compromiso Federal para la Modernización del Estado*) in order to jointly modernise provincial administrations. While the time horizon of two years (2017-19) is relatively short, the Commitment has served to raise awareness about the importance of open government reforms.

- o Open government principles have been included in a variety of sectorial policy documents elaborated by Argentinian ministries. For example, the National Women's Institute (*Instituto Nacional de las Mujeres*) National Plan of Equal Opportunities was elaborated using a participatory approach.

- o The Undersecretariat for Public Innovation and Open Government in the then MoM elaborated what it calls the National Open Government Strategy. The document is divided into three axes, namely: 1) Open Data, 2) Public Innovation, and 3) Open Government and it has provided inspiration to line ministries and other stakeholders that want to engage in open government reforms. However, it does not constitute a whole-of-government policy document, as it does not specify a concerted vision, strategic objectives, or monitoring and evaluation mechanisms.

o Argentina's third Open Government Partnership Action Plan (2017-19) includes commitments from a wide range of national ministries, all branches of power, independent public institutions and the provinces. The inclusion of a sectoral approach, referring to topics such as climate change and education, shows that the country acknowledges the potential of open government reforms to contribute to a range of policy objectives. However, the Action Plan constitutes a compilation of priority open government initiatives and, has to be complemented with a more long-term policy framework to effectively foster a cultural change.

o Argentina informed the OECD currently developing a National Anti-Corruption Plan. The government reports that the new plan will include references to open government principles. Which is of course encouraged and aligned with OECD practice.

Argentina could contribute to global standard setting by designing a whole-of-government policy framework for open government

In order to align efforts and create an umbrella framework for all open government reforms within a country, the OECD recommends the development of a National Open Government Strategy (NOGS). According to OECD research, such a strategy could provide the missing link between high-level commitments (e.g. those included in the 100 priorities of the GoA) and medium-term commitments included in broader strategic documents (e.g. those that form part of the State Modernisation Plan), as well as short-term, delivery-oriented commitments included in the biannual OGP Action Plans.

Ultimately, if co-created with all relevant actors, a NOGS has the potential to affect all government functions and activities, and change the way that government and society relate to one another. In line with Argentina's open state agenda, there may also be opportunities to extend involvement to all branches of power and levels of government, in order to create a truly holistic Open State Strategy. Important factors that influence the drafting process of a NOGS are summarised in Figure 1.

Figure 1. Key considerations in the drafting of a National Open Government Strategy (NOGS)
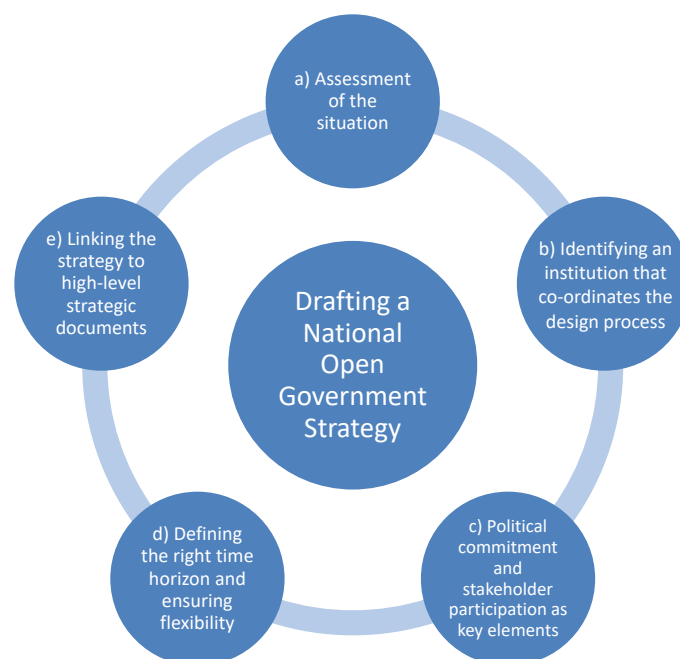
Source: Author's own work.

Key recommendations

1. Design a National Open Government Strategy that acts as an umbrella for existing policy documents that include open government initiatives and ensures that initiatives reinforce each other and are implemented in ways that contribute to a shared vision and common objectives.

   o Co-create a National Open Government Strategy with all key stakeholders, including civil society organisations, academia and the private sector.

   o Consider involving the legislature, the judiciary and independent public institutions, as well as subnational levels of government, in the design and implementation of the strategy, thereby transforming it into an Open State Strategy.

2. Move towards a single definition of open government that is accepted by the whole public sector, all branches of power, independent public institutions, subnational government and external stakeholders.

   o Consider launching a consultative process for the creation of an updated definition to ensure even better buy-in and ownership from these institutions and all stakeholders. The consultative process could take place within the framework of the process to design the National Open Government Strategy, as discussed below.

   o Encourage individual institutions to continue elaborating and using their own definitions of open government that are based on a single definition and share similar conceptual understandings.

Towards a more solid legal and regulatory framework for open government in Argentina

Argentina's constitution provides a strong basis for the development of open government strategies and initiatives

A solid legal and regulatory framework provides legal certainty for all actors involved in open government reforms and enables governments and citizens to effectively implement policies. Similar to most OECD countries, the National Constitution of the Argentine Republic does not include a specific reference to the concepts of open government or an open state, but it does incorporate a number of provisions on transparency, accountability, integrity, and stakeholder participation.

The country's access to information law requires horizontal coordination among access to information agencies in order to be effectively implemented

The right to access government information is a necessary legal foundation for open government in policy making (OECD, 2014). In line with OECD practice, Argentina adopted a Law on the Right of Access to Public Information (*Ley de Derecho de Acceso a la Información Pública*, Law 27.275) in 2016. Prior to this law, the right of access to public information was regulated through a decree. By extending the decree's scope and by obliging all branches of the state, the new law's purpose is "to guarantee the effective exercise of the right of access to public information, to promote citizen participation and transparency in public management" (Article 1).

Pursuant to Article 19 of the ATI law, Argentina created the Agency for Access to Public Information (*Agencia de Acceso a la Información Pública*) as a functionally and administratively autonomous controlling entity in the executive branch within the Office of the Chief of Cabinet. The agency's responsibility is to ensure compliance with the principles and procedures established by the law, guaranteeing the effective exercise of the right of access to public information and promoting the proactive disclosure of information.

Replicating the executive's agency with identical powers and functions, Article 28 of the ATI law requires the establishment of separate organs for each independent institution and branch of the State. Acting in the area of the respective organisations that created them, all six access to information agencies shall ensure compliance with the legal framework, the effective exercise of the right of access to public information, and the promotion of active transparency measures.

To ensure a co-ordinated approach to the interpretation and application of Argentina's ATI law and the implementation of Article 8 of Decree 899/2017, the six autonomous agencies established a Coordinating Roundtable for Access to Public Information *(Mesa de Coordinación de Acceso a la Información Pública*) in November 2017. Little insights can be drawn from comparative international experience regarding the establishment of such a large number of access to information agencies, as most countries have established only one such institution. In order to guarantee a common approach to the implementation of the national ATI law, it is important to further formalise the Roundtable's existing mechanisms and other informal co-ordination practices between the various agencies. The agencies' current work on the establishment of indicators to measure implementation of the national ATI law could help them to find common shortcomings, identify challenges and promote good practices for a successful and uniform approach to the access of information for citizens.

In this context, it is also important that the agencies discuss the creation of clear and simple procedures to request information. Citizens and other relevant stakeholders need to be provided with guidance on how and where to request government information. Argentina has started to standardise and homogenise information about these procedures in order to ease the process for citizens, but further opportunities, such as the development of a single online request form or uniform guidelines for citizens, could result in more citizen-friendly procedures.

The effective application of the right to access information requires strong appeals procedures and clear legal enforcement

Unlike many OECD countries, Argentina's proactive disclosure of information applies to all branches and institutions, subject only to limited exceptions. Regarding the classes of information made public, the right of access covers all material held by public institutions in all formats, indifferent of who created it. The Argentinian ATI law (Article 13) only permits an entity to refuse access to information if the requested information does not exist, if the entity is not legally obliged to produce the information, or if one of the exceptions provided for in Article 8 applies. The law does not provide for a "harm test" applicable to all exceptions, with the results that information requests are only turned down when publication represents an actual risk of harm. While the use of exemptions is common practice across OECD countries, they need to be limited, used restrictively and properly justified, in order to ensure that the public official's level of discretion remains relatively low.

In the event of a denial of information, Argentina's ATI law (Article 14) allows for the possibility to appeal decisions directly in courts of first instance in federal administrative litigation and to initiate administrative complaint procedures with the Agency for Access to Public Information or the corresponding respective entity where the information was originally requested. Should the Agency find that an entity failed to comply with its obligations under the ATI law, it will request the institution to deliver the information within ten working days (Article 17). Any non-compliance on the part of an institution can be considered is subject to legal and administrative proceedings as foreseen in Article 24 (p) and (q). The formal aspects and requirements of Argentina's appeals procedure to contest the decision of an institution in cases of refusals of information requests reflect the common practice of OECD countries. However, while Article 24 (p) and (q) state that the director of the Agency can initiate legal actions and request administrative investigations and sanctions from the respective institution in cases of non-compliance, the ATI law does not provide the AAIP with the possibility to directly sanction officials or institutions that do not comply with its decisions or infringe the law. Consequently, the legal effect and the possibility of follow-up procedures to address non-compliance remain unclear.

Vertical co-ordination between all levels of government is essential to guarantee effective access to public information

Similar to other countries with a federal structure, legislation passed at national level in Argentina does not apply directly to the provincial or municipal levels. The Constitution, however, provides the possibility for provinces to declare a federal law applicable in their territory. To increase legal certainty for citizens and guarantee effective access to information at all levels of the state, the national government can inform and encourage all provinces to adopt legislation on the access to information and ensure the effective

implementation of existing legislation at the provincial level. Furthermore, Article 29 of the national ATI law created the Federal Council for Transparency (*Consejo Federal para la Transparencia*), which is composed of high-level representatives of all provinces and the City of Buenos Aires. Established as a permanent interjurisdictional body, the Council aims to promote technical co-operation and consultation regarding transparency and access to information policies across all levels of government, in order to promote agreement on policies and criteria for access to public information.

In order to ensure effective implementation of the ATI law and guarantee a fully functional Federal Council for Transparency, able to adequately fulfil the co-ordination role and mandate assigned to it under the law, the Council must be provided with a statute and the necessary human and financial resources. By exchanging experiences and promoting good practices related to transparency and the right of access to public information, the Federal Network for Access to Public Information (*Red Federal de Acceso a la Información Pública*) has the potential to positively impact the promotion and implementation of the right of access to information across all levels of the state. Founded in 2014, the Network is a voluntary national association composed of public institutions at the national, provincial and municipal levels. To what extent the Network will be able to contribute to improved vertical co-ordination in questions of access to information will depend on the participation of a greater number of entities at the national level.

Key recommendations

1. Ensure the effective and harmonised application of the national ATI law across all branches of the state.

   o Continue formalising co-ordination mechanisms for the various agencies responsible for ATI as part of the Co-ordinating Roundtable for Access to Public Information and beyond, in order to guarantee a common approach for the full implementation of the national ATI law.

   o Ensure regular meetings of the agencies' directors and consider creating working groups of technical staff, in order to contribute positively to information exchange at all levels and full collaboration between the autonomous institutions.

2. Promote the adoption and implementation of ATI legislation at the provincial level to guarantee access to information at all levels of the state.

   o Ensure that the Federal Council for Transparency is provided with a statute and the necessary human and financial resources to adequately fulfil its co-ordination role and mandate to promote technical co-operation and consultation regarding transparency and access to information policies across all levels of government.

3. Standardise and simplify the process to request information for all public institutions, in order to make access to information more citizen-friendly.

   o Develop a single online request form, and potentially a unified portal, and publish supporting guidelines on how to request information. To ensure consistency between institutions, make sure that fees for the reproduction and potential delivery of information are set centrally and remain the same for each entity providing information.

4. Ensure that a robust and efficient institutional framework for access to information is in place.

   o Ensure that the six agencies for access to public information have a legal basis to enforce the ATI law and can effectively sanction non-compliance by public entities and officials.

   o Ensure that the access to information agencies enjoy full independence and are provided with sufficient financial resources as well as human capacities to guarantee full implementation of the law.

Fostering the effective implementation of open government initiatives in Argentina

The number of institutions involved in open government reforms in Argentina requires extensive co-ordination

In the executive branch of the state of Argentina, the core team of open government consists of the Government Secretariat of Modernisation and the Secretariat for Institutional Strengthening in the Office of the Chief of Cabinet of Ministers, the Access to Information Agency, the Ministry of the Interior, Public Works and Housing, and the National Anti-Corruption Office.

However, the results of the OECD surveys demonstrate that the implementation of open government principles in Argentina goes well beyond these core institutions and has penetrated deep into the entire institutional landscape. For instance, most Argentinian line ministries now have either an office or a person in charge of open government. Furthermore, while only a selection of institutions participated in Argentina's first OGP Action Plan, 28 public institutions are now involved in the third OGP Action Plan cycle.

The high and growing number of actors contributing to the promotion of open government principles is a very positive sign, and a testimony to the outreach efforts of the Government Secretariat of Modernisation; however, it also creates a strong need for effective co-ordination.

Horizontal co-ordination of open government initiatives in Argentina has improved, thanks to the creation of the Open Government Roundtable

For its third OGP Action Plan, in line with good practices in OECD countries, the Argentinian government created a National Open Government Roundtable, as a space for co-ordination and dialogue. The Roundtable is composed of four government institutions and four civil society organisations. In contrast to several OECD countries, Argentina's Roundtable does not include academia or the private sector. The Roundtable's role was formalised over the course of 2018 and now has a legal basis in the form of a Resolution and an Internal Operating Regulations. While this formalisation is a positive measure, the Roundtable's mandate is mainly restricted to the OGP process and its inclusiveness could be further enhanced.

OECD experience shows that an institutionalised National Open Government Steering Committee (*Comite Nacional de Gobierno Abierto*, CNGA) can foster continuity of open government strategies and initiatives beyond the mandate of a single government. A permanent CNGA that involves all relevant actors could function as a space to co-create a National Open Government Strategy. Sub-commissions of the CNGA could then follow up on high-level commitments and translate the common vision into concrete actions. Sub-commissions could also focus on thematic areas (e.g. Access to Information, Open

Government and Education, or the Sustainable Development Goals) or on specific processes such as the OGP Action Plans or legal reforms.

Figure 2. Possible composition of the new National Open Government Steering Committee

Source: Author's own work.

The institutional relocation of the Government Secretariat of Modernisation to the Chief of Cabinet of Ministers Office creates new opportunities

The Government Secretariat of Modernisation is Argentina's leading open government actor at the national level. It was created as the Ministry of Modernisation in 2015 in an effort to reform and modernise Argentina's public sector. Following the September 2018 government reform, it was incorporated into Argentina's main Centre of Government institution, the Office of the Chief of Cabinet of Ministers. The new Government Secretariat of Modernisation is headed by a Secretary of Government for Modernisation and Deputy Chief of Cabinet.

The 2018 reform gives the Undersecretariat for Public Innovation and Open Government – the entity within the Secretariat of Modernisation (SGM) that leads the open government reform agenda – additional opportunities to promote horizontality and inclusiveness within Argentina's open government agenda. However, the benefits of the new structure will also depend on the extent to which the senior leadership of the Government Secretariat of Modernisation manages to leverage direct access to the highest levels of the government, in order to mainstream and broaden their agenda. To this end, close collaboration with line ministries and provinces will be of major importance.

In this regard, there is a need for dedicated Open Government Contact Points (*Enlaces de Gobierno Abierto, EGA*) in all institutions to ensure the implementation of laws, policies and initiatives relevant to open government principles, while at the same time providing individual and personalised support to their institutions' public servants.

Sound human resource management and innovation initiatives have been introduced and are contributing to a change in the culture of governance

The SGM has taken notable steps to provide capacity-building opportunities for public servants. The Secretariat of Public Employment, a body located in the SGM, is responsible for skills development programmes and has launched the following initiatives targeting different groups of public officials:

- o *Líderes en Acción* is a programme designed to augment the competencies of young officials.

- o *Protagonistas de Recursos Humanos* is an initiative addressed to HRM officials.

- o *Construyendo Nuestro Futuro* targets high-level public managers.

- o Argentina's National Institute for Public Administration (INAP) offers courses with a special focus on open government.

- o SGM's *Government Lab of Argentina* (LABgobar) is a multi-disciplinary team located in the Undersecretariat for Public Innovation and Open Government, that provides assistance for ministry and municipality projects, aiming to make use of tools to innovate.

In 2016, the Government Secretariat of Modernisation's Directorate for the Development of Capacities for Innovation (*Dirección de Desarrollo de Capacidades para la Innovación*), working in close collaboration with INAP and LABgobar, established a Design Academy of Public Policy. The Academy offers training courses on innovation for public officials. The Design Academy of Public Policy is highly successful in terms of outreach, having taught 32,000 students until March 2019. However, the Academy's training agenda seems focused largely on innovation. Additional courses with a stronger alignment to open government principles could help the Argentinian government realise its declared goal of achieving a "State of the 21st century".

Key recommendations

1. Create a National Open Government Steering Committee (CNGA) in order to institutionalise dialogue between public institutions and all relevant stakeholders, and provide a forum to co-ordinate Argentina's entire open government agenda, including the design and implementation of a National Open Government Strategy.

   - o Invite high-level representatives from institutions to join the Committee in order to ensure that it can provide the necessary leadership to the country's open government agenda.

   - o Provide the CNGA with a mandate to go beyond the OGP process and to co-ordinate the whole national open government agenda.

   - o Ensure participation from civil society organisations beyond the usual suspects by including organisations working on topics such as climate change, education and violence against women.

   - o Organise regular Open State Meetings within the framework of the CNGA, in order to create a space that allows for the permanent exchange of good

> practices and experiences between branches of power and levels of government.

- Create sub-commissions of the CNGA to allow for discussions at a more technical level and to translate a commonly agreed vision and shared objectives into concrete actions and initiatives.

2. Take advantage of the new institutional anchorage of the Government Secretariat of Modernisation in the Office of the Chief of Cabinet of Ministers to strengthen co-ordination and mainstream open government principles.

3. Create dedicated Open Government Contact Points in all public institutions and branches of power, and at all levels of government, in order to enable a continuous exchange of experiences and good practices.

- Build capacity for Contact Points to enable them to provide individual and personalised support to their institutions' public servants.

- Create a network of Open Government Contact Points to enable them to exchange experiences and share good practices.

- Capitalise on and foster synergies with existing networks such as the Open Data Focal Points and the Network of Contact Points for Access to Public Information.

- Invite selected Contact Points to meetings of the National Open Government Steering Committee and its sub-commissions.

4. Raise awareness among public servants of the economic, political and social benefits of open government principles.

- Advocate for the inclusion of open government principles in public servants competency and values framework, as well as their Terms of References, including in the provinces.

- Further enhance the impact on open government reforms of the courses offered by the Design Academy of Public Policy, by harnessing the potential offered by the large number of trained public servants, including through (in)official networks of alumni.

- Move towards a strategic approach to Human Resource Management by including HRM provisions in the National Open Government Strategy.

Building a monitoring and evaluation framework for open government in Argentina

The Argentinian government's commitment to implementing and mainstreaming open government calls for solid monitoring and evaluation (M&E) tools to support and promote operational and strategic decision-making, performance, accountability and learning. While formal requirements for planning, monitoring and evaluating public policies in Argentina were largely absent until recently, the country has initiated a move towards the institutionalisation of an M&E culture in 2016 with the introduction of the State Modernisation Plan. The rollout of this plan is characterised by a gradual approach, starting with building planning capacities at the line ministry level, then moving to monitoring policy priorities and, eventually, evaluating results.

Under the leadership of the Office of the Chief of Cabinet of Ministers (JGM), the Government Secretariat of Modernisation (SGM) is responsible for working with all line

ministries to standardise planning, monitoring and evaluation. For this purpose, the government has designed an integral M&E management system, based on a management by results methodology. The system includes several different dashboards that enable users to keep track of government commitments, such as the Results Management Dashboard (*Tablero de Gestión por Resultados*, Gpr), the Integral Management Dashboard (*Tablero de Gestión Integral*) and the Strategic Monthly Report (*Informe Mensual Estratégico*). With open government as one of the government's 100 priorities, these tools offer a means to monitor the implementation of key open government projects, such as the organisation of Open Argentina (*Argentina Abierta*).

Strategic outcome or impact objectives for open government can enhance the monitoring of line ministries' open government initiatives

The monitoring of open government initiatives at sector level is done primarily by the SGM through tools developed by the government to monitor the implementation of OGP commitments. This reporting is done using Trello, an online project management tool. The information provided through Trello is managed internally by the SGM through a dedicated dashboard that is different from the one used for the Results Management Dashboard (*Tablero de Gestión).*

The monitoring of line ministry open government initiatives is not aligned to any strategic outcome or impact objective for open government. As explained in Chapter 2 on the Policy Framework, Argentina has not yet established medium-term to long term goals (outcomes and impacts objectives) for open government to strategically link high-level political commitments (e.g. "open government" as part of the 100 government priorities) to short-term activities (e.g. outputs, such as line ministry open government initiatives).

The SGM's public follow-up mechanism (Trello) contributes to only one of the Results Management Dashboard's key priority projects, the follow-up to the third OGP Action Plan. Such limited connection between the JGM's high-level monitoring system, and the absence of medium and long-term whole-of-government strategic goals on open government, risks weakening incentives for line ministries to co-operate in a systematic way.

The Government of Argentina recognises the importance of developing comparable indicators

The Government of Argentina's commitment to taking important steps in implementing and mainstreaming open government across government also raises the challenge of developing indicators to monitor outcomes and impact. To date, both government-wide open government priority goals and line ministries' efforts have been monitored mainly through process and output indicators, as in most OECD countries. While using process and output indicators can be useful to measure activity progress, it does not allow the assessment of whether a policy initiative is delivering on expected results. These indicators are designed to be used primarily for internal management.

While acknowledging that the development of robust and relevant output, outcome and impact indicators is a complex endeavour, to which the Argentinian government is fully committed in the medium and long term, specific initiatives could be launched to help ensure progress towards this goal. These could include, among other things, the adoption of a theory of change approach in the design of open government strategies and initiatives.

Specific training and guidelines can foster a culture of monitoring, evaluation and learning among public officials in charge of open government initiatives

The monitoring and evaluation of open government initiatives will not have the desired impact if public officials do not have the right skills and incentives to carry it out successfully. In this regard, Argentina is making substantial progress in building public service capability for open government issues and results-based management.

In the field of open government, the government provides training mainly on issues related to citizen participation and service delivery. In the field of results-based management (RBM), the Argentinian government has developed training to guide the implementation of the M&E guidelines defined by the JGM. In addition, the Design Academy of Public Policy (*Academia de Diseño de Políticas Públicas*) provides public servants with innovative tools to design and implement public policies, including the use of a theory of change approach.

Despite the relevance of these initiatives, there are no dedicated training courses on M&E of open government efforts, despite the government's need to enhance public officials' capacity to design, monitor and evaluate such initiatives. Current training on open government does not include an M&E component and training on M&E is primarily addressed to public officials in charge of reporting to the JGM on the monitoring and evaluation of government priorities (termed the *Guía del Sistema de Gestión por Resultados*).

Another measure to support the development of capacities in the public sector is the development of guidelines and toolkits. The Argentinian government has developed a toolkit on open government, which focuses mostly on its benefits, and another on evaluation, which offers insights into planning, policy design and theory of change approaches, in addition to several materials prepared within the framework of the Design Academy of Public Policy. However, as with the training courses, according to the information gathered during the fact-finding mission, the available guidelines on M&E are not generally used for the design, monitoring and evaluation of open government initiatives.

Towards the evaluation of open government initiatives

In Argentina, the relatively weak evaluation culture across government and the absence of a broader institutional framework for policy evaluation have limited the government's capacities to evaluate open government initiatives. Nevertheless, despite the lack of a government-wide evaluation policy, the annual Monitoring and Evaluation Plan for Social Policies and Programmes can be used by the GoA to ascertain how open policy making can lead to better governance and services.

There are ongoing efforts to use M&E strategically to improve the multi-level governance and capacities of open government at the provincial and municipal level

Argentina is carrying out intensive efforts to disseminate open government to all levels of government. This is reflected in COFEMOD's recently developed criteria to measure the progress of the Federal Modernisation Commitment. The result is a dashboard with a set of baseline indicators that enables calculation of the degree of fulfilment of commitments. This type of peer benchmarking can serve as an incentive for the development of sound open government strategies and initiatives at the provincial level.

COFEMOD is also taking active measures to build M&E capacities at the provincial level, especially through training. However, despite the progress made in fostering co-operation with several provinces, COFEMOD and its Open Government Commission still face human resources and financial challenges to promote multi-level governance and horizontal co-operation from a technical point of view.

Key recommendations

5. Consider including M&E provisions within a National Open Government Strategy. Depending on its legal nature, this could provide a specific mandate to the JGM to develop an annual M&E plan for the National Open Government Strategy.

- Link the monitoring of open government strategic outcomes and impact objectives (as recommended in Chapter 2) with different initiatives at sector level, including the OGP commitments.

- Use the recommended National Open Government Steering Committee as an institutional platform to follow up and discuss the results of M&E activities in a systematic way.

- Develop specific operating principles to monitor open government initiatives, such as standards for developing open government outcomes and impact objectives, standards and templates for monitoring reports, and rules for the frequency of monitoring.

6. Develop comparable indicators to measure processes, outputs, outcomes and impact in collaboration with stakeholders.

- Consider adopting a theory of change approach for the development of open government initiatives, to ensure that each open government initiative pursues a specific objective (outcome and impact) and to facilitate the development of indicators associated to each stage of the intervention process (input, process, output, outcome and impact).

- Create a platform to support the co-creation of robust indicators with the participation of key stakeholders, such as civil society organisations (CSOs), universities and think tanks. This could be done, for instance, within the context of the implementation of the Open Government National Strategy recommended in the previous chapters.

7. Foster 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.

- Develop capacity-building activities on the M&E of open government strategies and initiatives, in collaboration with relevant stakeholders.

- Consider the development of a dedicated set of guidelines to elaborate open government initiatives, and facilitate the inclusion of process, outputs, outcomes and impact indicators.

- Consider mandating the team of the Undersecretariat for Public Innovation and Open Government in the SGM to train and assist the different institutions in using

a theory of change approach in the development of sector initiatives. Piloting projects with specific institutions could be a feasible starting point.

- Incorporate M&E thinks tanks and academia into the development of these capacity-building activities.

8. Strengthen the technical role of COFEMOD.

- Continue ongoing efforts to develop baseline indicators on open government.

- Promote capacity-building activities and horizontal co-operation on the monitoring and evaluation of open government strategies and initiatives, in partnership with key stakeholders that are already providing technical assistance, such as national universities and CSOs.

Mainstreaming citizen and stakeholder participation in the policy cycle in Argentina

Different opportunities exist for stakeholders to participate in policy making in Argentina, but these need to be better communicated

Active use of public communication has increased substantively in Argentina in terms of size and scope, namely through increased public investments in communication initiatives and the growing presence of government on social media, as well as through the creation of websites for different ministries. However, the team in charge of communication in the Government Secretariat of Modernisation (SGM) faces challenges in harnessing the benefits of sound communication for open government initiatives, especially in terms of limited staff and the absence of a fixed budget.

The provision of information and regular two-way communication with citizens and other stakeholders constitutes the basis for effective engagement. Ministries and provinces acknowledge that stakeholders are not yet sufficiently informed about participation opportunities and noted insufficient awareness among public officials of the value added of stakeholder participation practices. In order to address this challenge, the government has created a number of toolkits that could help to raise awareness about the benefits of stakeholder participation. Networking and dissemination events such as the annual conference *Argentina Abierta*, which provides a forum for representatives from provinces to meet, existing roundtables and COFEMOD also offer occasions to raise awareness about the existence and usefulness of these tools.

In an important move towards an open culture of governance, the government has started to institutionalise stakeholder participation in open government. To this end, it has created the National Open Government Roundtable (*Mesa Nacional de Gobierno Abierto*), which features the participation of four CSOs. However, organisations from civil society active in specific sectorial policy areas, such as environment or transport, are not yet integrated into the Roundtable. In addition, the absence of representatives from the private sector and academia impedes full inclusiveness.

The government has created various virtual engagement platforms

A central approach of open policy making frequently used by the Secretariat of Modernisation is Open Innovation (*Innovación Abierta*). The SGM uses this paradigm to provide platforms and in-person meetings to allow participants to share and co-create knowledge, assess public challenges and seek new approaches to tackle them. The

composition of Argentina's Open Innovation initiative is noteworthy as it brings together representatives from the state, the private sector and civil society. Other examples for virtual engagement include:

- Public Challenges (*Desafíos Públicos*): This platform developed within the framework of Open Innovation offers citizens and other stakeholders the opportunity to upload innovative proposals addressing challenges relevant to society.

- The Citizen Innovation Laboratory of the Province of Santa Fe (*SantaLab*): The Laboratory creates a space for new forms of citizen organisation and self-organised groups that make policy making more resilient and adaptive through informal processes of citizen practice.

To avoid confusion among stakeholders regarding which different platform to consult, Argentina has undertaken efforts to create a single platform for consultations conducted by different ministries or institutions. In a noteworthy initiative, Argentina has undertaken efforts to consolidate these in a single platform for consultations. The Platform of Public Consultation (*Plataforma de Consulta Pública*) offers ministries the possibility to ask citizens for input on their respective policy areas and unified previously existing platforms into a single one.

To work towards harmonisation and better alignment of stakeholder participation practices, Argentina could consider developing a guiding document related to stakeholder participation

A number of initiatives that target women, youth or differently abled people have been launched in order to make policy making more inclusive. While these efforts are to be welcomed, they remain fragmented and could be assembled into an overarching or guiding document, such as: a set of whole-of-government citizen participation guidelines, the inclusion of extensive references and provisions on citizen participation in a newly developed National Open Government Strategy, and eventually a dedicated law on citizen participation.

Key recommendations

1. Strengthen the Secretariat of Modernisation's role as the co-ordinating actor of open government communication in collaboration with the Secretary of Public Communication by:

- Building on successful two-way communication channels to integrate insights from stakeholders and strengthen their buy-in. Social media channels, opportunities for face-to-face meetings such as through Argentina Abierta, and public events like hackathons offer such opportunities and could be used with higher frequency.

- Considering convening regular meetings with Open Government Contact Points and all government communication officers to strengthen their involvement in communication about open government initiatives, and share good practices as well as lessons learned.

2. Continue providing technical support to line ministries and provinces for the implementation of citizen and stakeholder participation initiatives.

3. Strategically build on initial contacts established through the OGP process to foster citizen and stakeholder participation initiatives in line ministries and provinces, including beyond the OGP process.

4. Move beyond the usual suspects by enlarging the variety of stakeholders that participate in each step of the policy cycle and reach out to under-represented groups.

- Encourage participation in the policy cycle and service design and delivery, by all interested and/or affected parties including: individuals regardless of their age, gender, sexual orientation or religious and political affiliations; and institutions and organisations whether governmental or non-governmental or drawn from civil society, academia, the media or the private sector.

5. Consider developing an overarching document on stakeholder participation to work towards harmonisation and better alignment of stakeholder participation practices. The guiding document could take a variety of forms that address challenges in the short, medium and long term.

- Short-term challenges: whole-of-government citizen participation guidelines.

- Medium-term challenges: the inclusion of extensive reference and provisions on citizen participation in a newly developed National Open Government Strategy.

- Long-term challenges: a dedicated law on Citizen Participation.

Moving towards an open state in Argentina

Argentina has made substantial efforts to enhance co-ordination and collaboration between branches of power in the promotion of open government principles

In recent years, all branches of power and independent public institutions in Argentina have begun elaborating and implementing open government initiatives. All the branches of power and independent public institutions that responded to the OECD Survey (2018) indicated that they had a definition of open government in place and all have either an office or a person in charge of their open government agenda. While none of the institutions had a comprehensive open government strategy, they all implement a wide variety of initiatives to foster open government principles.

The main objective institutions pursue through the implementation of open government initiatives is the improvement of institutional transparency, followed by capacity-building to respond to the needs of citizens and businesses. As in many other countries, the OGP process has become an important platform to foster co-ordination between the branches of power and levels of government in Argentina. Institutions from all branches of power and a significant number of independent public institutions have joined the process to elaborate the third OGP Action Plan.

All branches of power and independent public institutions have a general predisposition to collaborate and co-ordinate open government strategies and initiatives across branches. Most institutions have already collaborated with the then Ministry of Modernisation, and in the process received orientation/guidance and participated in capacity-building events.

At present, exchanges between branches of power often rely on informal networks created through the involvement of institutions in the OGP process. Only a small number of formal

spaces exist in which these branches can co-ordinate policies in the field of open government, such as the Roundtable on Access to Information.

Provinces have started to consolidate their frameworks for open government, but there is space to further improve the multi-level governance of reforms

Open government principles are well entrenched in many provinces of Argentina and most have at least a basic understanding of open government. Thanks to extensive outreach efforts on the part of the national government, the third OGP Action Plan includes commitments from 11 provinces. The Constitutions of most of these provinces refer to open government principles and the majority have some kind of legislation on access to information in place. In addition, 73% of provinces have either a ministry or an office in charge of their open government agenda and 80% have their own definition of open government. Some of these definitions demonstrate an advanced understanding of open government principles.

All provinces have gained experience in experimenting with open government initiatives. Open data initiatives are particularly high on the agenda, followed by initiatives to foster digital government and transparency. Survey results show that, for most provinces, the most important objective is "improving the transparency of the public sector", followed by "improving the accountability of the public sector" and "enhancing citizen participation in the formulation of public policies". The most important challenge provinces face in the implementation of their open government reform agendas is lack of trust among citizens in institutions.

In order to co-ordinate their open government initiatives, most provinces have created a Committee/Roundtable. In most cases, however, these bodies are not formalised and consist of *ad hoc* working meetings between actors. Vertical co-ordination of public policies in Argentina has historically been managed through the creation of Federal Councils. Currently, the most important council for the vertical co-ordination of open government initiatives is the Federal Council for Modernisation and Innovation in Public Management (COFEMOD), which is headed by the Government Secretariat of Modernisation. One of the Council's six technical commissions focuses on open government and innovation (the "Open Government Commission"). If fully exploited, the Commission has the potential to become the primary space for the vertical co-ordination of open government initiatives and to provide an excellent entry point for tailor-made capacity-building support. In terms of the development of a possible National Open Government Strategy, the Commission would enable discussion of a shared vision for open government across the entire country.

Municipalities have started moving towards an open state

The national government has created a variety of initiatives to promote open government at the municipal level. For instance, the Ecosystem of Innovation programme, led by the Government Secretariat of Modernisation, seeks to streamline and consolidate municipal public policies in order to build innovation capacities in local governments. The SGM also created the programme *País Digital* (Digital Country) to co-ordinate digital government initiatives with provinces and municipalities. This programme provides provincial and municipal administrations with support in areas such as website creation, digital platforms and open data. Moreover, the Ministry of the Interior's Under-secretariat for Municipal Relations has a Municipal Training Department that gives courses on open government to municipal governments.

Key recommendations

1. Organise regular Open State Meetings of the National Open Government Steering Committee (CNGA) involving all branches and independent public institutions, in order to harmonise approaches and ensure more fluid and institutionalised exchanges of good practices and experiences.

- Invite the people in charge of open government agendas in all branches of power and in independent public institutions to participate in the Network of Open Government Contact Points, in order to facilitate the sharing of practices and experiences.

- Invite Open Government Contact points from all branches and independent public institutions to participate in specific thematic sub-commissions of the CNGA.

2. Involve all branches of power and independent public institutions in the elaboration of a National Open Government Strategy (NOGS), to ensure that it reflects a shared vision, common objectives and a common understanding of what open government entails.

- Consider designing the strategy in a flexible way to allow all branches and independent public institutions to adhere to it through high-level declarations and to develop independent strategies tailored to the needs of their specific institutions, while contributing to a common vision.

- Consider the option of designing an actual Open State Strategy by co-creating joint objectives and promoting co-ordinated implementation of initiatives together with all branches of power, independent public institutions and all levels of government.

3. Make strategic use of the Open Government Commission of COFEMOD as the primary space for the vertical co-ordination of open government reforms.

- Use the Commission to discuss a shared vision, joint objectives and, possibly, common initiatives when designing a National Open Government Strategy, and consider allowing provinces to adhere to the strategy and develop their own Provincial Open Government Strategies that contribute to the overall objectives of the NOGS.

- Ensure that the agenda of the National Open Government Steering Committee is fully co-ordinated and aligned with the work being done in the Open Government Commission of COFEMOD.

  – Consider giving permanent seats in the Open State Meetings of the National Committee to the two provinces that chair the Commission of COFEMOD.

- Ensure a fluid exchange between the Open Government Commission of COFEMOD and the Federal Council of Transparency.

4. Continue supporting provinces in the development of their own open government agendas that contribute to the achievement of jointly defined national open government objectives.

- Provide additional capacity-building support to provincial governments by using spaces such as Argentina Abierta and the Open Government Commission of COFEMOD.

- Foster the creation of Provincial Open Government Steering Committees that bring together all relevant actors from the provincial government, local civil society leaders, the private sector and academia, as well as the other branches of power and independent public institutions.

5. Foster a more integrated and holistic national government approach to open government at the municipal level, including by involving municipalities in the design and implementation of the whole-of-government National Open Government Strategy.

- Ensure that national government efforts to foster open government at municipal level are well co-ordinated with efforts being undertaken by provinces with their respective municipalities.

Towards a conducive environment for digital and open government reforms in Argentina

Digital government and open government are mutually reinforcing and both work in support of democracy and inclusive growth

Acknowledging the importance of open and digital government, OECD countries have mandated the OECD Secretariat to develop own-standing legal instruments ("Recommendations") in both areas. Argentina has adhered to both the OECD Recommendation of the Council on Open Government and the OECD Recommendation of the Council on Digital Government Strategies. This underlines the willingness of the country to follow and implement the principles included in the Recommendations, and learn from OECD best practices towards the creation of greater public value and benefits for citizens.

In Argentina, the institutional anchorage of digital government and open government in the Government Secretariat of Modernisation (SGM) provides great opportunities to further aligning the reform agendas and continue the close cooperation between the Secretariat for Digital Government and Innovation Technology and the Undersecretariat for Public Innovation and Open Government. It moreover enables a transversal use of digital and open government initiatives across the whole-of-government by using the political lever of the location of the SGM in the Office of the Chief of Cabinet of Ministers. Yet, room for improvement remains in terms of better engaging stakeholders in digital – and open government initiatives. Evidence from both OECD Reviews show that while inclusiveness and the implementation of citizen-driven approaches appear to be a priority in the context of Information and Communication Technology (ICT) projects and initiatives, untapped potential remains in terms of engaging citizens in public services.

There is currently a multitude of digital platforms such as *Consulta Pública* or *Desafío Públicos.* This may leave stakeholders in doubt about the most appropriate platform to interact with and reach out to the government. The central government acknowledges the need to unify and provide stakeholders with more clarity on the most appropriate way to interact. In this context, the digital platforms *Argentina.gob.ar* and *MiArgentina* are examples of the willingness of the central government to adopt a government-as one-entity approach vis-à-vis its citizens. For instance, *MiArgentina* stands out as a valuable platform that simplifies citizens' experiences when accessing once-analogue public services.

Key recommendations

1. Ensure close interaction between the Undersecretariat for Public Innovation and Open Government and the Secretariat for Digital Government and Innovation Technology of the Government Secretariat of Modernisation. This would help to better design and deliver public services, prioritise data publication, and foster data re-use.

• Consider inviting a representative of the digital government team to the National Open Government Steering Committee to align agendas.

2. Consider further streamlining the variety of digital engagement platforms (Mi Argentina, Platform for Public Consultation, Public Challenges, etc.) and continue the efforts to make the Platform for Public Consultation the principal platform for digital consultation.

Chapter 1. The context for open government reforms in Argentina

The cultural, historical, political and socio-economic context that defines a country also inevitably influences the design, implementation and evaluation of open government strategies and initiatives. This chapter's first section therefore contextualises the approach to open government by analysing a number of challenges and opportunities for open government in Argentina. In terms of socio-economic development, Argentina performs relatively well today, but the country continues to experience socio-economic challenges. Moreover, the perceived inability of policy makers to address these challenges, as well as apparent low levels of transparency and public sector integrity, can have a significant impact on citizens' trust in government. It is against this backdrop that the current government has given new impetus to the country's open government agenda. The second part of this chapter introduces the OECD's approach to open government and explains the methodology used for the collection of data and the elaboration of the Review's recommendations.

Introduction

Countries have begun to recognise the contribution of open government reforms to broader policy objectives.

Governments today face increasingly complex policy challenges, including widening inequality gaps, and rising economic and financial instability, as well as a resurgent wave of identity politics. At the same time, citizens around the world have become more vocal and demanding, not only in terms of the quality of public services they expect but also regarding the transparency, integrity and accountability of the entire public sector.

In response to these demands, more and more governments are rethinking the way that public policies and services are designed and delivered, acknowledging that the implementation of open government strategies and initiatives improves the quality of public services and makes the state more efficient and effective. At the same time, countries are starting to recognise that open government reforms have the potential to act as a catalyst for the attainment of broader policy goals such as improving democracy, fostering socio-economic development and increasing trust.

Open government is not an end in itself. While the open government principles of transparency, integrity, accountability and stakeholder participation certainly have intrinsic value, the implementation of open government strategies and initiatives can also serve as an important means to improve policies in areas such as education, environment, health and transport. Co-creating environmental policies with concerned stakeholders can, for instance, lead to policy results that impact positively peoples' lives, while transparency in the health sector can result in lower prices and increased efficiency. Recognising this potential, the OECD has defined open government as "a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth" (OECD, 2017a).

The current government has brought new dynamism to Argentina's open government reform agenda.

Argentina has long implemented policies to promote open government principles. In 2012, the country was one of the first states in Latin America to become a member of the Open Government Partnership (OGP). The current government has prioritised open government, thereby giving new impetus to the agenda. The President has publicly declared that his government is working towards "a State that is accountable, that works for its citizens, with transparent institutions" (Macri, 2017). To this end, open government is counted among the 100 objectives of the Government of Argentina (GoA) and the goal of moving towards an open and modern state has been incorporated into many of the government's initiatives.

Positioning Argentina as an international leader on open government has been one of the drivers of the country's open government reform agenda. Argentina is once again actively engaging with international partners, reflected in the country's presidency of the G20 and its organisation and hosting of the first G20 summit held in Latin America in 2018. The country's focus on international comparison and analysis of Argentina in relation to others also reveal the outward looking stance of the current government. Intensified efforts since 2016 to become an OECD member country further exemplify Argentina's renewed international orientation; and against this background, Argentina took over the role of co-chair of the OGP in October 2018.

This Open Government Review (OGR) examines open government reform themes that were jointly identified as priorities by Argentina and the OECD for bolstering the effectiveness of the country's open government agenda. The following key considerations guide this OGR:

- *Institutionalising open government*: The institutional size and the complexity of Argentina's federal structure and the extensive restructuration of the administration that took place in 2018 pose particular challenges for the country's open government agenda. In this context, the GoA aims to enhance institutionalisation in order to foster sustainability and continuity of the open government agenda beyond the mandate of a single government.

- Moving towards an open state and improving the multi-level governance of open government: Due to the federal character of the Argentinian state, the implementation of open government strategies and initiatives relies upon a multitude of different governmental actors across all branches and at all levels of government. In this context, the government aims to find a collaborative approach to open government implementation that includes all stakeholders, but respects constitutional provisions and requirements.

- Increasing impact: Argentina aims to move towards impact through more solid monitoring and evaluation (M&E) tools that support and promote performance, accountability and learning of open government strategies and initiatives.

The space for an open state in Argentina: Contextualisation of the current government's approach to open government reforms

Contextual factors influence the implementation of open government strategies and initiatives.

The cultural, historical, political and socio-economic context that defines a country inevitably also influences the design, implementation and evaluation of open government strategies and initiatives. Elements such as voter turnout, political history, and more recently the digital divide have influenced the formation of policies to foster transparency and openness, increase participation and accountability, and fight corruption. This section contextualises the government's approach to open government by analysing a number of challenges and opportunities for open government in Argentina.

An active democratic society is a key building block of open government reforms.

A historical analysis of Argentina's turbulent 20th century shows that the country underwent a drawn-out crisis of liberal democracy with frequent coups d'état and political turmoil that culminated in a long and violent military dictatorship in 1976 (CONADEP, 1984). This traumatic experience entered the national historical memory and undoubtedly still forms a vivid part of people's cultural identity. As a result, the country has to undergone a remarkable transformation during recent decades. Despite the political, social and economic turbulence that characterised Argentina's passage to the 21st century, the country has experienced the consolidation of democracy – a process that began with the first peaceful transfer of power between democratically elected presidents in 1989.

High levels of human development can engender open government reforms.

In terms of socio-economic development, Argentina performs relatively well today. In 2016, the United Nations Development Programme (UNDP) assigned Argentina a Human Development Index value of 0.827 – ranking the country at 45 out of 188 states and territories in the very high human development category. Argentina has the second highest score in Latin America, well above the average of 0.751 for other Latin American and Caribbean (LAC) countries (UNDP, 2016). The country boasts, for instance, a very high adult literacy rate of 98.1% (CIA Factbook, 2017). OECD experience shows that high levels of human development can engender open government reforms as well-educated citizens engage, for example, more often in political life and are more likely to request information and to hold their government accountable (OECD Better Life Index). The OECD Trustlab's findings further suggest that high levels of education and income are associated with higher levels of trust in government (OECD, 2018a), which is a prerequisite for stakeholder engagement.

While Argentina has made important socio-economic progress, the country continues to experience economic instability, significant youth unemployment and low social mobility. In addition, despite high levels of human development Argentina is still confronted with "extremely high" levels of relative poverty (OECD, 2017c). In total, one-third of the population can be considered to be poor, while one out of five citizens runs the risk of falling into poverty due to existing vulnerabilities, such as insufficient income from labour, low skills, informal employment and minimal access to quality public services (OECD, 2017c). Open government reforms can be an important tool for policy makers to design and implement public policies that better support the establishment of evidence-based development opportunities.

Societies with low levels of unemployment tend to be politically more stable and generally exhibit higher levels of citizen participation (OECD, 2016). According to the latest OECD Multi-dimensional Economic Survey of Argentina (2017), the country's unemployment rate decreased from 8.5% in 2016 to 7.6% in 2018. However, the same OECD Survey also found that young people, low-skilled workers and women all experience particular difficulty in joining the labour market. More than half of those without employment have not completed secondary education, and the unemployment rate is four times higher for young people aged between 15 and 24 years. In general, 23.9% of young people – compared to 13% across the OECD – encounter difficulties in finding a job. Through participatory and consultative approaches, open government strategies and initiatives can serve as a tool for governments to create public policies that reflect the particular needs of disadvantaged groups of society and eventually support the inclusion of everyone into the workforce.

Open government reforms can be a means to address low levels of trust in public institutions.

The challenges that some socio-economic indicators represent, and the perceived inability of policy makers to address them, can have a significant impact on citizens' trust and confidence in government. The 2017 poll of the Latinobarómetro found that only 32% of Argentinians trust the national government. It is noteworthy that these low trust levels apply to all institutions of the state: only 26% of the population trust the Congress and 25% have confidence in the judiciary (Latinobarómetro, 2017). The World Economic Forum's *Global Competitiveness Report 2017-2018* found that in terms of public trust in politicians, Argentina ranks 118 out of 137 countries (WEF, 2017a).

OECD evidence shows that low levels of trust in government can be explained partly by perceived low levels of transparency and public sector integrity (OECD, 2016). With regard to the transparency of government policy making, Argentina ranks 102 out of 137 countries (WEF, 2017a). At the same time, Argentina has experienced an upward trajectory in the Transparency International Corruption Perception Index, continually improving its score from 34 in 2013 to 40 (0 being highly corrupt and 100 being very clean) in 2018, and currently ranks 85th worldwide (Transparency International, 2018) for perceived corruption levels. While this score corresponds to the average for the Latin American region (38), Argentina scores considerably worse than Cuba, Costa Rica, Chile and Uruguay, as well as the results achieved by OECD member countries (68) or the G20 (54)

(Figure 1.1).

Figure 1.1. Argentina's perceived level of corruption is close to the regional average, but significantly higher than the average of the G20 and the OECD
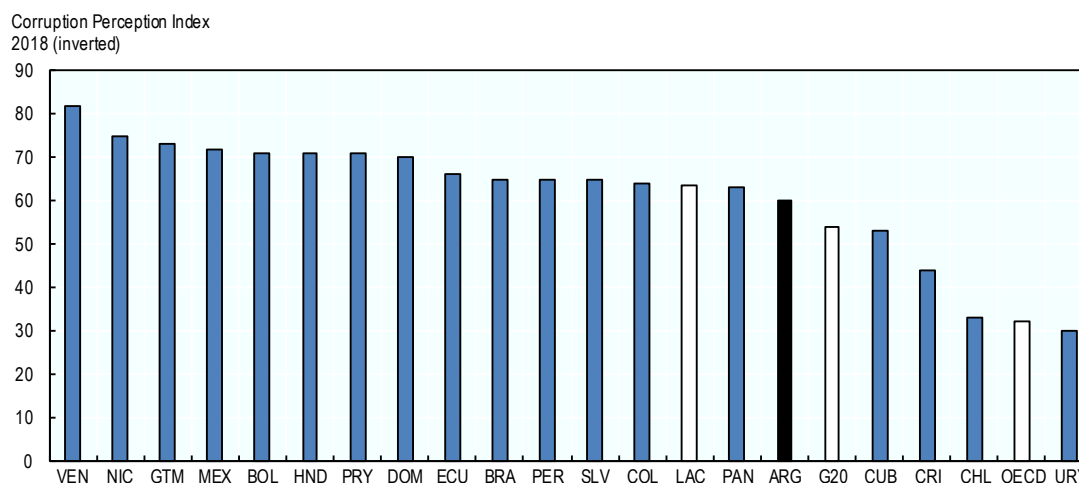
Note: The score of the Corruption Perception Index (CPI) has been inverted to facilitate interpretation in terms of perceived levels of corruption.
Source: Transparency International (2017), Corruption Perception Index 2017, Berlin, www.transparency.org/news/feature/corruption_perceptions_index_2017 (accessed 17 December 2018).

In terms of favouritism of government officials and irregular payments and bribes, Argentina ranks 98th and is among the worst performing 30% of countries in the WEF's *Global Competitiveness Report 2017-2018* (WEF, 2017a). The Executive Opinion Survey 2017 finds that the business community sees corruption as one of the six most problematic factors for doing business in Argentina (WEF, 2017b).

Many elements that form part of the open government reform agenda, including procurement transparency, access to information legislation, asset disclosure and open data are crucial for the fight against corruption. Open government and transparency can prevent and address corruption by clarifying and opening government processes as well as public spending procedures. With the availability of more public sector information, governments have a stronger incentive to show that policy decisions are taken in the public interest and that funds are used in an effective manner; moreover, citizens are also able to better analyse and understand governmental decision making for higher levels of public scrutiny.

In 2015, an OECD study found that 80% of OECD member countries and 54% of LAC countries are currently implementing or already have implemented integrity and anti-corruption initiatives as part of their open government reforms. Moreover, 77% of Latin American countries currently aim to prevent and fight against corruption by implementing open government initiatives. Open government reforms focusing on transparency and integrity could thus support Argentina's efforts to increase trust and foster sustainable development.

Technology and an interconnected society are strategic enablers of open government reforms.

Digital technologies facilitate more direct interactions and two-way communication, providing new opportunities to rethink possibilities of collaboration between different actors of society. According to the latest *State of Broadband Report* (2018) of the International Telecommunications Union (ITU), 71% of Argentinians use the Internet (ITU, 2018). The World Economic Forum's (WEF) *2016 Global Information Technology Report* ranks Argentina 89th worldwide, followed closely by Peru (90th), but behind Chile (38th), Uruguay (43rd), Costa Rica (44th), Panama (55th), Colombia (68th), Brazil (72nd), Mexico (76th) and Ecuador (82nd). While the country has one of the highest mobile phone usage rates in the world (13th), with a strong individual adoption rate, and despite the fact that the government is "making good use of ICTs to provide services to the population (55th)", the WEF finds that there is "much room for greater public-sector adoption of digital technologies". In this regard, reforms to foster the use of digital technology and to increase connectedness can support public sector transparency and accountability, improve access to and quality of public information, as well as government services, and facilitate decision-making processes that are more inclusive, as will be discussed in more detail in the OECD *Digital Government Review of Argentina* (2019a).

The OECD approach to open government

Argentina is the first country worldwide to be assessed against the OECD Recommendation of the Council on Open Government.

This OECD Open Government Review supports Argentina's open government agenda through an in-depth analysis of the current state of open government policies and institutions at the national level, and an assessment of the vertical collaboration between national and provincial levels. It provides practical recommendations to the Government of Argentina in order to address the above-mentioned challenges and to make open government principles the operating system of the entire public sector.

The methodology used for the elaboration of the Review's recommendations reflects the OECD's longstanding work in the area of open government. The analysis is based on the OECD Recommendation of the Council on Open Government (the "OECD Recommendation") that Argentina adhered to in July 2018. Adopted in December 2017, the Recommendation represents the first international legal instrument on open government (Figure 1.2). While it is not legally binding, it has moral value.

Figure 1.2. The 2017 OECD Recommendation of the Council on Open Government

The Recommendation defines a set of criteria for the design and implementation of successful open government agendas. It features ten provisions (Figure 1.3) corresponding to the following areas: provisions 1, 2, 3, 7 and 8 focus on the creation of an enabling environment, including the policy and legal framework; provisions 4, 5, 6 and 9 focus on the implementation framework, while provision 10 focuses on the way ahead. It is against these ten provisions that the OECD assesses Argentina's current open government reform agenda.

The Review's recommendations focus on the following six thematic areas:

- Creating a sound policy framework for open government (Chapter 2.)
- Towards a more solid legal framework for open government (Chapter 3.)
- Fostering the effective implementation of open government strategies and initiatives (Chapter 4.)
- Building a monitoring and evaluation framework for open government (Chapter 5.
- Mainstreaming citizen and stakeholder participation in the policy cycle (Chapter 6.

- Moving towards an open state (Chapter 7.).

Figure 1.3. Clustering the provisions of the OECD Recommendation of the Council on Open Government

1) Enabling environment	2) Implementation framework	3) Way ahead
• Provisions 1, 2, 3, 7 and 8 focusing on the policy and legal framework	• Provisions 4, 5, 6 and 9 focusing on co-ordination, monitoring, evaluation and learning, communication as well as innovation and digital government	• Provision 10: Open State

Source: OECD (2017a), *Recommendation of the Council on Open Government*, OECD, Paris, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438

The Recommendation defines a comprehensive set of criteria that provide guidance to adhering countries. They have been developed to help these countries design and implement successful open government agendas that have an impact on people's lives. In particular, the Recommendation's ten provisions aim to support countries in:

- ensuring that open government principles are rooted in a public management culture

- identifying an enabling environment that is conducive to efficient, effective and integrated governance of open government

- promoting the alignment of open government strategies and initiatives with – and their contribution to – all relevant national and sectoral socio-economic policy objectives, at all levels of the administration

- fostering monitoring and evaluation practices and data collection.

Box 1.1. The ten provisions of the OECD Recommendation of the Council on Open Government, 2017

1. Take measures in all branches and at all levels of the government to develop and implement open government strategies and initiatives in collaboration with stakeholders, and to foster commitment from politicians, members of parliaments, senior public managers and public officials, to ensure successful implementation and to prevent or overcome obstacles related to resistance to change.

2. Ensure the existence and implementation of the necessary open government legal and regulatory framework, including through the provision of supporting

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documents such as guidelines and manuals, while establishing adequate oversight mechanisms to ensure compliance.

3. Ensure the successful operationalisation and take-up of open government strategies and initiatives by:

    (i) providing public officials with the mandate to design and implement successful open government strategies and initiatives, as well as the adequate human, financial and technical resources, while promoting a supportive organisational culture

    (ii) promoting open government literacy in the administration, at all levels of government, and among stakeholders.

4. Co-ordinate, through the necessary institutional mechanisms, open government strategies and initiatives – horizontally and vertically – across all levels of government to ensure that they are aligned with and contribute to all relevant socio-economic objectives.

5. 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

    (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.

6. Actively communicate on open government strategies and initiatives, as well as on their outputs, outcomes and impacts, in order to ensure that they are well-known within and outside government, to favour their uptake and to stimulate stakeholder buy-in.

7. Proactively make available clear, complete, timely, reliable and relevant public sector data and information that is free of cost, available in an open and non-proprietary machine-readable format, easy to find, understand, use and reuse, and disseminated through a multi-channel approach, to be prioritised in consultation with stakeholders.

8. Grant all stakeholders equal and fair opportunities to be informed and consulted and actively engage them in all phases of the policy cycle, service design and delivery. This should be done with adequate time and at minimal cost, while avoiding duplication to minimise consultation fatigue. Further, specific efforts should be dedicated to reaching out to the most relevant, vulnerable, underrepresented or marginalised groups in society, while avoiding undue influence and policy capture.

9. Promote innovative ways to effectively engage with stakeholders to source ideas and co-create solutions, and seize the opportunities provided by digital government tools, including through the use of open government data, to support the achievement of the objectives of open government strategies and initiatives.

> 10. While recognising the roles, prerogatives and overall independence of all concerned parties, and according to their existing legal and institutional frameworks, explore the potential of moving from the concept of open government toward that of the open state.
>
> *Source:* OECD (2017a), *Recommendation of the Council on Open Government*, OECD, Paris, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438.

Given that open government is critical to policy outcomes in diverse domains, the Recommendation also helps adherents improve efforts related to, for example, public sector integrity and anti-corruption, public sector modernisation, civic freedom, digital government, procurement, public sector innovation, public financial management and human resource management. The Recommendation also promotes the realisation of the Sustainable Development Goals (SDGs), specifically SDG 16 on "Peace, Justice and Strong Institutions". As such, its implementation helps adherents to strengthen public governance, democratic practices and inclusive growth, as well as to increase citizens' trust in government.

The OECD Open Government Review of Argentina is based on solid evidence and extensive data collection.

In order to collect information and data on the Argentinian context and on existing open government strategies and initiatives, the OECD developed four comprehensive surveys. These surveys enabled the creation of a solid evidence base for the Review's analysis. The four different questionnaires were sent out to:

- the Directorate for Open Government inside the then Ministry of Modernisation

- all line ministries of the national government

- the judiciary, the legislature and independent state institutions

- all 23 provinces and the Autonomous City of Buenos Aires.

Box 1.2. Data collection in the context of administrative changes in Argentina in 2018

The surveys were sent out prior to the administrative restructuring of the government, which took place in September 2018 and significantly reduced the number of ministries from 22 to 11. Since data collection terminated prior to this process, the information provided in this Review reflects the composition of the government during the second trimester of 2018. The Review therefore refers to all ministries and public institution by their old names.

The Ministry of Modernisation (*Ministerio de Modernización*), the main counterpart for this study, was moved to the Office of the Chief of Cabinet of Ministers (*Jefatura de Gabinete de Ministros*) in the context of the restructuring process. The Review therefore refers to the "then Ministry of Modernisation" when talking about initiatives that took place prior to September 2018. Recommendations are therefore directed to the newly established Government Secretariat of Modernisation (*Secretaría de Gobierno de Modernización*).

The Survey benefited from the contributions of 23 line ministries and public institutions, namely the Anticorruption Office (*Oficina Anticorrupción*), the Chief of Cabinet of Ministers Office (*Jefatura de Gabinete de Ministros*), the Comprehensive Medical

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Attention Programme (*INSSJP-PAMI – Programa de Asistencia Médica Integral*), the General Office of the Comptroller (*Sindicatura General*), the Ministry of Agro-industry (*Ministerio de Agroindustria*), the Ministry of Culture (*Ministerio de Cultura*), the Ministry of Defense (*Ministerio de Defensa*), the Ministry of Education (*Ministerio de Educación*), the Ministry of Foreign Affairs and Worship (*Ministerio Relaciones Exteriores y Culto*), the Ministry of Health (*Ministerio de Salud*), the Ministry of Health and Social Development (*Ministerio de Salud y Desarrollo Social*), the Ministry of Justice and Human Rights (*Ministerio de Justicia y Derechos Humanos*), the Ministry of Production (*Ministerio de Producción*), the Ministry of Science, Technology and Productive Innovation (*Ministerio de Ciencia, Tecnología e Innovación Productiva*), the Ministry of the Interior, Public Works and Housing (*Ministerio del Interior, Obras Públicas y Vivienda*), the Ministry of Tourism (*Ministerio de Turismo*), the Ministry of Transport (*Ministerio de Transporte*), the Ministry of Treasury and Public Finances (*Ministerio de Hacienda y Finanzas Públicas*), the Ministry of Work, Employment and Social Security (*Ministerio de Trabajo, Empleo y Seguridad Social*), the National Institute for Women (*INAM – Instituto Nacional de las Mujeres*), the National Institute on Youth (*INJUVE – Instituto Nacional de Juventud*), the Secretariat of Environment and Sustainable Development (*Secretaría de Ambiente y Desarrollo Sustentable*) and the Secretariat of Mining Policy Coordination (*Secretaria de Coordinación de Política Minera*).

The Open State Survey benefitted from the contributions of seven institutions, namely the Auditor General (*Auditoría General*), the Chamber of Deputies (*Cámara de Diputados*), the Council of Magistrates (*Consejo de Magistratura*), the Ombudsman's Office (*Defensoría del Pueblo*), the Penitentiary Prosecutor's Office (*Procuración Penitenciaria*), the Senate (*Senado*) and the Supreme Court (*Corte Suprema de Justicia*).

The Provinces Survey benefitted from the contributions of 15 provinces, namely: Buenos Aires, Catamarca, Chaco, Ciudad Autónoma de Buenos Aires, Córdoba, Corrientes, Entre Ríos, Formosa, Jujuy, Misiones, Mendoza, Neuquén, Río Negro, Salta and Santa Fe.

A distinctive element of OECD Reviews is the involvement of expert officials (peer reviewers) from national and sub-national public administrations in OECD member and partner countries. The present Open Government Review benefitted from the input of the following peer reviewers:

- **Canada:** Ms Jaimie Boyd, Director of Open Government, Office of the Chief Information Officer, Treasury Board of Canada Secretariat, and Ms Sarah MacLeod, Senior Project Officer, Office of the Chief Information Officer, Treasury Board of Canada Secretariat, Canada.

- **Colombia:** Ms Alice Berggrun Comas, Advisor, Secretary of Transparency, Presidency of the Republic, Colombia.

- **France:** Ms Amélie Banzet, Project Officer for Open Government, Inter-ministerial Directorate for Digitalisation, Information Systems and State Communication (DINSEC), Prime Minister's Office

Data collection for this document was also based on OECD fact-finding missions, the purpose of which was to conduct extensive interviews with a wide variety of stakeholders:

- **Mission 1**: This one-week visit of an OECD team to the capital consisted of interviews with government stakeholders (the then Ministry of Modernisation, Office of the Chief of Cabinet of Ministers, different line ministries), the other

branches of power (legislature, judiciary), independent public institutions and civil society organisations.

- **Mission 2**: This visit of an OECD team to the provinces of Santa Fe, Mendoza and the Autonomous City of Buenos Aires (CABA) consisted of interviews with key stakeholders from all branches of power, civil society and academia in these provinces/CABA. During this second mission, the OECD team also conducted additional interviews with representatives from the national government and other national stakeholders.

Box 1.3. Terminology and definitions included in the OECD Recommendation on Open Government and used throughout this document

Open government: a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth.

Open state: a process whereby the executive, legislature, judiciary, independent public institutions and all levels of government – recognising their respective roles, prerogatives and overall independence, according to their existing legal and institutional frameworks – collaborate, exploit synergies, and share good practices and lessons learned among themselves and with other stakeholders to promote transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth.

Open government strategy: a document that defines the open government agenda of the central government and/or any of its subnational levels, as well as that of a single public institution or thematic area, and that includes key open government initiatives together with short, medium and long-term goals and indicators.

Open government initiatives: actions undertaken by the government, or by a single public institution, to achieve specific objectives in the area of open government, ranging from the drafting of laws to the implementation of specific activities such as online consultations.

The policy cycle: a process that includes identifying policy priorities, drafting the actual policy document, policy implementation, and monitoring implementation and evaluation of the policy's impacts.

Stakeholders: any interested and/or affected party including: individuals, regardless of their age, gender, sexual orientation, religious and political affiliations; and institutions and organisations, whether governmental or non-governmental, from civil society, academia, the media or the private sector.

Stakeholder participation: this consists of all the ways in which stakeholders can be involved in the policy cycle and in service design and delivery. These include:

- *Information*: an initial level of participation characterised by a one-way relationship in which the government produces and delivers information to stakeholders. It covers both on-demand provision of information and "proactive" measures by the government to disseminate information.

- Consultation: a more advanced level of participation that entails a two-way relationship in which stakeholders provide feedback to the government and vice-versa. It is based on the prior definition of the issue for which views are being

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sought and requires the provision of relevant information, in addition to feedback on the outcomes of the process.

- *Engagement*: a process whereby stakeholders are given the opportunity and the necessary resources (e.g. information, data and digital tools) to collaborate during all phases of the policy cycle and in service design and delivery.

Open government literacy: the combination of awareness, knowledge and skills that public officials and stakeholders require to engage successfully in open government strategies and initiatives.

Levels of government: central and subnational levels of government.

Source: OECD (2017a), *Recommendation of the Council on Open Government*, OECD, Paris, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438.

This Open Government Review is an integral part of support provided by the OECD to the Government of Argentina in the area of public governance.

In addition to the Open Government Review of Argentina, the OECD Public Governance Directorate is collaborating with the Government of Argentina on three other Policy Reviews. The *Digital Government Review of Argentina* (2019a) analyses governance for digital government, public sector competence for digital policy implementation, openness, and public service delivery and data governance in Argentina. The assessment draws upon the OECD Recommendation of the Council on Digital Government Strategies (OECD, 2014), which provides a set of 12 strategic recommendations to help governments move from e-government towards digital government.

The *OECD Integrity Review of Argentina* (2019b) provides recommendations for building a coherent and co-ordinated public integrity system, including evidence-based integrity policies and supported by a culture of integrity in Argentina. This Review draws on the 2017 OECD Recommendation on Public Integrity, which sets out a vision for a coherent and comprehensive public integrity system (OECD, 2017b).

Finally, in order to strengthen the government's capacity to manage regulatory policy, the *OECD Regulatory Policy Review of Argentina* (2019c) analyses the current situation of policies, institutions and tools employed by the Argentinian government to design, implement and enforce regulations of high quality. It includes policies targeting administrative simplification, ex ante and ex post evaluation of regulations, stakeholder engagement practices, and the governance of economic regulators, among others.

Together, these three interlinked Reviews of the OECD Public Governance Directorate constitute a framework for governance reform in Argentina.

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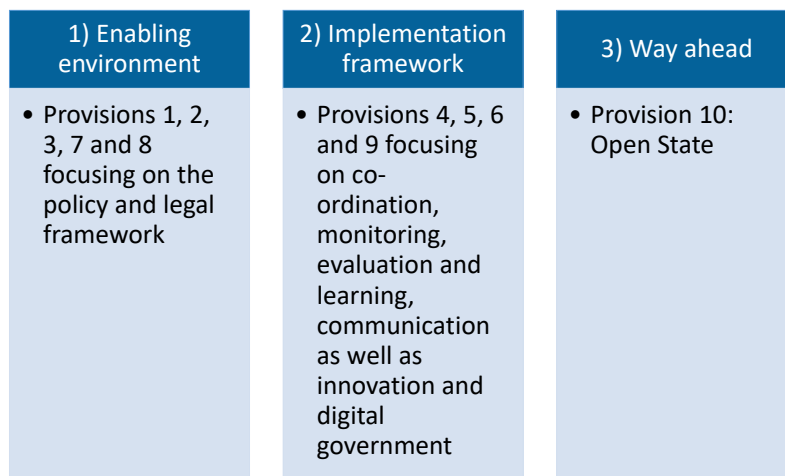
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Chapter 2. Creating a sound policy framework for open government in Argentina

This chapter takes stock of Argentina's policy framework for open government and provides recommendations for its consolidation. It includes a discussion of the usefulness of a single definition of open government and provides an overview of existing policy documents that refer to open government principles, including the State Modernisation Plan, the Federal Commitment for the Modernisation of the State and the OGP Action Plan. It finds that the then Ministry of Modernisation acted as the driver of an open government agenda that can be characterised as a "big bang approach". Within a short period of time, it developed a broad range of open government initiatives with the involvement of a number of new institutions. The chapter concludes with guidelines and practical recommendations for the development of an open government policy framework for the future – a National Open Government Strategy.

Introduction

Policy initiatives promoting open government principles have started to flourish in Argentina.

Policy initiatives guide the implementation of policies because they set objectives and are necessary for the successful monitoring and evaluation of countries' policy agendas. Initiatives to promote the open government principles of transparency, accountability, integrity and stakeholder participation have existed for a long time. Some countries have a tradition of engaging stakeholders in policy design, while others have gained ample experience in providing access to public information. However, only in recent years – and particularly since the creation of the Open Government Partnership (OGP) in 2011 – has the term "open government" been used (and understood) more widely. Today, countries are implementing a great variety of innovative strategies and initiatives under the umbrella of open government (Figure 2.1).

Figure 2.1. Initiatives on open government implemented in OECD countries and around the world
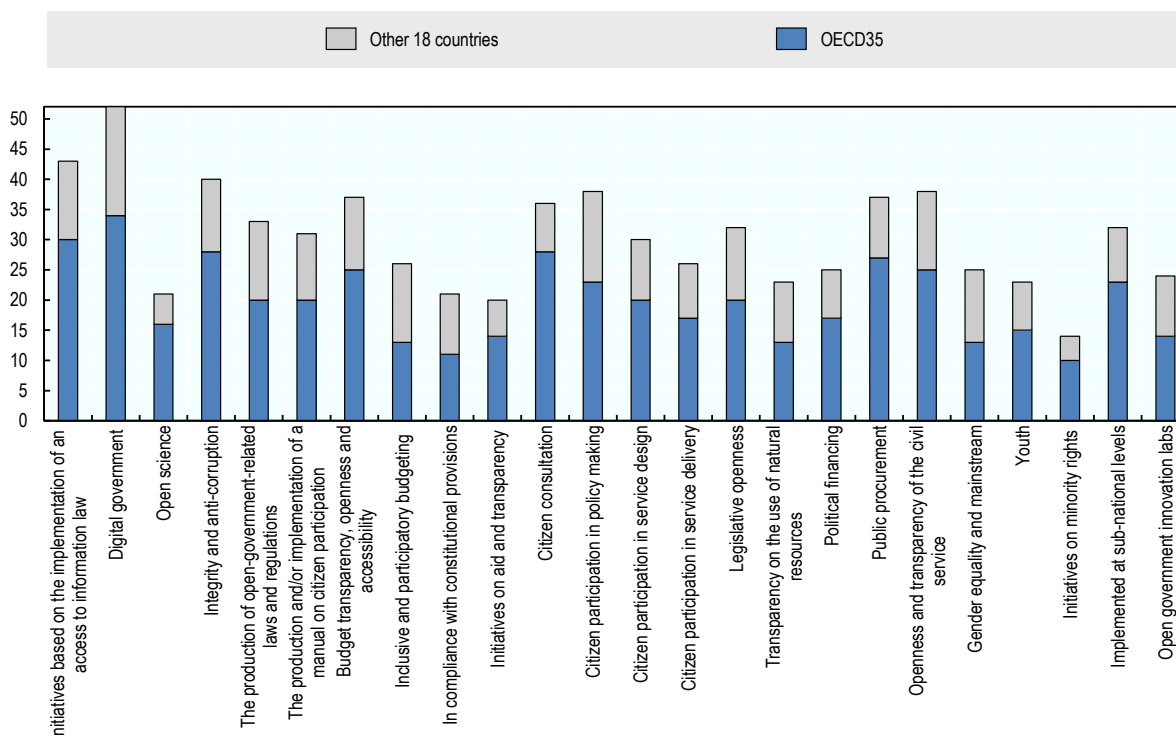
Source: OECD (2016), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264268104-en.

In recent years, countries across the globe have elaborated definitions of open government and designed OGP Action Plans, while some have integrated open government into National Development and/or Modernisation Plans and sectoral strategies. However, only a small number of national and subnational governments have developed a comprehensive whole-of-government Open Government Strategy that goes beyond siloed approaches and

embeds open government principles into a country's broader policy framework. Box 2.1 explains the differences between open government principles, strategies and initiatives.

Box 2.1. Distinguishing between open government principles, strategies and initiatives

The **principles of open government** are transparency, integrity, accountability and stakeholder participation.

An **open government strategy** or **open government policy*** is "a document that defines the open government agenda of the central government and/or of any of its sub-national levels, as well as that of a single public institution or thematic area, and that includes key open government initiatives, together with short, medium and long-term goals and indicators.

Open government initiatives are **"**actions undertaken by the government, or by a single public institution, to achieve specific objectives in the area of open government, ranging from the drafting of laws to the implementation of specific activities such as online consultations.

Note: *Some countries may refer to "policy" rather than "strategy". For the purpose of consistency, the present report uses the term "strategy".
Source: OECD (2017), *Recommendation of the Council on Open Government*, OECD, Paris, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438 (accessed 30 November 2018).

This chapter assesses Argentina against provision 1 of the OECD Recommendation of the Council on Open Government (Box 2.2). The chapter includes a discussion of the usefulness of a single definition of open government and provides an overview of existing policy documents that refer to open government principles, including the State Modernisation Plan, the Federal Commitment for the Modernisation of the State and the OGP Action Plan. It concludes with practical recommendations to develop a whole-of-government National Open Government Strategy in Argentina.

Box 2.2. Provision 1 of the OECD Recommendation of the Council on Open Government

"Take measures, in all branches and at all levels of the government, to develop and implement open government strategies and initiatives in collaboration with stakeholders and to foster commitment from politicians, members of parliament, senior public managers and public officials, to ensure successful implementation and prevent or overcome obstacles related to resistance to change."

Source: OECD (2017), *Recommendation of the Council on Open Government*, OECD, Paris, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438 (accessed 30 November 2018).

Fostering the use of a single definition of open government

A solid definition of open government is crucial to the elaboration and implementation of successful reforms.

According to OECD research (OECD, 2016), the concept of open government encompasses several approaches, definitions and principles, and takes into account various

legal, historical or cultural aspects of countries worldwide. In the 1950s, open government referred to the disclosure of politically sensitive government information and was used in debates leading up to the approval of the Freedom of Information Act in the United States (Yu and Robinson, 2012). Over the years, the meaning was conceptually extended to include new opportunities in innovation, efficiency and flexibility in government offered by the use of "open data" and ICTs that emerged with the rise of the Internet.

Delineating an official concept of open government and defining what it entails is a pivotal first step to developing a holistic and coherent approach to open government reforms. Any country's official definition should be co-created with a wide range of stakeholders to ensure that it is recognised and supported by the whole of government as well as citizens, civil society, academia and the private sector (OECD, 2016). Box 2.3 provides an overview of the benefits of a good definition of open government.

Box 2.3. Benefits of a good definition of open government

The *OECD Report on Open Government: The Global Context and the Way Forward* (OECD, 2016) explains why a good definition of open government is crucial:

- o It informs the public about the essential elements of open government, and the extent and limitations of the term.

- o It facilitates common understanding and usage of the term, and aligns all stakeholders and policy makers towards the same goals.

- o It facilitates robust analysis of the impacts of open government strategies and initiatives across different institutions and levels of government.

- o It supports international comparisons of open government strategies and initiatives.

Source: OECD (2016), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, https://doi.org/10.1787/9789264268104-en.

According to the results of the OECD Survey on Open Government and Citizen Participation in the Policy Cycle (2015), 49% of countries across the OECD enjoy these benefits and have developed a single definition of open government (Figure 2.2). Of that proportion, 29% of countries have created their own definition, while 20% have adopted an external definition (OECD, 2016).

Figure 2.2. Countries with and without official definitions of open government
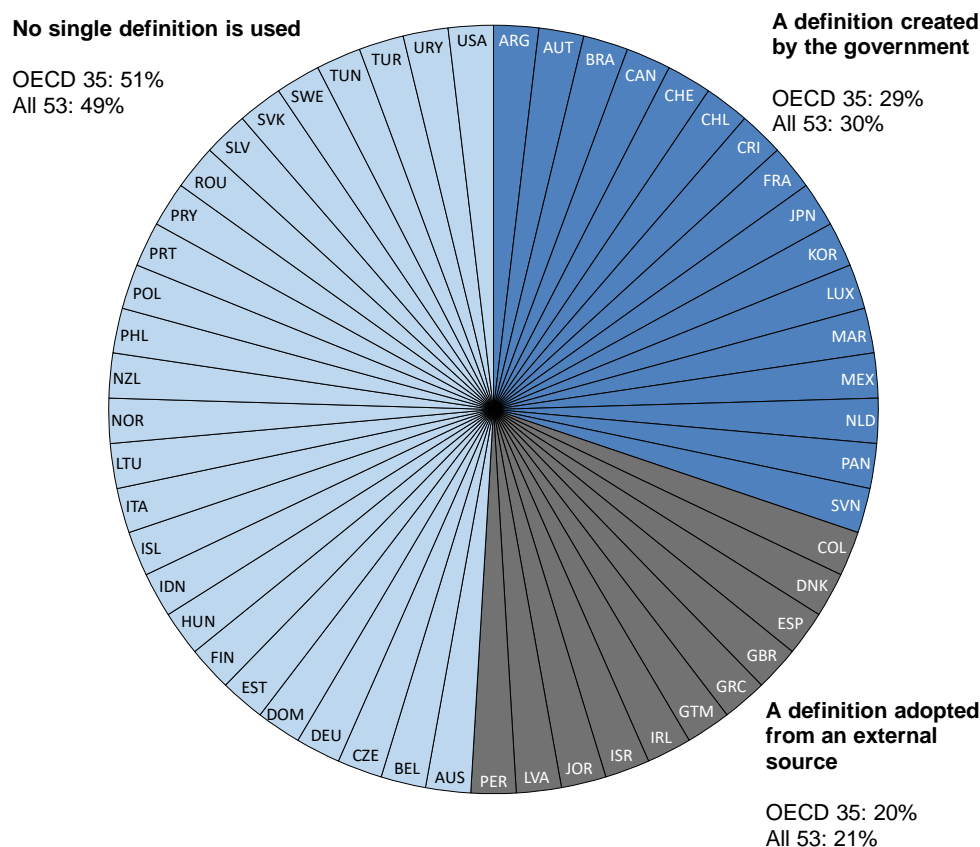
Source: Country responses to OECD (2015), *OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle*, OECD, Paris.

Building on the *Guiding Principles for Open and Inclusive Policy-Making* (OECD, 2001) and the extensive data and evidence collection undertaken for the *OECD Report on Open Government* (2016), the OECD Recommendation of the Council on Open Government (OECD, 2017) defines open government as "a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth". Box 2.4 provides an overview of existing official definitions of open government in OECD countries.

Box 2.4. Official country examples of open government definitions

Canada

A governing culture that holds that the public has the right to access the documents and proceedings of government to allow for greater openness, accountability and engagement.

Chile

A public policy applicable to the whole of the public apparatus, aimed at strengthening and improving the institutional frame and management of public affairs by promoting and

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consolidating the transparency and access to public information principles, as well as the mechanisms for citizen participation in the design, formulation, implementation and evaluation of public policies. All this is in the context of the current public institutions' modernisation process, the goal of which is to move towards a state at the service of all citizens and to improve the population's quality of life.

France

Open government is understood as transparency of public action and openness to new forms of participation and collaboration with citizens and civil society. In France, the historical roots of the definition of open government are found in the 1789 French Declaration of Human Rights. Article 15 states that society has the right to make any public agent of its administration accountable. Open government contributes to promoting:

- o the construction of transparency and democratic trust through open data, open decision-making processes and accountability

- o citizen empowerment based on the possibility of informed decision-making and active citizenship through digital tools and shared resources for increased autonomy

- o the adaptation of government practices to the digital revolution through co-creation, agility and simplification, innovation, data-driven strategies, the transformation of the administration into a platform, etc.

Korea

Government 3.0 (Open Government Initiative) represents a new paradigm for government operations to deliver customised public services and generate new jobs in a creative manner by opening and sharing government-owned data with the public and encouraging communication and collaboration between government departments. Government 3.0 aims to make the government more service-oriented, competent and transparent, thereby working to pursue the happiness of citizens.

Luxembourg

Government of an accountable and democratic constitutional state, based on the rule of law and justice, that works to achieve, as far as possible, a maximum level of transparency and citizen participation, which is not in contradiction with human rights or other fundamental values.

Note: Some of the definitions presented here were translated from the original languages.
Source: Country responses to OECD (2015), *OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle*, OECD, Paris.

A significant number of public institutions in Argentina have a definition of open government in place.

The then Ministry of Modernisation (then MoM) defined open government as "a process of state transformation that promotes transparency, citizen participation and collaboration as principles for the design of innovative public management". This definition was elaborated by the Undersecretariat of Public Innovation and Open Government of the then MoM without the involvement of external stakeholders.

According to the results of the OECD Survey, a significant number of ministries (79%) have a definition of open government in place (Figure 2.3). In many cases, ministries stated that they had employed the definition provided by the then MoM. Most ministries sourced their definition from the Open Government Kit or the OGP Action Plans. Only five participating ministries indicated that they did not have a definition of open government.

Figure 2.3. A significant number of Argentinian institutions have defined open government, but the origins of these definitions vary widely
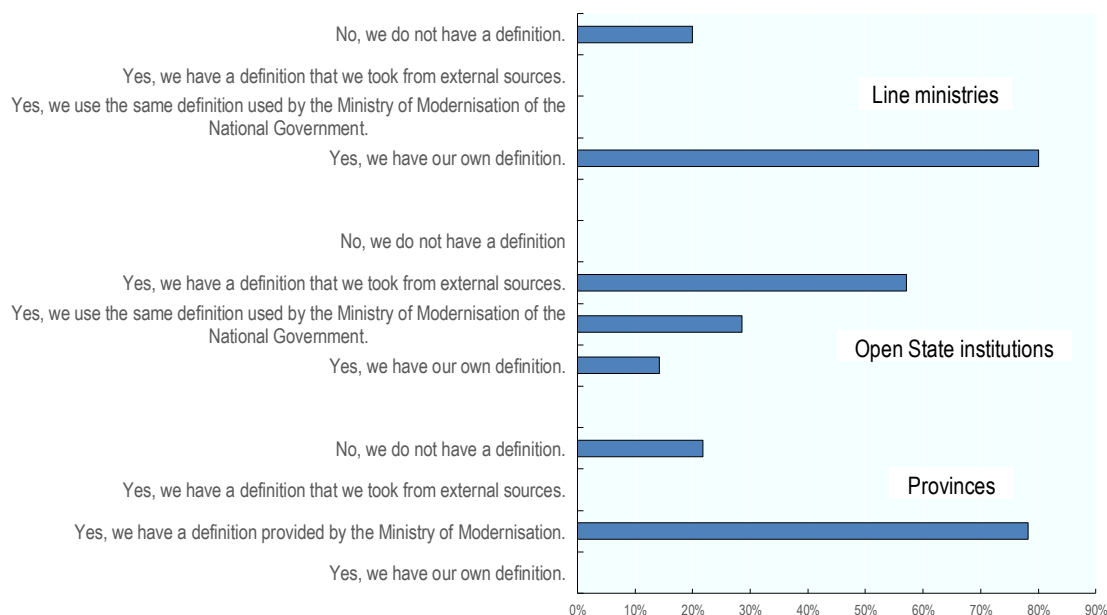
Note: The term IPI refers to independent public institutions.

Conversely, none of the participating provinces had the same definition as the then MoM, and 80% stated that they had elaborated their own definition. Most provinces either adopted definitions from external sources (e.g. the Ibero-American Charter of Open Government produced by the *Centro Latinoamericano de Administración para el Desarrollo* (CLAD)) or developed their own. Institutions from the other branches of power and independent public institutions mainly took their definitions from external sources (57%). Only the Senate and the Auditor General's Office have applied the then Ministry of Modernisation's definition of open government.

The fact that such a large number of ministries, provinces and institutions from other branches have a definition of open government in place is a positive development, reflecting an increase in uptake and alignment. The Government Secretariat of Modernisation (SGM) could build on this trend by further promoting its existing definition of open government, with a view to encouraging the move towards a single definition that is accepted by the whole public sector and external stakeholders alike. At present, most definitions refer to the principles of transparency, citizen participation and collaboration, but vary in terms of their respective scope, particularly in the cases of provincial documents. Moving towards a single definition does not mean that all institutions necessarily have to use exactly the same definition. Instead, it implies that they all share a common understanding of what open government entails (and does not entail), as well as a

vision for the country's open government agenda. Institutions should feel free to adopt a single definition that fits their own institutional realities.

Within the framework of a process to design a possible National Open Government Strategy (see below) or to co-create the next OGP Action Plan, the government could launch a consultative process for the co-creation of an updated definition. A single definition of open government would ensure better buy-in and ownership from all public institutions and stakeholders.

Ensuring that existing open government initiatives contribute to a common goal

There is high-level commitment to open government reforms in Argentina.

In order to effect a culture change, the principles and values of openness need to be identified, discussed and reinforced at every possible opportunity (OECD, 2016). In this respect, the inclusion and prioritising of open government principles in government agendas provides public institutions in charge of promoting open government reforms with a strong mandate. High-level commitment is also a *sine qua non* to transform open government principles into the guiding principles of a state.

In Argentina, open government principles figure among the 100 priority objectives of the government, in particular:

- *Priority 47: Citizen participation.* We believe in teamwork, not only within the government but between the state and society. We want to expand these networks to work more and more with social organisations, volunteers and companies to reach the people who need it.

- Priority 84: Open government. A contemporary state is more open, transparent and close to the citizens. With the objective of opening up public administration, we are strengthening the practices of open government at the federal level by fostering accountability, citizen participation, new technologies and public innovation.

- Priority 89: Administrative reform. The National Public Administration needs to be updated and modernised. In order to have a state at the service of citizens, a set of initiatives must be promoted to modernise state management, redesigning support systems to build a model in line with the 21st century.

The desire to move towards an open and modern state is reflected in many of the initial actions of the current government. It is visible in the creation of a Ministry of Modernisation with a strong mandate to promote open government principles (see Chapter 4 on Implementation), the adoption of the State Modernisation Plan, and the dynamic and ambitious approach to open government principles led by the Undersecretariat for Public Innovation and Open Government (UOG).

The State Modernisation Plan reflects the government's recognition of the value of open government reforms as a contribution to public sector modernisation.

A large number of countries around the world, including *inter alia* Australia, Denmark and Greece, have made open government principles a core part of their public sector reform agenda (OECD, 2016). In Argentina, the State Modernisation Plan (*Plan de Modernización del Estado*) provides the strategic framework for public governance reform and includes open government as one of its core elements. The Plan was adopted in 2016 (Decree 434)

with the aim to "achieve a solid, modern and efficient State" (Government of Argentina, 2016). It has five areas of work:

- technology and digital government
- integrated human resources management
- results-based management and public commitments
- open government and public innovation
- a digital country strategy.

The Plan also aims to create a platform for collaboration with provincial and municipal governments as well as the Autonomous City of Buenos Aires, for use in their respective jurisdictions. In accordance with Article 2 of Decree 434, the scope of application of the State Modernisation Plan includes the central administration, decentralised organisms and self-sufficient entities, as well as companies and societies of the state.

The "open government and public innovation" area of work is sub-divided into three axes each of which has specific objectives and a list of activities. The axes are: 1) opening of data and public information, 2) public and civic innovation, and 3) citizen participation (Box 2.5).

Box 2.5. The open government axis of the State Modernisation Plan

Opening of data and public information

Objective:

To manage public information as a public and civic asset of a strategic nature for the strengthening of the democratic process in the development of public policies. This will be based on evidence and provision of data and information on user-focused services provided by the state, and the development of new products and services.

Activities:

1. Develop a framework of policies, processes and technological platforms that favour the management of data and information of the public sector as a civic asset.

2. Strengthen policies and mechanisms for access to public information, incorporating digital channels and processes that contribute to accelerating and improving the quality of responses.

3. Encourage the development of a vibrant ecosystem of generators, users and re-users of data and public information.

Public and civic innovation

Objective:

To promote the development of policies, instruments, capacities and platforms necessary to accelerate open innovation processes in the public sector and the growth of an ecosystem of public and civic innovation.

Activities:

1. Develop a National Innovation Strategy.

2. Develop and implement methodological instruments for the identification, formulation and acceleration of innovation projects.

3. Promote the development of an innovation ecosystem through competitions, public challenges, conferences, work days and the application of other methodologies that favour the circulation of ideas and talents among the national government, the different jurisdictions and civil society.

Citizen participation

Objective:

To provide citizens with the means, channels and opportunities necessary to express themselves, petition and participate actively in the public policy cycle.

Activities:

1. Encourage the active participation of citizens in decision-making processes, as well as in the design, implementation, monitoring and evaluation of public policies.

2. Promote the incorporation of new technologies that promote citizen participation in government affairs.

3. Develop mechanisms, channels and platforms to facilitate public participation in the development of standards.

4. Simplify the procedures for convening and holding public hearings.

Source: Government of Argentina (2016), *Plan de Modernización del Estado*, Decreto 434/2016, Buenos Aires, http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=259082 (accessed 20 November 2018).

Co-ordination and supervision of the implementation of initiatives deriving from the Plan was entrusted to the Office of the Chief of Cabinet of Ministers (CMO), while the then MoM was charged with implementation of the Plan itself. The State Modernisation Plan shows that the Government of Argentina recognises the potential for open government reforms to improve the functioning of the state. However, the three axes of the open government and public innovation area of work are tailored mostly to the institutional mandate of the UOG (see Chapter 4 on Implementation) and are largely limited to open government's contribution to administrative reform. Due to the focus on public governance reform (which is of course normal in the framework of a State Modernisation Plan), the Plan had to be complemented with other strategic documents that recognise the value of an open government agenda for broader policy objectives, such as fostering democracy and promoting inclusive growth.

The Federal Commitment for the Modernisation of the State aims to bring the benefits of open government to the provincial level.

Over the course of 2016, and within the framework of the State Modernisation Plan, the national government and many provinces signed co-operation agreements. Through the Federal Council for Modernisation and Innovation in Public Management (COFEMOD, see Chapter 7 on the Open State), they then developed the Federal Commitment for the

Modernisation of the State (*Compromiso Federal para la Modernización del Estado*) in order to jointly modernise provincial administrations.

The Federal Commitment includes five sub-commitments:

- De-bureaucratise the state.

- Rank public employment.

- Make public management transparent and encourage the use of innovation to provide public information and ensure citizen participation.

- Strengthen results-based management and the quality of services and public politics.

- Create a technological infrastructure.

Open government principles form part of the third sub-commitment. In particular, sub-commitment three aims to:

- Promote the publication of information on public management, and encourage its reuse by society.

- Prepare an action plan for open government policies by province, guided by the processes of the Open Government Partnership (OGP).

- Promote the homogenisation of public information to achieve its interoperability among jurisdictions.

- Develop innovation capacities and encourage the realisation of mechanisms for the resolution of public problems through the use of agile methodologies and civic technology.

To implement the Commitment, the national government and each province agreed on goals to be reached over the period 2017-2019. These goals were formalised in an Agreement of Commitment between the then MoM and individual provinces including the Autonomous City of Buenos Aires. At the time of writing, all but two provinces have signed such an Agreement. The national government and the provinces also explicitly invited the legislature, the judiciary and municipalities to adhere to the commitment and to combine their efforts to modernise the state. For the time being, however, none of them have adhered.

The time horizon of two years (2017-2019) is relatively short and interviews conducted within the framework of OECD fact-finding missions confirmed that provinces faced difficulties in designing ambitious reform agendas within the time limits provided. Despite these limitations, the Commitment has served to raise awareness about the importance of public governance and open government reforms and has kicked off reforms in some provinces, which, if sustained over time and complemented with additional policy initiatives, could have a transformative impact.

National line ministries are implementing a variety of open government initiatives that go beyond the OGP process.

As stated in provision 1 of the OECD Recommendation, all public institutions and levels of government should design and implement open government initiatives as part of a national agenda to engender a change towards an open government culture. The results of the fact-finding missions and OECD Surveys show that all Argentinian ministries,

provinces and the other branches of power and independent public institutions have developed an initial understanding of open government (see also Chapter 7 for a discussion of open government initiatives in an open state context).

In response to the OECD Line Ministry Survey, 63% of Argentinian ministries indicated that they had elaborated their own strategy or action plan to promote open government principles. While they often referred to specific initiatives they were pursuing (such as those included in the third OGP Action Plan) rather than an independent Open Government Strategy of the institution, the fact that all Ministries have started implementing open government initiatives is a positive sign. Ministries' initiatives to date focus mainly on opening up data (83% of ministries have implemented these kinds of initiatives), fostering digital government (71%) and implementing the access to information law (71%) (Figure 2.4). According to information received through the OECD Survey, in many cases, the then MoM provided support to ministries through capacity-building workshops, in-person assistance or the publication of operational guidelines.

Figure 2.4. Open government initiatives beyond the OGP in line ministries in Argentina

Source: Responses to OECD (2018), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

Open government principles have also been included in a variety of sectoral policy documents elaborated by Argentinian ministries. In fact, 80% of ministries reported that open government principles formed part of other strategic documents of their institutions. For example, the National Plan of Equal Opportunities of the National Women's Institute (*Instituto Nacional de las Mujeres*) was elaborated in a participatory way, the Commitment to Education (*Compromiso por la Eduación*) of the Ministry of Education includes a pillar on citizen participation, and the Action Plan for the period 2018-22 of the Anticorruption Office makes explicit reference to different open government principles. Moreover, the Ministry of Defence reported that it was currently elaborating its own independent Open Government Strategy for the institution. In addition, some ministries have elaborated ambitious open government agendas, including the Ministry of Foreign Affairs and Worship (Box 2.6).

Box 2.6. Open Diplomacy in Argentina

Argentina's Ministry of Foreign Affairs and Worship of Argentina (commonly referred to as *Cancillería*) has taken a variety of open government initiatives:

- In line with Law 27275 on the Right of Access to Public Information of 2016, the *Cancillería* publishes **information in an open data format**, including the list and composition of diplomatic representations abroad, statistics related to the candidates taking part in the national competitive exam and the catalogue of its historical archive.

- The *Cancillería* has made progress in incorporating **new technologies** into its daily work, and offers a wide range of services to citizens that can be requested and processed online (passports, visas, certificates, etc.).

- It has a wide presence in **social media**, including its own Twitter, Facebook, YouTube, Instagram, and Flickr accounts. These accounts are regularly updated with information concerning the latest activity of the *Cancillería*, including visits of State, participation in international conferences or congresses, new international agreements signed, or cultural activities organised to promote Argentina. The *Cancillería*'s YouTube channel contains videos on specific topics, such as travelling tips, or documentaries on heritage, architecture, culture and science.

- The Sub-Secretariat of Institutional Relations and Public Diplomacy is the area of the *Cancillería* responsible for the **relations between the *Cancillería* and civil society organisations**. Its mandate include the design and implementation of initiatives that lead to a higher degree of participation of the civil society in foreign affairs issues.

- In 2003, the *Cancillería* created a **Civil Society Advisory Council** (Consejo Consultivo de la Sociedad Civil) with the aim to involve a wide range of non-governmental institutions and civil society organisations (it gathered over 1,000 institutions) in the discussions of foreign affairs. Workshops and activities were organised in order to promote dialogue and debate on foreign policy issues, with special emphasis in regional integration and Mercosur.

Source: Interviews conducted during the OECD fact-finding missions and www.cancilleria.gob.ar/.

However, most existing initiatives are implemented on an *ad hoc* basis, according to the specific needs of the ministry in question. Moreover, they often depend on the people that drive them (see also Chapter 4 on Implementation). If Argentina is to make open government principles the operating principles of the entire state, additional efforts will be required to provide a homogenous implementation framework that actors can rely upon and refer to. Environment and Climate Change Canada's Open Government Implementation Plan provides an interesting example of a sectorial Open Government Plan (Box 2.7).

Box 2.7. Environment and Climate Change Canada's Open Government Implementation Plan (OGIP)

Environment and Climate Change Canada (ECCC) is the lead federal department for a wide range of environmental issues. The department's programmes focus on promoting: (i) a clean environment by minimising threats to Canadians and their environment from pollution; (ii) a safe environment by equipping Canadians to make informed decisions on weather, water and climate conditions; and (iii) a sustainable environment by conserving and restoring Canada's natural environment.

Environment and Climate Change Canada produces a wide variety of data and information collected across its Science, Regulatory, Monitoring and Weather mandates. ECCC's programmes and services have a responsibility as stewards of departmental information to adopt open government practices as part of their operational processes, including openness and transparency goals that are integrated into the department's Science Strategy. The proactive release of data and information functions as the starting point for the agency's open government activity. Accordingly, the Government of Canada has firmly established an "open by default" position in its mandatory policy framework through the publication of its Directive on Open Government.

To promote openness, ECCC has developed its own Open Government Plan which aims to achieve significant progress towards key outcomes:

- All ECCC's data will be inventoried by 2020 in the department's data catalogue, and all high-value datasets and information that meet the Treasury Board of Canada Secretariat's (TBS) defined criteria will be publicly released.

- Open information goals (e.g. access and timeliness) will be expedited through the incorporation of open government principles and practices into the department's management of records.

- The department will maximise involvement in cross-government projects and tools that enhance the creation and release of data and information.

- A culture of "open by default" and information management principles will be incorporated into ECCC's programme delivery.

- Accessible and reusable formats will become the default for open data and open information.

The department has supporting programmes, tools and services in place for data and records management, awareness and training, as well as a team dedicated specifically to organising and planning around the Directive. Over the last few years, programmes and senior management have been involved in the publication of data and information in support of open data. The department's intention is to maintain this momentum and incorporate open government goals, outcomes and principles into all aspects of its mandate and programme activities.

Source: Government of Canada (2015), *Open Government Implementation Plan: Environment Canada*, Gatineau, Quebec, https://open.canada.ca/en/content/open-government-implementation-plan-environment-canada (accessed 10 December 2018).

The Undersecretariat for Open Government and Public Innovation has designed its own Open Government Strategy.

In 2016, the Undersecretariat for Open Government and Public Innovation in the then MoM elaborated what it referred to as the "National Open Government Strategy". The Strategy functions as an umbrella for all activities being taken by the UOG to foster open government principles, and is divided into three axes: 1) open data, 2) public innovation, and 3) open government.

While external stakeholders were not involved in its development, the Strategy has provided inspiration to line ministries and other stakeholders that want to engage in open government reforms, by providing an overview of open government areas in which the then MoM excelled.

The Strategy is a visually appealing document and its important role in promoting open government principles cannot be neglected. However, during interviews conducted within the framework of the peer-driven OECD fact-finding mission and in the OECD Surveys, stakeholders mentioned that they were aware of the Strategy, but only a few said that they were actually making use of it when elaborating their own open government initiatives. This is not surprising, as the Strategy does not constitute a whole-of-government policy document. For the Strategy to guide the implementation of the open government agenda of the entire country and to be used by policy makers in their day-to-day work, it would need to specify a concerted vision for open government in Argentina and include strategic objectives, achievable goals and specify mechanisms for monitoring and evaluation that are applicable to the whole-of-government.

Argentina's third OGP Action Plan acknowledges the potential of open government reforms to contribute to a wide range of policy objectives.

Countries participating in the Open Government Partnership (OGP) must elaborate a National Action Plan (NAP) every two years. In many countries, these NAPs have been among the key drivers of an open government agenda. This has also been the case for Argentina. The country joined the OGP in 2012 and developed a first NAP for 2013-14. Argentina is currently implementing its third NAP (2017-2019), which follows the second (2015-2017) (see also Chapter 6 on Monitoring and Evaluation and Chapter 7 on Citizen and Stakeholder Participation for an in-depth discussion of the design process of NAPs).

The OGP process has provided Argentina's open government reform agenda with a structure and allowed the national government to raise the profile of open government initiatives in the country. Between the first and the third NAP, a broadening of focus areas can be identified. The first NAP focused heavily on e-government issues with commitments such as "de-paperisation" and "digital signatures". The second NAP included one commitment with a broader focus, but was still very much rooted in the e-government discourse (for an overview of commitments included in the different NAPs, see Chapter 4 on Implementation).

The third NAP, however, reflects a belief in the value of open government reform to foster positive change across a much wider variety of areas. Its policy focus emphasises cross-cutting issues beyond the institutional-strengthening agenda and includes a more sectoral approach, with reference to topics such as climate change, education and violence against women, as advocated for by the OECD (Figure 2.5).

Figure 2.5. Taking a sectoral approach to open government
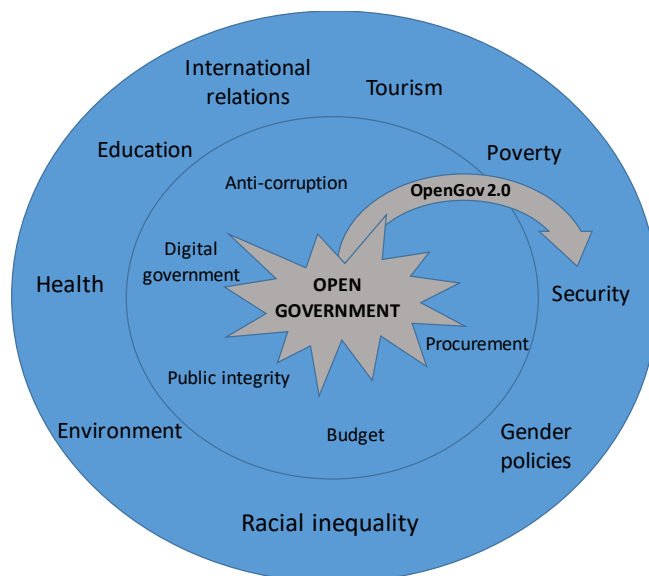
Source: Author's own elaboration.

While the NAPs have allowed many countries to make progress in certain open government areas, given their two-year nature (which, in many cases, is not aligned with the government's policy cycle) and their related focus on more short-term policy issues, they do not constitute a comprehensive whole-of-government strategy (OECD, 2018; 2016). NAPs rather constitute a compilation of priority open government initiatives and, as such, have to be complemented with a more long-term policy framework to effectively foster a cultural change.

Designing and implementing a whole-of-government National Open Government Strategy

The "big bang approach" of the open government agenda has delivered positive results, but initial progress must be institutionalised.

The then Ministry of Modernisation acted as the driver of an open government agenda that can be characterised as a "big bang approach". At the beginning of the term and over a short period of time, the MoM developed a broad range of open government initiatives with the involvement of a number of new institutions.

The new approach to open government represents a true change of paradigm. From a narrow initial focus on e-government and ICTs in its first OGP NAP, Argentina's open government agenda under the current government has started to mature, moving beyond the OGP process towards a much broader approach incorporating all open government principles. The progress made and the number of initiatives implemented are laudable, however there is now a need for consolidation and institutionalisation in order to guarantee the sustainability of reform efforts over the medium and long term.

A National Open Government Strategy can enable a whole-of-government approach.

Policy documents guide the implementation of policy initiatives. They set objectives, define institutional responsibilities and are, as such, key instruments for government accountability, whether national or local. Many OECD member and partner countries have a long tradition of elaborating policies/strategies in a range of policy areas (e.g. health, education, transportation, tourism, etc.). As open government is a relatively new area of work, there are currently few examples of whole-of-government policies (existing examples are detailed in the sections below). In order to take full advance of the benefits of open government reforms, the OECD suggests that countries develop an independent National Open Government Strategy (NOGS). According to OECD research, such a strategy can provide the missing link between high-level commitments (e.g. those included in the 100 priorities of the GoA), medium-term commitments included in broader strategic documents (e.g. those that form part of the State Modernisation Plan) and short-term delivery-oriented commitments included in the biannual OGP Action Plans.

The OECD Recommendation (2017) defines an Open Government Strategy as: *"A document that defines the open government agenda of the central government and/or of any of its sub-national levels, as well as that of a single public institution or thematic area, and that includes key open government initiatives, together with short, medium and long-term goals and indicators."*

A National Open Government Strategy has the potential to affect all government functions and activities, and ultimately change the way that government and society relate to one another. Instead of driving individual initiatives, a NOGS enables a country to set joint priorities and can lead to a whole-of-government approach in which public institutions advance towards a common vision and shared strategic objectives. As such, a National Open Government Strategy, besides putting new general initiatives in place, should aim at making those policies and initiatives that are being implemented more coherent and stronger, by working together within the same coherent narrative and methodological setting. Box 2.8 details some of the benefits of a NOGS.

Box 2.8. The benefits of a National Open Government Strategy

1. A tool for effective management of an open government agenda

A medium to long-term, comprehensive and coherent Open Government Strategy is a powerful tool to manage a country's open government agenda, as it provides a clear direction for the public administration by clarifying priorities and goals and defining the means to achieve them. A strategy is also essential to measure the performance of government actions and initiatives, based on clear and pre-defined standards and definitions.

2. A tool for effective implementation and policy coherence

A National Open Government Strategy ensures that the wide variety of open government initiatives that are implemented by public institutions are coherent and contribute to the shared objectives of a country.

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3. A tool for identifying needed structural changes

A National Open Government Strategy helps to identify the structural bottlenecks that prevent open government initiatives from thriving. Such obstacles can, for instance, be linked to challenges relating to the legal framework, the institutional culture or to the design of public institutions.

4. A tool for inspiration and empowerment

A National Open Government Strategy communicates the government's intention to build innovative, transparent and participatory policies for the administration and society as a whole. As such, a NOGS creates a powerful and coherent narrative that inspires policy makers to champion open government reforms in their areas of work. In addition, civil society can express its demands for open and innovative approaches to governance within the framework of the strategy and can take part in and contribute to better policy making.

5. A tool for public accountability

When formalised in a document that commits the government to certain key reforms, the NOGS creates pressure for specific institutions to deliver results. Stakeholders are then able to monitor the government's achievements and analyse their compliance with the strategy's objectives.

6. A tool for the effective allocation of human and financial resources

A whole-of-government strategy facilitates communication between public actors. As such, a strategy can be a powerful tool to articulate demands for human and financial resources. A long-term strategy can also strengthen the position of open government reformers when dealing with technical or political negotiations. In particular, it can help justify the prioritisation of scarce resources to open government policies.

7. A tool for institutional synergy

Government institutions often spend time and public resources trying to develop solutions that might already exist elsewhere. A NOGS helps to intensify joint efforts to create collaborative solutions to shared problems. A concerted NOGS can help governments to elaborate a common understanding and shared standards related to open government, thereby harmonising practices across different governmental agencies and institutions.

Source: Internal document based on OECD (2016), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264268104-en.

The Argentinian context raises specific considerations.

While some ministries/secretariats in Argentina have designed sectorial policy documents (e.g. on health, tourism, etc.), OECD research could only identify a small number of whole-of-government public policies currently in place. The proposed National Open Government Strategy would therefore be one of the first whole-of-government policies to be designed in Argentina.

Despite existing intentions to develop open government strategies in a variety of countries, only a limited number of comprehensive examples can be found in OECD member and partner countries (see Box 2.9 for an example from the State of North-Rhine Westphalia in

Germany). In order to provide guidance to countries, the OECD is currently working on OECD Guidelines for the drafting, implementation, and monitoring and evaluating of National Open Government Strategies.

This chapter takes the draft guidelines as a basis for discussion, and presents general considerations that are applicable to all countries. These are enriched with specific consideration adapted to the Argentinian context, whenever possible. Such specific considerations could inspire the development of a NOGS in Argentina, should the country decide to move forward.

Box 2.9. North Rhine-Westphalia's Open Government Strategy

The government of the state of North Rhine-Westphalia (NRW) in Germany adopted an Open Government Strategy (the "Open.NRW-Strategie") in 2014. North Rhine-Westphalia was the first federal state in Germany to initiate an independent whole-of-government Open Government Strategy for the entire state administration. Adoption of the strategy was preceded by a cross-ministerial process involving the public, which culminated in the May 2013 Future Forum on Digital Citizen Participation.

The resulting strategy includes three main components:

- o open government data

- o greater stakeholder participation

- o better co-operation between the state administration and citizens.

The Open.NRW strategy also foresees co-operation with the municipalities in North Rhine-Westphalia. In order to implement the strategy together with all ministries, a new office has been set up in the Ministry of Home Affairs and Municipal Affairs. In addition, each ministry has appointed a contact person who is responsible for implementation of the Open.NRW strategy in the ministry and the subordinate area.

Source: Government of North Rhine-Westphalia (n.d.), *Über Open.NRW*, https://open.nrw/information/opennrw.

While the OECD considers Argentina's open government agenda mature enough to design such a strategy, a NOGS constitutes only one option to move towards a whole-of-government framework for open government. Argentina could also decide to pursue alternative options such as updating and upgrading its State Modernisation Strategy and the Federal Commitment for the Modernisation of the State, a national law or a directive on open government, as has been implemented in Canada and the United States.

Box 2.10. Open Government Directives in Canada and the United States

Canada

The Government of Canada's Directive on Open Government took effect on 9 October 2014. It applies to federal organisations.

The objective of the Directive is to promote information management practices that enable the proactive and ongoing release of government information in order to support transparency, accountability, citizen engagement and socio-economic benefits.

As part of the Directive, the Deputy Heads of each department have designated an Information Management Senior Official, who is responsible for the following:

- maximising the release of open data (structured data) and open information (unstructured documents and multi-media assets)

- ensuring that information is released in accessible and reusable formats

- developing and publishing a departmental Open Government Implementation Plan (OGIP)

- maximising the removal of access restrictions on departmental information resources of enduring value prior to transfer to Library and Archives Canada

- ensuring that the open government requirements of the Directive are integrated into any new plans for procuring, developing or modernising departmental information applications, systems or solutions.

The institution responsible for monitoring and reporting on compliance with all aspects of the Directive is the Treasury Board of Canada Secretariat.

As of February 2019, the Treasury Board of Canada Secretariat is working to develop a Digital Policy which will consolidate a number of existing policies on information management, IT, security and so on. A number of directives will fall under this policy, including the Directive on Open Government, which is currently being reviewed for potential revision.

United States

On 8 December 2009, as per the request of the President, the Office of Management and Budget (OMB) issued an Open Government Directive, which was informed by recommendations from the Federal Chief Technology Officer, who solicited public comments through the White House Open Government Initiative.

The Directive is intended to direct executive departments and agencies to take specific actions to implement the principles of transparency, public participation and collaboration. In particular, the Directive requires executive departments and agencies to take the following steps:

- *Publish* government information online: each agency shall create a dedicated open government website that will allow them to publish information online in open formats and interact with the public by receiving inputs to which they will respond on a regular basis. The respective annual Freedom of Information Act Report shall be published on the website of each agency.

- Improve the quality of government information: agencies shall follow OMB guidance on information quality, and shall designate a high-level senior official who will be accountable for putting in place adequate systems and processes.

- Create and institutionalise a culture of open government: each agency shall develop and publish an Open Government Plan that will describe how it will implement the three principles of transparency, public participation and collaboration into its activities. The plans shall be updated every two years.

> • *Create an enabling policy framework for open government*: policies shall evolve to adapt to the use of emerging technologies which will open up new forms of communication between the government and the people.
>
> *Source:* Government of Canada (2014), "Directive on Open Government", www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=28108 (accessed 10 October 2018); Government of the United States (2009), "Open Government Directive", https://obamawhitehouse.archives.gov/open/documents/open-government-directive (accessed 10 October 2018).

Drafting, implementation, and monitoring and evaluation of a National Open Government Strategy

The drafting process of a National Open Government Strategy

A through assessment of the situation as a first essential step

In any country, a National Open Government Strategy should be based on a thorough assessment that maps efforts to date, discusses achievements and highlights challenges ahead. This initial and fundamental step of the process provides the government and external stakeholders with the necessary information and data to make better decisions when designing the NOGS. Figure 2.6 shows key elements that could form part of this kind of assessment.

Figure 2.6. Elements of a situational open government assessment

Source: Author's own elaboration.

Specific considerations for Argentina:

- This OECD Open Government Review could form the basis for Argentina's own assessment. The government could then use this Review to inform all government

institutions, the different branches of power, all levels of government and external stakeholders about the *status quo* of open government in the country and about the GoA's ambition to design and implement a National Open Government Strategy.

Identifying a national government institution that co-ordinates the design process of the strategy.

The development and implementation of a National Open Government Strategy can be a long and sometimes difficult process and therefore needs sustained co-ordination. In addition to the necessary political clout, the main co-ordinating institution needs to have adequate human and financial resources, as discussed in Chapter 4 on Implementation.

Considerations for Argentina:

- Thanks to its expertise in the area and to its strong position in the institutional setting, the Government Secretariat of Modernisation could take the overall lead in the design and implementation of the strategy. The mandate of its Undersecretariat for Open Government and Public Innovation explicitly includes a reference to the design of a strategy.

Political commitment as an essential element of the successful design and implementation of a National Open Government Strategy.

Political commitment is a prerequisite for policy and institutional changes and therefore essential for the effective design and implementation of a National Open Government Strategy. Political commitment is also critically important to guarantee the continuity of open government reforms during changes of government and political priorities.

In addition to political support from the highest level to initiate the design process, the NOGS requires a long-term commitment in order to sustain the momentum for reform during the implementation phase. To ensure this long-term commitment, it will be important to fully involve external stakeholders such as civil society organisations, and to build consensus with parliamentarians, political parties and new generations of decision makers.

Specific considerations for Argentina:

- The incorporation of the then Ministry of Modernisation into the Office of the Chief of Cabinet of Ministers (JGM) (discussed in Chapter 4 on Implementation) places the co-ordinator of the open government reform agenda in the centre of government. In this new institutional setting, the Government Secretariat of Modernisation (SGM) will be in an ideal position to initiate the design process. Given its direct access to the President and to the Chief of Cabinet, the SGM can ensure sustained high-level commitment to open government reforms.

Stakeholder participation as a key element of a successful Open Government Strategy.

In order for the NOGS to become a whole-of-government policy, the design and implementation process should be as inclusive as possible and involve all key institutions, both inside and outside of the government, from the outset. Stakeholder participation is a key principle of open government and fostering it should not only be an objective of a NOGS (as proposed in Chapter 6 on Citizen and Stakeholder Participation), but also part of the methodology for its development and implementation.

Specific considerations for Argentina:

- Under the overall guidance of the SGM, a newly created National Open Government Steering Committee could be the ideal forum for the design of the strategy. In order to reflect the ongoing move towards an open state, the other branches of power, independent public institutions and subnational governments could be involved through open state Meetings of the National Open Government Steering Committee and the Open Government Commission of COFEMOD (see Chapter 7 on the Open State).

- The process to design a NOGS could be modelled on Argentina's process to design the third NAP which – in terms of stakeholder participation – constitutes good international practice. The GoA could make use of existing connections and networks with civil society organisations and external stakeholders that were built through the process.

Defining the right time horizon for the strategy and ensuring flexibility

Strategies can have different time horizons, which vary according to a country's specific needs and institutional culture. In most cases, the implementation horizon of whole-of-government policies ranges between one and two electoral cycles/government terms. In light of the adoption of Agenda 2030 and the Sustainable Development Goals (SDGs), some countries have started to elaborate longer-term policies. Notwithstanding the time horizon chosen by the government, it will be important to build mechanisms for flexibility into the strategy to ensure it can be adapted to changing policy priorities.

Specific considerations for Argentina:

- In order to foster policy continuity beyond the mandate of a single government, Argentina's National Open Government Strategy could take a medium to long-term perspective on open government. In this regard, the upcoming elections in 2019 could provide an opportunity to design a strategy that transcends government terms.

Linking the strategy to high-level strategic documents

Given its holistic approach and the whole-of-government impact it aims to achieve, a National Open Government Strategy cannot emerge in isolation – it must communicate with other government policies and priorities. A conducive way to ground a NOGS in whole-of-government activities is therefore to link it to existing national high-level strategic documents.

Before starting to develop a NOGS there is a need to review national high-level strategies, such as national development goals, government priorities and coalition agreements, to search for relevant links with the proposed open government approach.

Specific considerations for Argentina:

- As discussed above, the policy framework in Argentina makes ample reference to open government principles. While documents such as the State Modernisation Plan are important, it will be key for the GoA to identify further links between the proposed NOGS and sectorial strategies and policies. Strengthening the links between open government and the SDG agenda may also provide an opportunity to reach beyond the open government bubble.

Formulating a National Open Government Strategy

Policies and strategies are written according to different national traditions and can therefore take very different forms. This section presents elements that are common to most policy documents (e.g. the identification of a vision and the definition of clear objectives/priorities) and provides an overview of different ways to include initiatives in a policy.

Box 2.11. The structure of the Open Government Strategy of the Province of Alberta (Canada)

The Open Government Strategy of the Province of Alberta in Canada is structured as follows:

- **Vision:** the main objective of the strategy.

- **Mission statement**: an explanation of the identified vision and the province's definition of open government.

- **Drivers:** five key elements that motivated the province to design the strategy, including "A wealth of new digital opportunities transforming everyday life for many citizens and companies".

- **Goals:** four key objectives and related sub-objectives, including "the public service working together with citizens to make government more responsive to meeting the evolving needs of Albertans."

- **Outcomes:** five main intended results, including "increased transparency" and related measures of success such as "decreased freedom of information requests".

- **Principles:** three principles that guide the implementation of the strategy, including "open by design".

- **Activity streams:** three "streams" of effort identified by the government including concrete commitments and ministry accountabilities. Activity streams link commitments to drivers and outcomes.

Source: Province of Alberta (n.d.), *Open Government Strategy*, https://open.alberta.ca/dataset/3beca82e-c14a-41d0-b6a3-33dd20b80256/resource/b4661609-03a2-4917-84f8-41d0fe4d7834/download/open-government-strategy.pdf.

Defining a narrative for the strategy

Most policy documents include an initial narrative linking the document with the country's broader policy agenda and government priorities. This fundamental part of a public policy should be written in easily understandable language as it sets the tone for the following sections and provides public institutions and external stakeholders with a common understanding of why this strategy has been developed. The narrative should be based on the initial assessment suggested below and should include qualitative and quantitative data that clearly outline the necessity of the proposed National Open Government Strategy.

Considerations for Argentina:

- Given Argentina's commitment to move towards an open state, the justification section of Argentina's National Open Government Strategy could include a section

jointly written by the different branches of power and levels of government. The GoA could consider using some of the data included in this Review for this section.

Identifying a vision

Any policy or strategy needs a vision. This vision should be a clear statement of what the country aims to achieve through the implementation of open government reforms. The vision of a National Open Government Strategy should be a shared long-term expectation of outcomes that can motivate different stakeholders to work on the same agenda. This "dream" should be ambitious, bold and inspiring. It should also be realisable within a realistic time horizon. The vision will guide the process of designing objectives and initiatives that constitute the substantive part of the NOGS. Examples of visions are listed in Box 2.12.

Considerations for Argentina:

- The vision should be co-created with all stakeholders. As part of the process to develop the country's medium/long-term vision for open government, Argentina could consider updating its existing definition of open government, as suggested at the beginning of this chapter.

- As part of the process to identify a commonly shared vision for its National Open Government Strategy, Argentina could build on the mission statements included in the third National OGP Action Plan ("An open state for the 21st century").

Box 2.12. Examples of strategic visions

Open Government Strategy of the Province of Alberta (Canada)

"A public service openly engaged with the citizens of Alberta."

The vision is complemented by the mission statement: "To create a stronger, transparent relationship between the public service and citizens by providing access to government data and information, listening, and openly engaging with citizens while strengthening the collaborative culture within the Government of Alberta."

United Kingdom Anti-Corruption Strategy (2017-2022)

"Our work to combat corruption will contribute towards three long-term outcomes:

- reduced threat to our national security, including from instability caused by corruption overseas

- increased prosperity at home and abroad, including for UK businesses

- enhanced public confidence in our domestic and international institutions.

Tackling corruption is in the United Kingdom's national interest. It helps to keeps us safe from threats to our safety and security, from organised crime, terrorism and illegal migration, and from 'insiders' who exploit their position or access to an organisation's assets for malign purposes. The United Kingdom's reputation for integrity underpins our ability to boost trade and attract investment. This strategy sets out actions to strengthen this reputation and safeguard our longer term prosperity. Once implemented, the strategy will improve the business environment globally, including for UK companies, where corruption is often a barrier to open and competitive markets. The strategy will counter the insidious

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influence of corruption and will increase confidence that our institutions are fair and work for everyone. It will contribute to building a strong, confident Global Britain."

Ireland's National Strategy for Higher Education to 2030

"In the decades ahead, higher education will play a central role in making Ireland a country recognised for innovation, competitive enterprise and continuing academic excellence, and an attractive place to live and work with a high quality of life, cultural vibrancy and inclusive social structures."

Sources: Province of Alberta (n.d.), Open Government Strategy, https://open.alberta.ca/dataset/3beca82e-c14a-41d0-b6a3-33dd20b80256/resource/b4661609-03a2-4917-84f8-41d0fe4d7834/download/open-government-strategy.pdf; Department of Education and Skills (2001), National Strategy for Higher Education to 2030, Report of the Strategy Group January 2011, http://hea.ie/assets/uploads/2017/06/National-Strategy-for-Higher-Education-2030.pdf

Objectives and priorities

The strategy's objectives ground the vision in the real world. Ideally, objectives that the country aims to achieve should be measurable, achievable and relevant. In any country, the context-specific agenda and the maturity of the open government agenda will determine the country's open government objectives. Whole-of-government objectives (i.e. those that aim at changing the culture of government in general) can be mixed with more specific objectives (e.g. those that aim to foster change in a specific sector/policy area). In the process of defining strategic objectives, stakeholder participation is fundamental to help the government prioritise and make choices. Objectives included in a NOGS should contribute to and be clearly linked with broader government objectives and priorities.

Box 2.13 provides some examples of objectives and priorities included in relevant policy documents in OECD member and partner countries.

Box 2.13. Examples of objectives included in relevant strategies in OECD member and partner countries

National Strategy of Open Government Data of Peru 2017-2021

1. Promote the openness and reuse of open data that complies with the rules on transparency and access to public information and complementary rules guaranteeing the rights of citizens.

2. Strengthen governance and trust in public administration entities through open data to improve decision making and the provision of public services.

3. Promote citizen participation in the cycle of public policies and citizen collaboration for the co-creation of public value.

4. Promote innovation and use of information and communication technologies with open data to contribute to social and economic development, the information industry and competitiveness.

5. Promote public-private partnership through the opening and reuse of open data with economic and/or social impact.

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6. Encourage the development of an open data ecosystem that guarantees its sustainability.

Open Government Directive of the Government of Canada

"The objective of the directive is to maximize the release of government information and data of business value to support transparency, accountability, citizen engagement, and socio-economic benefits through reuse, subject to applicable restrictions associated with privacy, confidentiality, and security."

United Kingdom Anti-Corruption Strategy (2017-2022)

1. Reduce the insider threat in high risk domestic sectors

2. Strengthen the integrity of the UK as an international financial centre

3. Promote integrity across the public and private sectors

4. Reduce corruption in public procurement and grants

5. Improve the business environment globally

6. Work with other countries to combat corruption.

Source: Government of Peru (2017), *Estrategia Nacional de Datos Abiertos Gubernamentales del Perú 2017-2021*, www.peru.gob.pe/estrategia.pdf; Government of Canada (2014), Directive on Open Government, www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=28108; Government of the United Kingdom (2017), United Kingdom Anti-corruption strategy 2017 to 2022, www.gov.uk/government/publications/uk-anti-corruption-strategy-2017-to-2022.

Specific considerations for Argentina:

• Argentina could tailor some of the objectives it plans to include in an eventual Open Government Strategy to its ambition to move towards an open state, as discussed in Chapter 7 on an Open State. All branches of power and levels of government could, for instance, be given the opportunity to include relevant objectives in the NOGS.

• As discussed in Chapter 5 on Monitoring and Evaluation, objectives should be measurable. It will be important for Argentina to involve key actors of the national monitoring and evaluation system in the NOGS design process.

Designing and integrating open government initiatives into the National Open Government Strategy

In order to make the link to day-to-day policy making, a National Open Government Strategy needs to define practical ways to achieve its stated vision and shared objectives. Initiatives should detail concrete achievable steps that show how the government and key stakeholders aim to implement the strategy. According to the OECD Recommendation of the Council on Open Government (2017), open government initiatives are "actions undertaken by the government, or by a single public institution, to achieve specific objectives in the area of open government, ranging from the drafting of laws to the implementation of specific activities such as online consultations". Box 2.14 details the characteristics of successful open government initiatives, while Figure 2.7 shows the key role of initiatives in building the bridge between the initial assessment and the country's vision and objectives.

Box 2.14. Characteristics of successful open government initiatives

No matter which approach a country choses, when developing new open government initiatives or incorporating existing initiatives into the National Open Government Strategy certain key features of successful open government initiatives should be considered. In an ideal case, initiatives should be:

Aligned to the overall vision and the objectives of the strategy

The purpose of open government initiatives is to give substance to the Open Government Strategy. The initiatives, therefore, should be coherent with the policy's intended vision and its objectives/priorities.

Cross-cutting and cross-sectoral

The implementation of open government initiatives is not an end in itself. It should lead to positive outcomes in policy areas as diverse as infrastructure, education and the fight against corruption. Open government initiatives to be included in a NOGS should therefore be cross-cutting and cross-sectoral.

Built on pre-existing work

Open government initiatives to be included in the National Open Government Strategy do not have to be new. Initiatives that are already in place can also be assimilated into the new Strategy, which in turn legitimises, rationalises and strengthens them by providing them with a powerful narrative and a broader framework. As such, a National Open Government Strategy can make initiatives that are already in place more coherent and stronger by working together under the same coherent narrative and methodological setting.

Linked to the budget

Developing and implementing an Open Government Strategy may involve reforming laws and institutions, developing new skills, new technologies and platforms, and so on, all of which requires human and financial resources. Adequate funding is therefore vital for efficient and sustainable implementation of open government reforms. The National Open Government Strategy should ensure that funding is as transparent and as consistent as possible. Costs should be assessed realistically and, wherever possible, integrated into the national budget.

Anchored by the open government approach

Initiatives should, whenever possible, be designed in collaboration with different stakeholders and foster collaboration between civil society and public bodies.

Source: Author's own elaboration.

Figure 2.7. The key role of open government initiatives
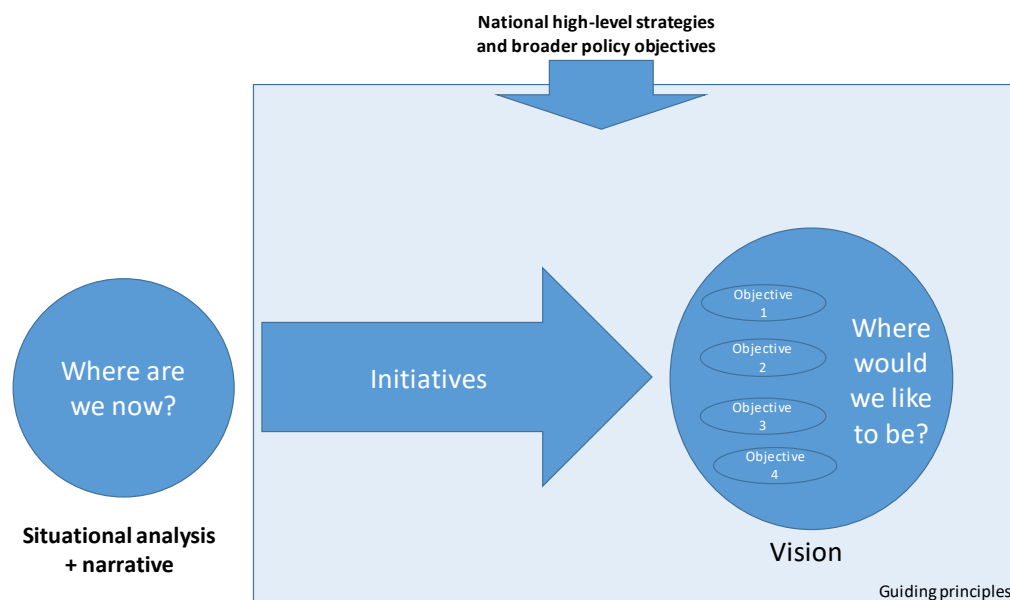
Source: Author's own elaboration.

Initiatives can be integrated into a National Open Government Strategy in different ways. Each of these approaches has its advantages, and the eventual selection of one approach may depend on contextual cultural and the administrative features of a country.

Approach 1: All initiatives are included in the National Open Government Strategy

In this approach, the National Open Government Strategy defines the overall vision, sets objectives and specifies all initiatives that are going to be implemented by public institutions over the implementation period. While there are important differences, this model is closest to the one proposed by the OGP Action Plan. It may therefore be most suited to countries that are not members of the OGP and that aim to initiate an open government agenda. In this model, the strategy usually takes a short to medium-term perspective.

Figure 2.8. Including all initiatives in the National Open Government Strategy
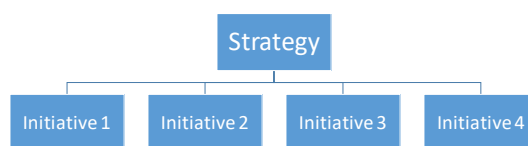
Source: Author's own elaboration.

Specific considerations for Argentina:

- o Should Argentina wish to adopt this model, the country could include general initiatives in the NOGS (rather than specific commitments, as is the case in the OGP Action Plan). These general initiatives should be broad enough to enable different institutions to implement them at the same time (e.g. creating access to information offices in each institution, working on a citizen participation law, etc.). As such, the general initiatives would contribute to a whole-of-government approach in which ministries advance together towards shared objectives.

Approach 2: A working group periodically defines a whole-of-government working/action plan to implement the strategy

In this approach, the strategy provides the narrative, sets the vision and details the vision and the objectives, while initiatives are designed periodically (in most cases annually or biannually) along the implementation process by means of a national open government working/action plan. The definition of initiatives is centralised by a single institution or – in an ideal case – by a Steering Committee which involves different stakeholders.

In this model, countries that participate in the OGP can use their OGP Action Plan to implement specific commitments (which should also be aligned with the strategy's objectives), while the national open government working plan(s) would define broader initiatives and priorities that contribute progressively to the achievement of the strategy's vision. Initiatives that conform to the working plan(s) should be broad enough to be implemented by a variety of institutions. In this model, the strategy usually takes a medium to long-term perspective.

Figure 2.9. Defining a whole-of-government open government working/action plan

Source: Author's own elaboration.

Specific considerations for Argentina:

- In order to reflect Argentina's move towards an open state, every branch of power and different level of government could elaborate their own working/action plans that contribute to the policy's overall vision and objectives.

- The open state Meetings of the National Open Government Steering Committee (CNGA), which is suggested in Chapter 4 on Implementation; would have the responsibility of ensuring that the action plans of each branch of power and of independent public institutions are aligned and contribute to the objectives of the National Open Government Strategy.

- The CNGA would have the role of defining the action plan of the executive branch of power (currently performed by the Roundtable for the OGP Action Plan), while the subnational working plans could be discussed in the Open Government Commission of COFEMOD (see Chapter 7 on the Open State). The legislature and the judiciary could create their own steering committees to define their action plans.

Approach 3: Each institutions defines its own open government working plans

In this approach, the National Open Government Strategy foresees that all public institutions would elaborate their individual open government working/action plans in order to achieve commonly agreed objectives. The resulting institutional open government working plan is an official document in which public institutions commit to certain open government initiatives. Institutions have autonomy to decide on initiatives that they are going to implement in the next policy cycle and that contribute to the vision and objectives of the overall NOGS.

Figure 2.10. Defining independent open government working plans for each institution

Source: Author's own elaboration.

Specific considerations for Argentina:

- In this scenario, each individual ministry would develop and implement its own open government action plan (possibly on an annual or biannual basis) using the National Open Government Strategy as a basis. The NOGS would have to specify methodologies and so on for the institutional work plans, and strong mechanisms for reporting and monitoring and evaluation would have to be established.

- Provinces and institutions from all branches of power and independent public institutions could be invited to also develop their own action plans.

Approach 4: Institutions define initiatives that contribute to the achievement of the strategy's objectives at their own pace

In this scenario, the National Open Government Strategy's vision and its objectives function as a general guideline that public institutions follow at their own pace. Each individual institution designs and implements its own open government initiatives without developing an institutional action/working plan.

This model grants a high level of autonomy to public institutions and is best applied in countries that have a very mature open government agenda. The main role of the co-ordinating institution is to raise awareness, support institutions in the elaboration of their

own open government initiatives and monitor the achievement of the objectives of the overall policy.

Figure 2.11. Defining initiatives at different paces

Source: Author's own elaboration.

Specific considerations for Argentina:

o In Argentina, some public institutions are still in the early stages of developing open government agendas, while others have been working on open government for considerable amounts of time. This model may be suitable to Argentina in the future, but the OECD considers that it may be premature at this point of time.

Recommendations

Fostering the use of a single definition of open government

- Move towards a single definition of open government that is accepted by the whole public sector, all branches of power, independent public institutions, subnational government and external stakeholders (e.g. CSOs, academia, etc.).

- Consider launching a consultative process for the creation of an updated definition that would ensure even better buy-in and ownership from all these institutions and all stakeholders. The consultative process could take place within the framework of the process to design the National Open Government Strategy, as discussed below.

- Encourage individual institutions to continue elaborating and using their own definitions of open government that are based on the single definition and share similar conceptual understandings.

Providing the link between existing open government initiatives

- Ensure that existing policy documents that include open government initiatives, such as the OGP Action Plans and the State Modernisation Plan, reinforce each other and promote forms of implementation that contribute to a shared vision and common objectives.

- Continue making use of the OGP Action Plans to engage new actors and to promote targeted open government initiatives (i.e. commitments) that contribute to broader policy objectives (e.g. the fight against climate change, education, etc.).

Designing and implementing a whole-of-government National Open Government Strategy

- Design a National Open Government Strategy in order to enable a whole-of-government approach to open government that makes those initiatives already in place more coherent and stronger.

- Ensure strong links between the National Open Government Strategy and other existing high-level policy documents that include initiatives to foster open government principles.

- Make use of a possible National Open Government Steering Committee (as proposed in Chapter 4 on Implementation) and its open state Meetings to foster the creation of a common vision and shared objectives for open government in Argentina.

- Co-create a National Open Government Strategy with all key stakeholders, including civil society organisations, academia and the private sector.

- Consider involving the legislature, the judiciary and independent public institutions as well as subnational levels of government (provinces and municipalities) in the design and implementation process of the strategy (see also Chapter 7. on the Open State).

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Chapter 3. Towards a more solid legal and regulatory framework for open government in Argentina

A robust legal and regulatory framework is one of the essential building blocks and necessary pre-conditions for the successful implementation of open government strategies and initiatives. This chapter therefore analyses Argentina's main legal and regulatory underpinnings for open government reforms and includes a discussion of the framework provided by the Argentinian constitution and the solid basis it forms for open government. The chapter recognises the important progress Argentina has made through the adoption of the Law on the Right of Access to Public Information in 2016 and provides an in-depth analysis thereof. The last part provides recommendations to support the ongoing elaboration of a State Modernisation Law.

The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

Introduction

A robust legal framework is a necessary pre-condition for the successful implementation of open government reforms.

A robust legal and regulatory framework sets out the rules and determines rights and obligations both for stakeholders and the government. A solid legal framework provides legal certainty to all actors involved in open government reforms and enables governments and citizens to effectively implement policies. In order to ensure public support and adherence, it is crucial that all laws and regulations are created together with relevant stakeholders, formulated in an understandable way and publicly communicated. As a matter of course, it is crucial that the government respects and protects the legal provisions and that independent oversight arrangements exist to enforce these rights. The second provision of the OECD Recommendation on Open Government therefore suggests that countries "ensure the existence and implementation of the necessary open government legal and regulatory framework" (Box 3.1).

Box 3.1. Provision 2 of the OECD Recommendation of the Council on Open Government

"Ensure the existence and implementation of the necessary open government legal and regulatory framework, including through the provision of supporting documents such as guidelines and manuals, while establishing adequate oversight mechanisms to ensure compliance."

Source: OECD (2017), *Recommendation of the Council on Open Government*, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438 (accessed 30 November 2018).

OECD experience shows that the underlying legal basis for open government can take various forms. It can include, among others, open government principles in national constitutions, regulations on stakeholder participation (as discussed in Chapter 6 on Citizen and Stakeholder Participation), anti-corruption, the protection of personal data and national archives, as well as legislation guaranteeing the freedom of the press, and laws on digital government and open data and whistle-blower protection.

This chapter analyses the legal and regulatory framework for open government in Argentina. It includes a discussion of the framework provided by the Argentinian Constitution and an in-depth analysis of the 2016 Access to Information Law, and provides recommendations to support the ongoing elaboration of a State Modernisation Law. An analysis of anti-corruption legislation, such as laws on lobbying and provisions regulating cases of conflict of interest, can be found in the *OECD Integrity Review of Argentina* (2019a). Likewise, an analysis of the Argentinian laws on digital government and open data, is included in the *Digital Government Review of Argentina* (2019b). The present Review should be read in conjunction with these two Reviews. Recommendations build on and reinforce each other.

Making effective use of the strong constitutional basis for open government

The Constitution of Argentina contains a number of provisions on open government principles.

Similar to most OECD countries, the *National Constitution of the Argentine Republic* does not include a specific reference to the concepts of open government or the open state. However, the Constitution contains a number of provisions concerning transparency, accountability, integrity and stakeholder participation. In particular:

- **Article 14** recognises the "right to petition the authorities" and the "right to publish ideas by the press without censorship" (these two rights have historically been considered the origin of the right to public information access).

- **Article 32** stipulates that the "Federal Congress shall not enact laws restricting the freedom of the press or establishing federal jurisdiction over it".

- **Article 33** determines that "the declarations, rights and guarantees which the Constitution enumerates shall not be construed as a denial of other rights and guarantees not enumerated, but rising from the principle of sovereignty of the people and from the republican form of government". The Article therefore establishes equality between clearly stated rights and implied ones.

- **Article 38** recognises political parties as basic institutions of the democratic system and guarantees their access to public information.

- **Article 41** gives citizens the right to information relating to the environment. Together with Article 42 it is the only provision specifically guaranteeing free access to public information.

- **Article 42** states that when referring to users and consumers, the "right to adequate and truthful information" and the "duty of public authorities to provide protection of those rights" is required.

- **Article 43** recognises the right to access and correct personal records held in public or private bodies.

Derived from Article 75, paragraph 22 of the Constitution, specific international treaties have constitutional hierarchy in Argentina and complement the rights guaranteed by the Constitution. For example, the United Nations Convention against Corruption (United Nations, 2014) and the Inter-American Convention against Corruption (1997) promote transparency, access to public information and the participation of civil society in the fight against corruption (Articles 10 and 13, paragraph 5 of its Preamble and Articles III.11 and XIV.2, respectively).

Additionally, the American Convention of Human Rights (OAS, 1969) defines the "right to freedom of expression", which includes "seeking, receiving and divulging information and ideas of all kinds" (Article 13). The Universal Declaration of Human Rights (United Nations, 1948) protects the right of access to information by establishing that: "Everyone has the right to freedom of opinion and expression", understanding that this right includes the "freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers" (Article 19). The International Covenant on Civil and Political Rights (United Nations, 1976) aims to protect access to information and the right to freedom of expression as a collective right (Article 19).

The Constitution provides a strong basis for the development of open government strategies and initiatives.

The constitutional provisions mentioned above provide the actors of the national open government agenda with a strong mandate to promote open government principles. Having open government principles enshrined at the highest possible legal level creates the necessary legal certainty and legitimacy for effective implementation of all subsequent legislation and can ensure the necessary framework for open government initiatives and strategies. It will, for instance, be important to refer back to constitutional provisions when developing a National Open Government Strategy (see Chapter 2 on the Policy Framework).

This is aligned with the practice of other countries around the world who have also codified open government-related principles in their constitutions (Box 3.2). The same applies to countries in Latin America. For instance, Colombia's 1991 Constitution stipulates that "Colombia is a Social State of Law organised as a unitary republic, decentralised, with autonomy of its territorial units, democratic, participatory and pluralistic" (Article 1). It further establishes that "(t)he essential goals of the state are ... to facilitate the participation of all in the decisions that affect them and in the economic, political, administrative and cultural life of the nation". Peru's 1993 Constitution includes provisions on the right of citizens to access and request public information (Article 2), government accountability (Article 31) and transparency (Article 40). In Costa Rica, the principles of an open, participatory and transparent government also are enshrined in the constitution. The 1917 Mexican Constitution includes a wide range of articles that build the constitutional basis and set the ground for open government. The Constitution includes a number of open government principles. According to Article 6 of the Constitution, "the state shall guarantee the right to information". According to Article 35, citizens have the right to vote and "initiate laws in the terms and with the requirements appointed by the Constitution and the Law of the Congress" (Article 35) and "to vote in a referendum on topics of national importance", as enacted by a decree published in 2012 (Tribunal Electoral, 2013).

Box 3.2. Examples of open government-related principles in national constitutions of countries outside Latin America and the Caribbean

Norway's Constitution, first adopted in 1814, has been amended over the years to reflect an ever-deepening commitment to openness and transparency. It emphasises the citizens' right to trustworthy information: "Everyone has a right of access to documents of the State and municipal administration and a right to follow the proceedings of the courts and democratically elected bodies. (…) It is the responsibility of the authorities of the State to create conditions that facilitate open and enlightened public discourse."

Sweden's Constitution states that citizens possess the right to freely seek information, organise and hold demonstrations, and found and join political parties. These rights are part of the Constitution, which is based on four fundamental laws: the Instrument of the Government, the Freedom of the Press Act, the Fundamental Law on Freedom of Expression and the Act of Succession. In 1766, Sweden became the first country in the world to incorporate the Freedom of the Press into its constitution. Freedom of the Press is based on freedom of expression and speech, which are among the most important pillars of democracy. In accordance with this principle, those in authority must be held accountable and all information must be freely available. The identities of people who work as sources and provide publishers, editors or news agencies with information are protected. The law

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on Freedom of Expression was passed in 1991 to expand this protection to non-print media, such as television, film and radio. The law moreover seeks to ensure an unimpeded exchange of views, information and artistic creativity.

Morocco's new Constitution of 2011 introduced important changes and endorsed the principles of good governance, public service integrity, transparency, accountability, participatory democracy and access to public information. The Constitution guarantees freedom of thought, opinion and expression in all their forms (Article 25), freedom of public information (Article 27) and freedom of the press, which cannot be limited by any form of prior censure (Article 28). According to the constitution, public services are to be organised on the basis of equal access for all citizens, equitable coverage across the national territory and continuity of the services' provision, while being held to standards of quality, transparency, accountability and responsibility (Article 154).

Based on the demands for further inclusion and less corruption during the Arab Spring, **Tunisia's** 2014 Constitution sets the basis for Tunisian citizens and civil society organisations (CSOs) to actively participate in the cultural, social and political life of their country. Article 139 states that local authorities must adopt instruments of participative democracy to ensure the broadest participation by citizens and civil society in preparing and implementing territorial development projects as stipulated under the law. Article 8 stipulates youth participation, and Article 8 requires the declaration of assets. The Constitution further guarantees the right to be elected (Article 34); the right to peaceful assembly and protest (Article 35); transparency and accountability (Article 15); the protection of personal data and privacy (Article 25); and freedom of opinion, expression, thought, information and publication (Article 31), stating that these cannot be submitted to ex ante controls. Article 32 establishes the right of information, access to information and access to communication networks. Article 127 creates a Commission that guarantees freedom of expression, the right of access to information, and a pluralistic and honest media landscape.

Indonesia's 1945 Constitution recognises explicitly the right to associate, assemble and express opinions. Subsequent laws and other legal instruments have further ensured and delineated the rights of civil society organisations, as well as the public's right to monitor the delivery of public services and participate in policy planning and evaluation. The country's legal and policy framework also provides support for the protection of whistleblowers and establishes the foundation for public participation in the overview of public service provision, including via the creation of the National Ombudsman Commission (OECD, 2016).

Source: Thurston, A. (2013), "Openness and information integrity in Norway", Open Government Partnership Blog, www.opengovpartnership.org/blog/dr-anne-thurston/2013/10/15/openness-and-information-integrity-norway; Government of Sweden (n.d.), "Openness shapes Swedish society", webpage, https://sweden.se/society/openness-shapes-swedish-society (accessed 17 December 2018); OECD (2015), *Open Government in Morocco*, OECD Public Governance Reviews, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264226685-en; OECD (2016), *Open Government in Tunisia*, OECD Public Governance Reviews, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264227118-en; Tribunal Electoral (2013), "Political Constitution of the United Mexican States", Diario Oficial de la Federación, 5 February 1917, http://portal.te.gob.mx/sites/default/files/consultas/2012/04/cpeum_ingles_ref_26_feb_2013_pdf_81046.pdf; OECD (2016), *Open Government Review of Indonesia*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264265905-en.

Fostering the effective implementation of the Law on Access to Information

The right to access public information is a cornerstone of open government.

The right to access government information is a necessary legal foundation for transparency, accountability and citizen participation in policy making (OECD, 2014). Access to information allows citizens to improve their understanding of the government's role, of the design of public policies and of how public funds are spent. By enabling citizens to inquire, scrutinise and participate in governments' decision making, access to information can play a pivotal part in reducing corruption and holding government representatives accountable for their decisions. Moreover, access to information can increase citizens' trust in institutions and more informed citizens can better articulate their demands and raise awareness about the government's need to act.

Access to information can take various forms, including access to public records and data, the publication of official gazettes and the provision of information on government websites. Access to information laws usually not only regulate the proactive and automatic public disclosure of information prior to citizens' request, but also stipulate the details and procedures for information requests. While the legal form matters, the attributes of the information made public, for instance its relevance and usability for citizens, are equally important. Access to information provisions are thus a necessary, but not sufficient condition to enable citizens to hold the government accountable and participate in policy making (World Bank, 2016).

Access to information laws are today a central element of the open government legal framework of many countries. All but one OECD countries have adopted dedicated Access to Information (ATI) or Freedom of Information (FOI) laws (OECD, 2016a). Worldwide, more than 100 countries and approximately 65% of countries in Latin America and the Caribbean (LAC) have passed such laws (OECD, 2016a).

While ATI and FOI laws generally reflect a country-specific context, the majority of them contain the following elements: objectives, principles and scope of the access to information; proactive disclosure of information; procedure to request information (how and where to request information, response to the request, denials); exemptions; and appeals procedures. The following sections benchmark Argentina's Law on the Right of Access to Public Information against each of these elements.

Argentina adopted its first Law on the Right of Access to Public Information in 2016.

In terms of its legal framework for open government, Argentina has made significant progress over recent years. Previously, access to information at the national level was regulated through Decree 1172 from 2003. Enacted with the aim of improving the quality of democracy, the decree signed by President Kirchner obliged only the executive branch to provide public information. Following the discussion of several bills on access to information in Congress and years of political debate and campaigning, Argentina reached an important milestone in the facilitation of access to public information with the adoption of the Law on the Right of Access to Public Information (*Ley de Derecho de Acceso a la Información Pública*, Law 27.275) in 2016. By extending the previous Decree's scope and obligations to all branches of the state, its purpose is pursuant to Article 1 "to guarantee the effective exercise of the right of access to public information, to promote citizen participation and transparency in public management".

While Argentina's ATI law entered into force considerably late compared to the countries in the rest of the region, the legal quality of its access to information legislation lies, according to the Right to Information (RTI) Rating, slightly above the OECD average, but ranks lower than the average of Latin American countries (Figure 3.1). It is, however, noteworthy that the Rating only examines the quality of the legal provisions and does not include implementation-related elements. Nevertheless, the legal quality of Argentina's Access to Information law is indicative of the progress the country has made and illustrates the importance attached to the fundamental right of access to information.

Figure 3.1. The quality of legal provisions in Argentina's Access to Public Information Law compared to OECD countries
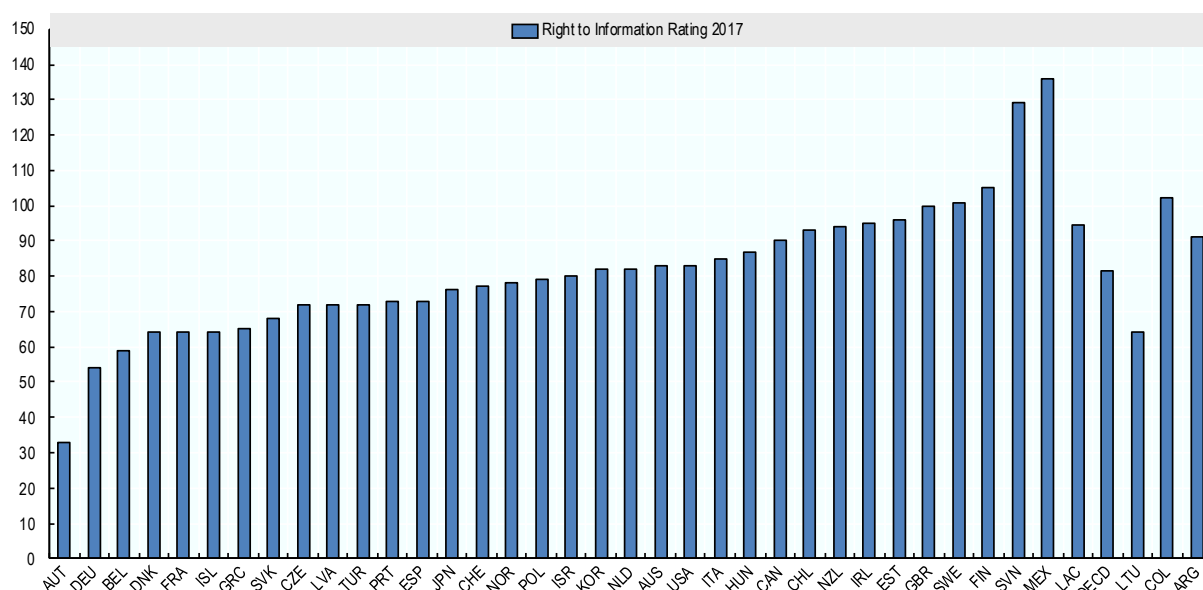
Note: The maximum achievable composite score is 150 and reflects a strong RTI legal framework. The global rating of RTI laws is composed of 61 indicators measuring seven dimensions: Right of access, Scope, Requesting procedures, Exceptions and refusals, Appeals, Sanctions and protection, and Promotional measures. The LAC countries are: Argentina, Brazil, Chile, Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay. No data are available for Costa Rica and Luxembourg.
Source: Access Info Europe (AIE) and Centre for Law and Democracy (CLD), Right to Information Rating, webpage, www.rti-rating.org, (accessed 17 December 2018).

Argentina's ATI Law applies to all public institutions at national level but not to the subnational level.

Some countries have ATI laws in place that exclude branches of power other than the executive or make exceptions for state-owned enterprises or subnational levels of government. Table 3.1 provides an overview of the breadth of freedom of information laws in OECD countries. By replacing and expanding the application of Decree 1172, which granted access to public information only within the scope of the executive branch, Argentina's 2016 ATI law horizontally obliges all public institutions – independent of level of autonomy or branch of state – to create and enable citizens' access to information.

Table 3.1. Breadth of freedom of information laws (2010)

Total OECD member countries		
Level of government		
Central	31	Australia, Austria, Belgium, Canada, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Russian Federation, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom and the United States.
Subnational	25	Austria, Belgium, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Hungary, Iceland, Ireland, Israel, Italy, Korea, the Netherlands, New Zealand, Norway, Poland, Portugal, the Russian Federation, the Slovak Republic, Slovenia, Spain, Sweden, Turkey, Ukraine and the United Kingdom.
Branches of power at the central level		
Executive	31	Australia, Austria, Belgium, Canada, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Russian Federation, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom and the United States.
Legislative	16	Belgium, Chile, Estonia, Finland, Hungary, Ireland, Israel, Italy, Korea, Mexico, Poland, the Russian Federation, the Slovak Republic, Slovenia, Sweden, Turkey, Ukraine and the United Kingdom.
Judicial	16	Australia, Belgium, Chile, Estonia, Finland, France, Hungary, Israel, Italy, Korea, Mexico, Norway, Poland, the Russian Federation, the Slovak Republic, Slovenia, Sweden and Ukraine.
Other bodies		
Private entities managing public funds	18	Australia, Belgium, the Czech Republic, Estonia, Finland, France, Hungary, Iceland, Italy, Korea, the Netherlands, Poland, Portugal, the Slovak Republic, Sweden, Switzerland, Turkey, Ukraine and the United Kingdom.

Source: OECD (2011), *Government at a Glance*, OECD Publishing, Paris, http://dx.doi.org/10.1787/gov_glance-2011-en.

Similar to other countries with a federal structure (such as Germany, see Box 3.3), legislation passed at national level in Argentina does not apply directly to the provincial or municipal levels. The Constitution, however, provides the possibility for provinces to declare a federal law applicable in their territory. Article 36 of the ATI law explicitly invites the provinces and the Autonomous City of Buenos Aires to adhere to the provisions of the national law. However, none of the provinces participating in the OECD Survey has so far adhered to the law.

Despite this, provinces have their own legal provisions for access to information. For instance, 12 provinces have enshrined the right to public information in their own constitutions (CIPPEC, n.d.). At the same time, 20 provinces have adopted their own ATI legislation (see Table 3.2), which takes the form of decrees or laws and varies in terms of scope and depth of the access to information. Currently, six provinces, namely Formosa, La Pampa, La Rioja, Mendoza, San Juan and Tucumán, neither have a specific law regulating the access to information nor adhere to the national ATI law.

To increase legal certainty for citizens and to guarantee effective access to information at all levels of the state, the national government could inform and encourage all provinces to adopt legislation on the access to information and ensure the effective implementation of existing legislation at the provincial level.

Table 3.2. Subnational legislation regulating the access to information

Buenos Aires	Law No. 12.475 and Decree No. 2549/04
Catamarca	Law No. 5336
Chaco	Law No. 6.431
Chubut	Law No. I-156
Ciudad Autónoma de Buenos Aires	Law No. 104 (text subrogated by Law No. 5.784) and Decree No. 260/17
Córdoba	Law No. 8803
Corrientes	Law No. 5.834
Entre Rios	Decree No. 1169
Jujuy	Law N° 5886 and Decree No. 1451/2016
Mendoza	Law No. 9070
Misiones	Law IV No. 58 and Decree No. 846/2012
Neuquén	Law N° 3.044
Río Negro	Law No. 1829 and Decree No. 1.028/2004
Salta	Decree No. 1574/02, Decree No. 3568/09, Decree No. 2187/11 and Article 23 of the Provincial Constitution
San Luis	Law No. V 0924-2015
Santa Cruz	Law No. 3.540
Santa Fe	Decree No. 692/2009
Santiago del Estero	Law No. 6.753
Tierra del Fuego	Law No. 653

Source: OECD Survey and www.argentina.gob.ar/interior/asuntos-politicos/subsecretaria-de-reforma-institucional-y-fortalecimiento-de-la-democracia/normativa-provincial-en-acceso-informacion-publica.

Box 3.3. Federal and subnational ATI laws in Germany

In 2005, Germany passed a federal access to information law (*Gesetz zur Regelung des Zugangs zu Informationen des Bundes)* that grants citizens an unconditional right to access official federal information. As a result, the German Commissioner for the Protection of Personal Data took on the role of Commissioner for the Freedom of Information. The German ATI law only obliges institutions at federal level to grant access to information. It is therefore the responsibility of the 16 states (the German *Bundesländer*) to enact their own subnational ATI laws for the publication of documents held by their authorities. Each *Land* also has its own Commissioner for the Protection of Personal Data (who may also take on the role of Commissioner for the Right to information, depending on the legislation in effect).

In addition, special laws such as the Environmental Information Act (*Umweltinformationsgesetz*) and the Consumer Information Act (*Verbraucherinforamtionsgesetz*) also oblige states without a Freedom of Information Act to publish information on environmental and consumer issues.

To date, 10 German States have passed ATI laws that allow for access to information requests at all subnational levels and 3 States have adopted transparency laws that oblige subnational authorities to additionally proactively disclose information. Only 3 out of the 16 States have not yet adopted an own ATI law.

Source: Transparenzranking (n.d.), "Open Knowledge Foundation Germany & Mehr Demokratie e.V." (webpage), https://transparenzranking.de/ (accessed 17 December 2018); Federal Ministry of Justice and Consumer Protection (2006), "Federal Act Governing Access to Information held by the Federal Government (Freedom of Information Act)" (webpage), www.gesetze-im-internet.de/englisch_ifg/h (accessed 17 December 2018). FreedomInfo.org (2005), "German Federal Data Protection Commissioner to Become Freedom of Information Commissioner" (webpage), www.freedominfo.org/2005/08/german-federal-data-protection-commissioner-to-become-freedom-of-information-commissioner (accessed 17 December 2018).

Proactive disclosure of information in Argentina exceeds OECD practice.

Proactive disclosure (i.e. the availability and publication of relevant government information without prior public request) is an important instrument to increase the transparency and openness of the public sector. The voluntary disclosure of information allows citizens to directly access information while avoiding (sometimes lengthy and costly) administrative procedures to request information. For public institutions, proactive disclosure can cut down the administrative burden associated with handling and answering individual ATI requests.

All OECD countries are making government information available without prior request. In most cases, ATI laws include a list of documents and information that all institutions are required to publish proactively. In 72% of OECD countries, ATI legislation requires proactive disclosure of specific documents and information. However, the kind of information that needs to be published proactively varies across the OECD. While a majority of countries proactively disclose budget documents (94%), annual ministry reports (84%) and audit reports (72%), a smaller number (28%) (including Chile, Estonia, Iceland, Israel, Italy, Mexico, the Netherlands, Turkey and the United Kingdom) proactively publish the list of public servants and their salaries (OECD, 2011) (Figure 3.2).

Figure 3.2. Proactive disclosure of information by the central government in OECD member countries (2010)
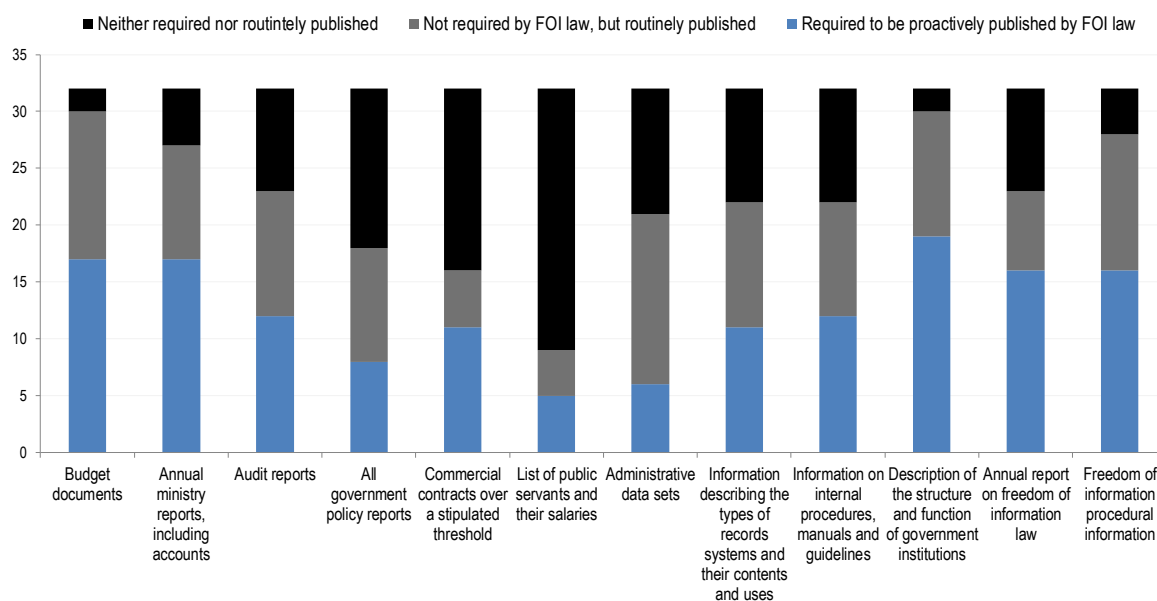
Note: Data are not available for Germany and Greece. Luxembourg and Brazil are currently drafting laws on access to information. Some categories of information are required to be disclosed by laws other than FOI. Freedom of information procedures in Austria are required to be published by the general law for administrative procedures (*Allgemeines Verwaltungsverfahrensgesetz*, or AVG). Chile, Estonia and Israel publish information on the salaries of all public servants, whereas Hungary, Italy, Mexico, the Netherlands, Turkey and the United Kingdom publish salary information for some public servants, such as managers who earn at the top of salary scales.
Source: OECD (2011), *Government at a Glance 2011*, OECD Publishing, Paris,
http://dx.doi.org/10.1787/gov_glance-2011-en.

Argentina's Access to Information law is in line with the practice of the most advanced OECD countries in this area. Article 32 establishes that all institutions listed in Article 7 (with the exception of those indicated in subparagraphs (i) and (q)) must proactively "publish in a complete, updated form, by digital means and in open formats" a wide selection of information. In contrast with other countries, Argentina's proactive disclosure of information applies to all branches and institutions (including state-owned enterprises, statutory and oversight bodies, and private bodies performing public functions or receiving considerable public funding), subject only to limited exceptions. Regarding the classes of information made public, the right of access covers all material held by public institutions in all formats, regardless of who created it.

While the law specifies that the information must be made available by digital means, it does not establish where exactly this information should be published. For instance, 81% of OECD countries proactively disclose information on a central website. This becomes particularly relevant given the proliferation of open data portals in Argentina, a development that was identified in the *OECD Digital Government Review of Argentina* (2019b) and which affects the discoverability of data for stakeholders. Pursuant to Decree 117/2016, ministries, secretariats and agencies of the executive branch (currently 28 participating organisations) are obliged to only publish a limited amount of information

and data, such as the executive's organigram, the payroll of hired personnel, salary scales, budget appropriations and requests for access to information through the National Portal of Public Data (*Datos.gob.ar*).

Stakeholders need clear and simple procedures to request information.

The quality of an ATI law depends to a great extent on the degree of accessibility that is established by the law, the ease of filling requests and the individual protection granted to information seekers. Narrowly defined eligibility conditions to request information, long response times, or unjustifiably or inappropriately high request fees are all aspects that can limit or actively undermine the access to information for citizens.

As in 71% of OECD countries (OECD, 2011), the Argentinian ATI law does not entail any legal restrictions regarding the status of applicants. Article 1 stipulates that "all information in the power, custody or control of the regulated entity must be accessible to all persons". Reinforcing the notion of non-discrimination, the article further holds that "information must be provided to all persons who request it, on an equal basis, excluding any form of discrimination and without requiring expression of cause or reason for the request". Article 4 further specifies that "any human or legal person, public or private, has the right to request and receive public information, and the applicant may not be required to give reasons for the request, to demonstrate a subjective right or legitimate interest, or to have legal sponsorship."

However, by requiring applicants to provide their identity and contact details, Argentina's ATI law does not permit anonymous information requests. Pursuant to Article 9 of the Argentinian ATI law, the request for information can be made "in writing or by electronic means and without any formality other than the identity of the applicant, clearly identify the information requested and the contact details of the applicant, for the purpose of sending him/her the information requested or announcing that it is available". The law thus does not recognise the validity of oral requests. Such practice does not follow the principles set out by the Organization of American States' (OAS) Model Law on Access to Public Information, which stipulates that any person making a request for information in writing, by electronic means or orally to any public authority shall be entitled to, among other things, make an anonymous request for information. Similarly, Article 4.2 of the Council of Europe's Convention on Access to Official Documents determines that "parties may give applicants the right to remain anonymous, except when disclosure of identity is essential in order to process the request" (Council of Europe, 2009).

However, only a few OECD members have established strong provisions to protect the privacy and integrity of parties and individuals seeking access to public information (OECD, 2016b). Examples of such provisions that allow for anonymous requests can be found in ATI laws in seven countries. In Finland, for example, the person requesting information does not need to identify him/herself nor provide reasons for the request, unless this is necessary for the exercise of the authority's discretion or for determining if the person requesting information has the right to access the document (OECD, 2016b). In other countries, such as Australia, Ireland, the Czech Republic, Mexico, the United Kingdom and the United States, anonymity is de facto given, as authorities do not require applicants to provide proof of identity (Figure 3.3). In Canada, federal law protects the identity of the applicant. Moreover, the same article obliges institutions to provide applicants with a record of the request procedure.

Figure 3.3. Individual protection granted to those requesting information
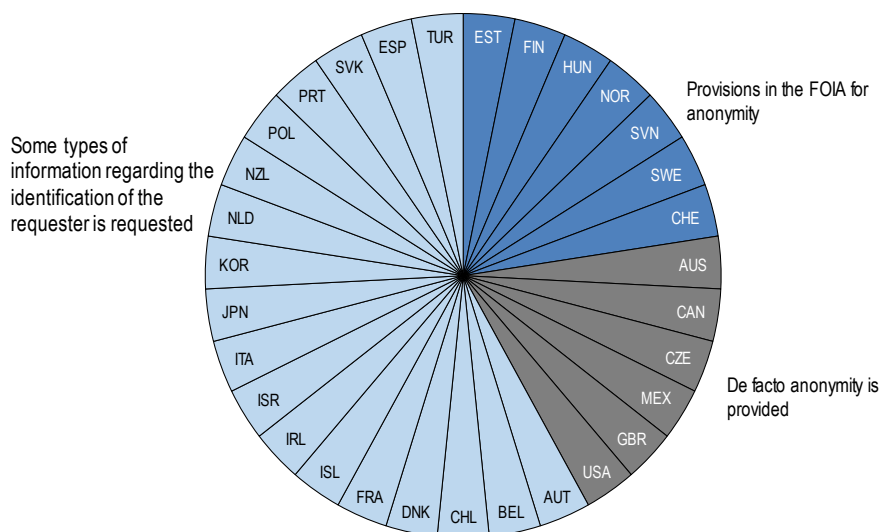
Source: Based on OECD (2011), *Government at a Glance 2011*, OECD Publishing, Paris, http://dx.doi.org/10.1787/gov_glance-2011-en.

It is important to provide citizens with guidance on how and where to request government information. Argentina's ATI law does not specify the exact place where information requests can be submitted. The law only states that "the request for information must be submitted to the obligated subject [entity obliged by the law] who possesses it or is presumed to possess it". It is not specified whether entities bound by the law are required to provide online portals, hotlines or contact persons where information can be requested. Moreover, Article 9 of the ATI law obliges institutions to provide requesters with a record of the request procedure. This practice is in line with international good practice, whereby applicants receive a receipt or acknowledgement of their request within a reasonable timeframe.

While those responsible for access to public information are required to assist applicants in the preparation of requests and to guide them to the entities that could be in possession of the required information (Article 31), the law does not contain any provisions on supporting documents such as guidelines and manuals.

In order to ease the process of requesting information, Argentina has started to standardise and homogenise information request procedures. Article 24(k) of the ATI law obliges the executive's Agency of Access to Public Information (AAPI) to "develop guiding criteria and indicators of best practice for the regulated entities". To this end, Resolutions 4 and 48/2018 of the AAPI establish internal guidance criteria for the proper interpretation and implementation of the ATI law and the consequent improvement of the exercise of the right of access to public information. The Resolutions include, for instance, a criterion (criterion 7) to allow for electronic communication channels and access via public information portals on the institutions' websites. While this represents a first step in making the procedure more citizen-friendly, further steps such us the development of a single online request form or uniform guidelines on how to request information, as designed by Tunisia (Box 3.4), could be explored by the executive's institutions, in collaboration with the other powers of the state.

Box 3.4. ATI Manual in Tunisia

In order to guide and inform citizens, civil society and journalists in Tunisia about their right to access information, the OECD has developed a simplified manual in co-ordination with the Access to Information Commission and Article 19, as part of the OECD's support to Tunisia to promote open government reforms.

In easy language and Tunisian dialect it explains, among others, how to make a request, to whom a request can be made and how to appeal a negative decision of the country's oversight institution.

Source: OECD (2018), *Right to Access Information – Tunisia*, www.oecd.org/mena/governance/right-to-access-information-2018.pdf.

Reasonable and clearly defined fees help encourage stakeholders to request information.

According to the OAS Model Law on Access to Public Information, it is generally acceptable for administrative authorities to charge a reasonable fee for a request. A distinction should be made between access to documents that are already available and access to information that involves research, elaboration or processing on the part of the administration. In this regard, all OECD countries, with the exception of Iceland and Poland, apply fees at one or more stages of the information request process, most often to cover the cost of reproduction. In about half of the countries, fees are also related to the cost of sending the documents, although several countries (such as Australia and Finland) waive these fees if the information is sent electronically. Most fees are variable, meaning that they depend on the number of pages to be reproduced or the amount of time required to process the request (for example). When a variable fee can be charged, a cap on the size of this fee is applied only in a limited number of countries (Austria, Finland, France, Italy, Norway and Portugal) (OECD, 2011).

Pursuant to Article 1 and Article 6 of the Argentinian ATI law, access to information is free from any fees as long as reproduction of public information is not required. Costs of reproduction associated with the request of information, which are determined by each entity, have to be borne by the applicant. To ensure consistency between institutions and avoid illegal costs, it is important that the fees set for the reproduction as well as the potential delivery of information are set centrally and remain the same for each entity providing information. In that regard, Resolution 4/2018 of the Agency also sets guiding criteria regarding the costs of reproduction for all obliged public institutions. Following the principle that all information requested must be provided free of charge, criterion 6 of the Resolution's Annex stipulates that if an electronic version of the information requested is not available, obliged institutions must "deliver a paper copy or allow reproduction through electronic means". Should the requested document not exceed 50 pages and in the event that the institution has the means to reproduce copies, the costs of reproduction shall be borne by the respective institution. Only if the requested information exceeds 50 pages or the obliged institution does not have the means to reproduce documents, will the applicant be accompanied to make photocopies on his or her own account.

Exceptions to the right of access to information can be applied

In the event that a request to access public information is rejected, the OAS Model Law on Access to Public Information proposes that the requester be informed of the reason and legal justification for not providing the information, as well as the possibility to appeal the decision. To this effect, ATI legislation generally identifies a list of exemptions to the access to information right. This means that by law some institutions are allowed to withhold certain types of information. Following the legal standards represented by the RTI Ranking and the OAS Model Law on Access to Public Information, two issues must be considered when applying exceptions to the right to access public information:

- *Grounds*: the protection of legitimate public or private interests

- *Legislative constraints* on ad*ministrative discretion*: absolute exemptions, the harm test, relative exemptions and the balancing test.

Class tests and harm tests are two common ways to exempt information. Under class tests, access to any information that falls within a certain category (e.g. national security) can be denied. Under harm tests, the government can deny a request for information on the basis that disclosure would cause potential damage, for example to an individual or to the defence of the state (the two most commonly used harm tests). The class tests applied by the greatest number of OECD countries concern exemptions related to national security, international relations and personal data. Exemptions to ATI requests can be either mandatory (the public entity is required to withhold the information) or discretionary (public entities can use their judgement to withhold or disclose information) (OECD, 2011).

The Argentinian ATI law (Article 13) only allows institutions to refuse access to information by a well-founded act, if the requested information does not exist and the entity is not legally obliged to produce it or if one of the exceptions provided for in Article 8 applies.

To ensure compliance with this provision, the law allows for the nullification of the denial act in cases where the refusal is not sufficiently substantiated by the obliged entity. Moreover, the refusal must be approved by "the highest authority of the requested body or entity". In accordance with Article 13, any failure to observe the time limit, as well as ambiguity, inaccuracy or incomplete delivery of information, shall be considered as unjustified denial of the access to information.

Argentina's ATI law provides a list of exceptions in which public entities are exempted from the obligation to disclose information (Article 8):

- information expressly classified as reserved or confidential or secret, for reasons of defence or foreign policy

- information that could jeopardise the proper functioning of the financial or banking system

- industrial, commercial, financial, scientific, technical or technological secrets whose disclosure could harm the level of competitiveness or interests

- information that compromises the rights or legitimate interests of a third party obtained in confidence

- information in the possession of the Financial Information Unit in charge of the analysis, treatment and transmission of information aimed at the prevention and investigation of the legitimacy of assets derived from illicit activities

- information prepared by regulated entities dedicated to regulate or supervise financial institutions

- information elaborated by legal advisors or lawyers of the national public administration

- information protected by professional secrecy

- information that contains personal data and cannot be provided using dissociation procedures

- information that could cause a danger to the life or safety of a person

- information of a judicial nature the disclosure of which is prohibited by other laws or by international commitments

- information obtained in investigations carried out by the public entities whose disclosure could endanger the success of an investigation

- information corresponding to a corporation subject to the public offering regime.

While the use of such exemptions is common practice across OECD countries, they need to be limited, used restrictively and properly justified to ensure that public officials' level of discretion remains relatively low. To facilitate the interpretation of the ATI law, the AAPI further enacted Resolutions 4 and 48/2018, which contain interpretation criteria. In particular, Resolution 48/2018 provides for a public interest test in the event of a normative conflict. For cases of doubt, the law enshrines the guiding principle of "in dubio pro petitor", which establishes that officials must act in the manner most beneficial to the applicant. It is also important that proper guidelines are developed and trainings are conducted regarding the classification and declassification of information and to guide public servants in interpreting and deciding what type of information can or cannot be provided. In that regard, Article 24 of the ATI law provides a legal basis for training officials about the scope of the law. Public officers dealing with information requests should be continuously trained and their capacities strengthened to reflect the challenges of dealing with requests. Moreover, it is crucial that decisions and justification for rejecting requests for information are sufficiently monitored and tracked.

Weak appeals procedures can undermine effective application of the right to access information.

In the event that an information request is refused, in most countries with access to information laws the possibility exists to appeal the decision through different channels. There are three common approaches (World Bank, 2009):

- Individuals are given the right to make an "administrative appeal" to another official within the institution to which the request was made. If the administrative appeal fails, individuals may appeal to a court or tribunal, which may order disclosure of the information.

- Individuals are given a right of appeal to an independent ombudsman or information commissioner, who makes a recommendation about disclosure. If the institution ignores the recommendation, an appeal to a court is permitted.

- Individuals are given a right of appeal to an information commissioner who has the power to order the disclosure of information. No further appeal is provided for in

the access law, although the commissioner's actions remain subject to judicial review for reasonableness.

Box 3.5. Decisions of information oversight institutions

When called to rule on a request concerning access to information, institutions guaranteeing access to information (IGAIs) issue administrative (or public) decisions based on the communicability of information.

In most cases, the IGAI formulates a recommendation or an opinion, which is not binding, on the persons subject to the obligation of communication. For example, decisions by the Japanese Commission for the Oversight of Communication and the Protection of Personal Information are not binding. Similarly, in Denmark and Norway, reports by the Ombudsman are not obligatory. In France, the Commission for Access to Government Documents issues a favourable or unfavourable opinion on communication of the document in question. Even in the event of a favourable opinion, the government administration may uphold its initial refusal. It should nevertheless be noted that, even though IGAI opinions are not obligatory, they are generally respected by the government, given the moral authority of these institutions and the publicity they can lend to their opinions.

IGAIs sometimes have the power to issue instructions to the government. Thus, the Italian Commission on Access to Government Documents holds true decision-making power and is authorised to order a government administration to communicate a document, albeit without any power of sanction or binding force. The Commission on Access to Government Documents for the Brussels-Capital Region issues an opinion when a person wishes to obtain access to a document held by an authority, and this authority refuses access to this information to this person. It also holds decision-making powers on environmental matters. Since 2005, France's Commission for Access to Government Documents has held a power of sanction that allows it to inflict fines in cases of fraudulent reuse of public information. These fines can be as high as EUR 300 000.

As an administrative court, the Commission on Access to Information in Quebec (Canada) reviews decisions by public bodies following requests made by persons who were refused access to a government document or access or rectification of their personal dossier. Decisions are handed down after a hearing, and are mostly public. In Sweden, refusal by a government administration or a citizen to collaborate with the Ombudsman can constitute a crime prosecutable by a criminal court in some instances.

In many OECD member countries, recourse to an IGAI generally proves effective and avoids clogging courts with requests involving the right to access information. For that matter, decisions in case law serve as a reference for persons subject to the obligation of communication and help avoid a certain amount of litigation.

Source: OECD (2019c), *Institutions Guaranteeing Access to Information in OECD Member Countries and the Four MENA Region Countries*, forthcoming.

Pursuant to the OAS Model Law on Access to Public Information, a requester should be able to appeal a refusal of access to information within 60 working days. The requester should make an internal appeal to the head of the public authority or an external appeal to the Information Commission. Finally, the person seeking information should be able to challenge the decision of the Information Commission in court. In Europe, two common

basic models for reviewing administrative decisions on ATI requests exist. In some countries, the pivotal role of reviewing the legality of refusals is exercised by the courts, while in others this oversight role is given to specialised independent administrative institutions.

Argentina's ATI law (Article 14) allows for the possibility to appeal decisions regarding the access to public information directly to the courts of first instance in federal administrative litigation. Moreover, administrative complaint procedures can also be initiated with the Agency for Access to Public Information or the corresponding respective entity where the information was originally requested. The latter has to immediately and without delay submit all appeals to the Agency for Access to Public Information for resolution. Such claims for non-compliance with the ATI law have to be filed within a period of 40 working days counting from the expiration of the information provision period established in Article 11. As for the formal requirements, Article 16 stipulated that all claims for non-compliance shall be submitted in writing, including the full name and address of the applicant as well as the name of the person the request for information was directed at and the date of submission. In addition, a copy of the request and any response from the entity in question must be provided.

The Public Information Access Agency then decides on the legitimacy of the claim for non-compliance within a period of 30 working days. Should the Agency find that an entity failed to comply with its obligations under the ATI law, it requests the institution to deliver the information within ten working days (Article 17). Any non-compliance on the part of an institution is subject to legal and administrative proceedings as foreseen in Article 24(p) and (q). The formal aspects and requirements of Argentina's appeals procedure to contest a decision of an institution in the case of refusals of information requests reflect common practice of OECD countries. However, while Article 24(p) and (q) state that the director of the Agency can initiate legal actions and request administrative investigations and sanctions from the respective institution in the case of non-compliance, the ATI law does not provide the Agency of Access to Public Information (AAIP) with the possibility to directly sanction officials or institutions that do not comply with its decisions or infringe on the law. Consequently, the legal effect and the possibility of follow-up procedures to address incompliance remain unclear.

In the event that a claim is to be found unjustified, the law establishes that applicants will be provided with information regarding further judicial remedies. Article 17 stipulates that the agency shall inform the applicants about the right to resort to justice and the deadlines for filing such action. For the greater protection of the applicant, Article 14 establishes that decisions regarding the denial or dissatisfactory access of public information can be appealed directly before the courts of first instance, even without exhausting administrative appeal measures. To improve the effectiveness of Argentina's ATI appeal mechanisms, the law could be amended by establishing and defining the consequences of applications to appeal decisions of the agency.

Strong and clear legal enforcement serves as a guarantor for the effectiveness of the ATI law.

Legal enforcement is of critical importance for the rule of law. If there is widespread belief that the legislation will not be enforced, the right to information becomes meaningless (World Bank, 2009). Lack of proper enforcement mechanisms can lead to arbitrary denials, encourage a culture of silence and cause people to behave as if the law did not exist. Enforcement of the law includes among other things the possibility to receive appeals in

the event that the information requested is not provided. It also includes a review process on the proper implementation of the law, as part of which officials revise and follow up on annual reports or provide guidelines and training to public officials. The context in which the access to information law operates will help to determine the best way of enforcing the law. However, in all cases it should be:

- independent from political influence

- accessible to everyone without legal representation

- timely

- affordable.

In terms of sanctions, the ATI law is unclear regarding the extent to which the six separate access to information agencies that were established for each branch of the state, as well as for the Attorney General's office (*Ministerio Público Fiscal de la Nación*), the Defender General's Office (*Ministerio Público de la Defensa*) and the Council of Magistrates (*Consejo de la Magistratura*), can enforce access to information and sanction non-compliance by public entities with the law. The law, for instance, does not confer the right to request remedial actions from entities who systematically fail to comply with their access to information obligations. Should the AAPI find such a failure to comply with the law, its only recourse is to call upon the entity that has refused the information required to comply with its obligations and is allowed to publish its decision as well as the name and the entity's highest civil servant on the Agency's official website (Government of Argentina, 1994). In accordance with Article 18, public officials are held administratively, patrimonial and criminally responsible, only if they are found to have wilfully undermined the right to information, by providing incomplete information or obstructing compliance in any other way. Furthermore, the law does not make any reference to the unauthorised destruction of information and documents.

Argentina's ATI law also does not provide legal immunity for AAPI personnel for any acts related to the exercise of their duties. Likewise, immunity is not granted to other civil servants who publish public information in good faith and in correspondence with the ATI law.

Civil servants also receive no protection under the law with regard to the publication of information concerning fraud, corruption and other wrongdoing. In the absence of specific legislation to shield those who release such information in good faith from sanctions, there is only limited whistleblower protection. Since 2003, Law 25.764 (*Programa Nacional de Protección a Testigos e Imputados*) has protected the disclosure of information regarding criminal acts linked to terrorism, organised crime, kidnapping, human trafficking or crimes against humanity (for the period 1976-1983); however, Argentina has no dedicated law offering protection to whistleblowers. Unprotected anonymous disclosure of information is, however, possible through the following entities (Transparency International Australia, 2014):

- The Anti-Corruption Office (*Oficina Anticorrupción*), which offers the option to disclose information via an unsecured online portal

- The Office of Administrative Investigations (Fiscalía de Investigaciones Administrativas Auditoría)

- The Public Prosecutor (*Ministerio Público*).

Independent and fully functional access to information agencies are essential.

It is critical for the proper implementation of the ATI law that oversight institutions exist and enjoy full independence. They also need to be provided with sufficient financial resources as well as human capacities to guarantee full implementation of the law. The OAS Model Law on Access to Public Information, for instance, stresses the importance of independence and operative, budgetary and decision-making authority for any oversight institution. To ensure institutional autonomy, many countries grant legal personality and budgetary independence to the oversight body. Access to information institutions often report only to parliament, which in most cases also approves the budget, so as to ensure financial independence. Specific duties and powers for the oversight institution, once set, may include:

- reviewing any information held by a public authority, including on site
- *sua sponte* authorisation to monitor, investigate and enforce compliance with the law
- issuing recommendations to public authorities.

Pursuant to Article 19 of the ATI law, Argentina created the Agency for Access to Public Information (*Agencia de Acceso a la Información Pública*) as a functionally and administratively autonomous controlling entity in the executive branch within the institutional entity of the Office of the Chief of Cabinet (*Jefatura de Gabinete de Ministros*). The agency's responsibility is to ensure compliance with the principles and procedures established in the law, guaranteeing the effective exercise of the right of access to public information and promoting the proactive disclosure of information. In 2017, Emergency Decree 746 moreover amended Article 19 of the ATI law and expanded the Agency's responsibilities by mandating it to ensure and supervise the application of the Data Protection Law. In addition, the Agency was put in charge of overseeing the protection of personal data as well as ensuring citizens' right to access personal data.

The process for appointing the director of the agency has also been established by the ATI law. While the director of the Agency for Access to Public Information is both nominated and confirmed by the executive branch, Article 21 stipulates public consultations and vetting as part of a "public, open, and transparent nomination procedure" – including the possibility for citizens, non-governmental organisations, professional associations and academic entities to voice their opinion. To shield the director from political interference and arbitrary dismissal, his or her removal from office (Article 27) requires parliamentary approval from a bicameral commission.

There is a need for horizontal co-ordination between the six access to information agencies to ensure successful implementation of the ATI law.

Taking into account the experience gathered from the application of the Public Ethics Law, which led to a Supreme Court declaration that rendered certain articles of the law inapplicable on grounds of a violation of the division of powers, the Access to Information Agency's authority of application is limited solely and exclusively to the executive branch. Replicating the executive's agency with identical powers and functions, Article 28 of the ATI law requires the establishment of separate organs for each independent institution and branch of the state (see above). Acting in the area of the respective organisations that created them, all six access to information agencies are mandated to ensure compliance with the legal framework and the effective exercise of the right of access to public

information, and promote active transparency measures. Pursuant to Article 28, the appointment of each agency's director must be made by means of an open, public and transparent selection procedure, which guarantees the suitability of the candidate.

To ensure a co-ordinated approach to the interpretation and application of Argentina's ATI law and the implementation of Article 8 of Decree 899/2017, the six autonomous agencies established a Co-ordinating Roundtable for Access to Public Information *(Mesa de Coordinación de Acceso a la Información Pública)* in November 2017. This body promotes a joint approach to implementing the work of access to information agencies in the different branches and institutions of the state. In particular, it focuses on the following areas:

- collaboration on strategic planning design

- co-operation for the dissemination of policies for transparency and access to information

- creation of tools to enable mutual technical assistance between offices and/or agencies for access to information, especially in the areas of training and development of policies for access to information and proactive information disclosure

- participation in joint international co-operation projects with criteria of transversality, in the areas of transparency and access to information.

Few insights can be drawn from comparative international experience regarding the establishment of such a large number of access to information agencies. To date, most countries have established only one access to information institution. In order to guarantee a common approach for implementation of the national ATI law, it is important that the Roundtable's existing mechanisms and other informal co-ordination practices between the various agencies are further formalised. To this end, the agencies' directors could meet on a regular basis to ensure the full implementation of the transparency and access to information framework. Additionally, the establishment of periodic meetings or working groups of the agencies' technical staff would contribute positively to information exchange and collaboration between the autonomous institutions. Current work being undertaken by agencies on the establishment of indicators to measure the implementation of the national ATI law, could lead them to identify challenges and common shortcomings, and to promote good practices for a successful and uniform approach to access to information for citizens.

Vertical co-ordination between all levels of government is essential to ensure the successful implementation of the ATI law.

Most provinces within Argentina's federal structure have adopted their own ATI laws or incorporated access to information provisions into their constitutions. Accordingly, Article 29 of the national ATI law created a Federal Council for Transparency (*Consejo Federal para la Transparencia*). The Federal Council is composed of high-level representatives of all provinces and the City of Buenos Aires. Established as a permanent interjurisdictional body, the Council aims to promote technical co-operation and consultation on transparency and access to information policies across all levels of government, in order to promote agreement on policies and criteria for access to public information. The Council is supported administratively and technically by the Agency for Access to Public Information of the executive branch, whose director also presides over biannual meetings, which also aim to assess the degree of progress in terms of active transparency and access to information in each of the jurisdictions.

In order to ensure effective implementation of the ATI law and to guarantee a fully functional Federal Council for Transparency that adequately fulfils its co-ordination role and assigned mandate, it is crucial to ensure that the Council is provided with a statute, and the necessary human and financial resources. The national government could also actively engage in promoting the adoption of ATI legislation in all 23 Argentinian provinces and the Autonomous City of Buenos Aires, including through the National Open Government Steering Committee, as suggested in Chapter 4.

Since 2014, the Federal Network for Access to Public Information (*Red Federal de Acceso a la Información Pública*), a voluntary national association composed of public institutions at the national, provincial and municipal levels, exchanges experiences and promotes good practices related to transparency and the right of access to information. As a collaborative space, the Network has the potential to positively impact the promotion and implementation of the right of access to public information across the different levels of the state. In particular, the participation of a great number of provincial and local authorities could facilitate access to information at the subnational level. The extent to which the Network is able to contribute to improved vertical co-ordination in terms of access to information will depend on the participation of a greater number of entities at the national level.

Elaborating a legal framework for state modernisation

A draft law on state modernisation is currently being discussed in COFEMOD.

In order to modernise the public administration, the Government of Argentina created the then Ministry of Modernisation in 2015 (see Chapter 4 on Implementation) and adopted a State Modernisation Plan in 2016 (see Chapter 2 on the Policy Framework). The government then instructed the Federal Council for Modernisation and Innovation in Public Management (COFEMOD) – the representative federal organ for matters of state modernisation (see Chapter 7 on the Open State) – to elaborate a preliminary draft of a state modernisation law. Once the draft law is adopted by provincial representatives in COFEMOD, the Government Secretary of Modernisation and the National Deputy Chief of Cabinet is supposed to initiate the official legislative process for the adoption of the law.

The law aims to establish guiding principles and common rules for the modernisation of public management at federal, provincial and local level.

The purpose of the law which is currently under development is the establishment of guiding principles and common rules for the modernisation of public management at federal, provincial and local level. This will be achieved through "the implementation of policies, technological and management tools that provide an efficient and effective response to people's needs, rights and obligations". The draft law defines a number of general modernisation criteria and guiding principles for the modernisation of the state, several of which relate to open government principles:

- Ensure all services and procedures provided by the state are citizen oriented.

- Promote the transparent and open management of information and data through the use of electronic means and systems.

- Promote digital inclusion with the aim of stimulating the use of digital channels for interaction with the state.

- Use objective criteria to evaluate merit, performance, responsibility and ethical values, as fundamental attributes of public employees.

- Adopt result-oriented management policies that guarantee the least possible expenditure of public resources for implementation and management, as well as accountability.

A draft chapter of the law dedicated to open government asks public institutions to implement open government initiatives promoting "the principles of transparency, integrity, accountability, and participation of stakeholders in the design and delivery of public policies and services, in an open, inclusive and citizen-centered manner" (Article 11). In this context and pursuant to Article 12, institutions shall implement the following strategic guidelines:

- Implement mechanisms that broaden citizen participation in the formulation and evaluation of public policies that foster the joint resolution of public problems, that promote the opening and reuse of data and public information, and that foster the exchange of strategies and methodologies to optimise management.

- Develop capacities for innovation, promoting open government literacy and the use of agile methodologies in administration, at all levels of government and among civil society.

- Proactively provide clear, complete, timely, reliable and relevant public sector data and information that are free, available in a legible and non-proprietary format, easy to find, understand, use and reuse.

- Actively communicate open government strategies and initiatives, as well as their products, outcomes and impacts, to ensure that they are well known within and outside of government and stimulate citizen participation.

- Generate mechanisms for debate with citizens by holding public consultations on different public administration policies.

Efforts from all levels of government will be needed to guarantee successful implementation of the law, once adopted.

In order to ensure the full implementation of the modernisation law and guarantee its effects for all citizens, the general management and modernisation criteria, as well as the strategic guidelines on open government proposed by the draft law, must transcend the management of government institutions and be sufficiently mainstreamed into all future policies. To this end, aspects of the law relating to open government principles should be reflected in all new legislation.

To ensure the effective implementation of the modernisation law and the dissemination of its guiding principles across all branches and levels of the state, it is crucial that the national government encourage adherence to the law by the 23 constitutionally independent provinces and the Autonomous City of Buenos Aires. The government could also invite municipalities to adopt the law. The full effect of this legislation will only be achieved if all levels of government co-ordinate and agree on the necessary measures, guidelines and policies stipulated under the modernisation law.

Recommendations

Fostering the effective implementation of the Law on Access to Information

- Ensure the effective horizontal application of the national Access to Information Law across all branches of the state.

- Continue formalising co-ordination mechanisms for the various agencies responsible for access to information, as part of the Co-ordinating Roundtable for Access to Public Information and beyond, in order to guarantee a common approach for the full implementation of the national ATI law.

- Ensure regular meetings of the agencies' directors and consider creating working groups of the agencies' technical staff, in order to positively contribute to information exchange at all levels and full collaboration between the autonomous institutions.

- Promote the adoption and implementation of ATI legislation at the provincial level to guarantee access to information at all levels of the state.

- Ensure that the Federal Council for Transparency is able to adequately fulfil its co-ordination role and mandate to promote technical co-operation and consultation regarding transparency and access to information policies across all levels of government.

- Standardise and simplify the process to request information for all public institutions, in order to make access to information more citizen-friendly.

- Develop a single online request form and publish supporting uniform guidelines on how to request information. To ensure consistency between institutions, make sure that fees for reproduction and potential delivery of information are set centrally and remain the same for each entity providing information.

- Ensure that a robust and efficient institutional framework for access to information is in place.

- Ensure that the six agencies has a legal basis to enforce the ATI law and can effectively sanction non-compliance by public entities and officials.

- Ensure that the access to information agencies enjoy full independence and are provided with sufficient financial resources as well as human capacities to guarantee full implementation of the law.

Elaborating a legal framework for state modernisation

- Pursue efforts to elaborate and adopt a state modernisation law that includes open government principles as a core building block and strategic enabler of public governance reform.

- Promote adherence to the state modernisation law by the 23 provinces, the Autonomous City of Buenos Aires and municipalities, once adopted.

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Chapter 4. Fostering the effective implementation of open government initiatives in Argentina

This chapter provides recommendations to foster the effective implementation of open government initiatives in Argentina through a more solid and effective governance structure. It includes a discussion of horizontal co-ordination mechanisms at national level, including the recently created National Open Government Roundtable. It also analyses opportunities and challenges associated with the move of the Government Secretariat of Modernisation as the country's leading open government actor to the Office of the Chief of Cabinet of Ministers. Finally, it discusses way to make use of human resources management as a tool to increase the impact of the national open government agenda.

Introduction

Countries need to build an effective governance structure to ensure successful implementation of their open government agendas.

The transversal nature of open government reforms and the need to involve different stakeholders necessitates strong institutional arrangements with appropriate co-ordination mechanisms (OECD, 2019). OECD experience shows that an adequate institutional framework for open government can facilitate the effective and efficient horizontal and vertical co-ordination of open government strategies and initiatives, and can ensure that implementation efforts "are aligned with and contribute to all relevant socio-economic objectives" (OECD, 2017a). Such a framework includes the following key elements:

- an Open Government Steering Committee that co-ordinates the national open government agenda and involves all relevant stakeholders from government, civil society, academia and the private sector

- a central government institution that has a clear mandate and the capacity to steer and lead the national open government agenda.

However, the impact of open government initiatives does not only rely on the creation of appropriate institutional co-ordination mechanisms. In order to become the drivers of an open government agenda, institutions also have to be assigned dedicated and well-trained human resources as well as sufficient funds (OECD, 2018a). In addition, civil servants need to be informed and aware of the benefits that a comprehensive open government strategy and related initiatives can yield. Human resources management has a key role to play in this regard.

This chapter assesses Argentina against provisions 3 and 4 of the OECD Recommendation of the Council on Open Government (Box 4.1). It provides recommendations to foster the effective implementation of open government initiatives in Argentina through the creation of more solid and effective governance structure. It discusses approaches to institutionalise and increase the inclusiveness of the recently created National Open Government Roundtable, and also highlights opportunities to strengthen the role of the country's leading open government actor, the Government Secretariat of Modernisation (*Secretaría de Gobierno de Modernización*, SGM), which is now part of the Chief of Cabinet of Ministers Office (*Jefatura del Gabinete de Ministros,* JGM). The last section examines the use of sound human resource management as a tool for more effective implementation of the country's open government agenda.

Box 4.1. Provisions 3 and 4 and of the OECD Recommendation of the Council on Open Government

Provision 3: "Co-ordinate, through the necessary institutional mechanisms, open government strategies and initiatives – horizontally and vertically – across all levels of government to ensure that they are aligned with and contribute to all relevant socio-economic objectives."

Provision 4: "Ensure the successful operationalisation and take-up of open government strategies and initiatives by:

- o (i) providing public officials with the mandate to design and implement successful open government strategies and initiatives, as well as the adequate

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> human, financial, and technical resources, while promoting a supportive organisational culture
>
> o (ii) promoting open government literacy in the administration, at all levels of government, and among stakeholders".
>
> *Source*: OECD (2017), *Recommendation of the Council on Open Government*, OECD, Paris, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438 (accessed 30 November 2018).

Improving horizontal co-ordination of open government initiatives at national level

The number of institutions involved in open government reforms necessitates extensive co-ordination.

A wide variety of actors are involved in the implementation of open government initiatives in most countries around the world. In the executive branch of the state of Argentina, the following actors can be considered the core team for open government:

- **The Government Secretariat of Modernisation in the Office of the Chief of Cabinet of Ministers** is the leading national government institution. Created as the Ministry of Modernisation, it was incorporated as SGM into the JGM in 2018. It has a clear mandate to promote open government principles across the public administration and has been the leading actor in designing and implementing the OGP Action Plan.

- **The Secretariat for Institutional Strengthening in the Office of the Chief of Cabinet of Ministers** was created in January 2018 and has among its objectives the co-ordination of ministerial agendas related to issues of transparency, conflict of interests and so on. It also co-ordinates the National Integrity Roundtable.

- **The Ministry of the Interior, Public Works and Housing** and its Secretariat for Municipal Affairs and the Secretariat for Political Affairs are important actors in the promotion of open government principles. In particular, the ministry leads Argentina's efforts to foster citizen and stakeholder participation (see Chapter 6 on Citizen and Stakeholder Participation). Additionally, its Secretariat for Municipal Affairs has a Municipal Training Department that provides courses on open government for public officials at the municipal level.

- **The Anti-Corruption Office (OA)** works to strengthen ethics and integrity in the public administration through the prevention and investigation of corruption and the formulation of transparency policies. It also co-ordinates Argentina's work relating to different Anti-Corruption Working Groups in the G20, the OAS and the OECD (OECD, 2019a).

However, the results of the OECD Surveys show that open government principles transcend these core institutions and already penetrate deep into the institutional landscape of Argentina. For instance, most line ministries now have either an office or a person in charge of open government (Table 4.1).

Table 4.1. Open Government Co-ordinators within Argentinian line ministries and secretariats

Name of ministry/secretariat	Name of office/person in charge of open government
National Institute on Youth (INJUVE)	*Jefatura de Gabinete del Instituto Nacional de Juventud*
Comprehensive Medical Attention Programme (INSSJP-PAMI)	*Departamento de Comunicación Directa dependiente de la Gerencia de Comunicación Social*
Chief of Cabinet of Ministers Office	*Secretaría de Fortalecimiento Institucional*
Ministry of Science, Technology and Productive Innovation	*Subsecretaría de Evaluación Institucional, Dirección Nacional de Programas y Proyectos*
Ministry of Culture	*Dirección Nacional de Gobierno Abierto/*
Ministry of Defence	*Dirección General de Integridad, Transparencia y Fortalecimiento Institucional*
Ministry of Justice and Human Rights	*Programa Justicia Abierta*
Ministry of Production	*Subsecretaría de Desarrollo y Planeamiento Productivo*
Ministry of Health	*Unidad de Coordinación General*
Ministry of Work, Employment and Social Security	*Dirección de Gestión Documental*
Ministry of Transport	*Observatorio de Transporte, Estudios y Sistemas*
Ministry of the Interior, Public Works and Housing	*Unidad Ministro*
Anti-Corruption Office	*Subsecretaría de Integridad y Transparencia*
Secretariat of Mining Policy Coordination	*Dirección Nacional de Información Minera*
General Office of the Comptroller	*Secretaria General*
Ministry of Health and Social Development	*Subsecretaría de Articulación Jurídica Institucional*

Note: The OECD Surveys were sent out prior to the restructuration of the Government of Argentina, which took place in the third and fourth trimester of 2018 and significantly reduced the number of ministries. Answers provided in this Review therefore reflect the composition of the government in the second trimester of 2018.
Source: Responses to OECD (2018), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

While the ever-increasing number of actors contributing to the promotion of open government principles is very positive and a testimony to the efforts of the Government Secretariat of Modernisation, it also creates a strong need for effective co-ordination.

The Ministry of Modernisation used the third OGP Action Plan to involve new line ministries in the open government agenda.

In many countries, the Open Government Partnership (OGP) process has served as a starting point to initiate a more holistic open government agenda. In Argentina, initiatives of relevance to open government principles existed prior to participation in the OGP. However, analysis of the institutions involved in Argentina's three National OGP Action Plans (NAP) indicates that the institutional landscape for open government has widened in recent years. Only a handful of institutions participated in the first OGP Action Plan; this number increased to 28 public institutions by the third OGP Action Plan cycle.

Under Argentina's previous government, the open government agenda was co-ordinated by the Undersecretariat of Management Technologies in the Chief of the Cabinet of Ministers Office, which also led the design process of the first NAP. As a result, the first OGP Action Plan focused heavily on commitments made by the Undersecretariat of Management Technologies (

Table 4.2). Out of the 19 commitments included in the NAP, 14 were assigned to this office, while four further commitments were allocated to other entities within the Chief of the Cabinet Office. The Ministry of Justice and Human Rights was responsible for a further commitment and a last commitment gave co-responsibility to the National Institute for Statistics and Censuses. Such an emphasis on the main co-ordinating entity is typical of first-generation National Action Plans among the countries that participate in the Open Government Partnership, and reflects a desire to focus initially on quick wins that can be implemented by the actor responsible for leading the open government agenda.

Argentina's second OGP Action Plan was more inclusive. It involved a wider variety of actors and featured a greater number of collaborative commitments (i.e. the responsibility for implementation was shared between different entities). For the first time, key line ministries such as the then Ministry of Health and the then Ministry of Agriculture, Livestock and Fisheries were involved in the OGP process (Table 4.3). The Plan also included more extensive civil society participation in the implementation of the commitments.

Argentina's third OGP Action Plan is an important milestone in terms of the involvement of different actors. The Ministry of Modernisation, which led the design process, actively reached out to new actors. As a result, the NAP involves a very wide range of central government ministries, in addition to all levels of government (including 11 provinces), independent public institutions and all branches of the state. The Government Secretariat of Modernisation is responsible for the implementation of only a limited number of commitments.

The active outreach activities of the Ministry of Modernisation seem to have paid off. All line ministries indicated in their responses to the OECD Survey that they were aware of Argentina's membership of the Open Government Partnership, including those that had no direct involvement. Moreover, evidence collected during the OECD fact-finding missions suggests that for many ministries and secretariats, involvement in the OGP process functioned as the starting point for their own open government agendas. The OGP process has thus proven to be an effective tool for the MoM to promote open government practices at the national level.

Table 4.2. Institutions involved in the implementation of Argentina's first OGP Action Plan (2013-2014)

Commitments	Responsible agency	Comment
1. E-Government and public services		
Digital signature	Undersecretariat of Management Technologies. Chief of the Cabinet Office	
Argentinian public software	Undersecretariat of Management Technologies. Chief of the Cabinet Office.	
National Plan of Information Critical Infrastructures and Cybersecurity (ICIC) and Healthy Internet	Undersecretariat of Management Technologies. Chief of the Cabinet Office	
Electronic Public Contracting System	National Contracting Office. Undersecretariat of Management Technologies. Chief of the Cabinet Office	
Depaperisation	Undersecretariat of Management Technologies. Chief of the Cabinet Office.	
Expansion of TIC Survey (Entic)	INDEC (National Institute of Statistics and Censuses) and Undersecretariat of Management Technologies, Chief of the Cabinet Office	Only real collaborative commitment
2. Transparency and access to public information		
Creation of a Public Data portal	Undersecretariat of Management Technologies. Chief of the Cabinet Office	
Manual of Open Government Right Procedures	Open Government Workgroup for Argentina´s Digital Agenda, Undersecretariat of Management Technologies. Chief of the Cabinet Office.	
New Procedures Portal	National Office of Management Innovation. Undersecretariat of Management and Public Employment. Chief of the Cabinet Office.	
State map	National Office of Management Innovation. Undersecretariat of Management and Public Employment. Chief of the Cabinet Office.	
Plan for training representatives and those responsible for access to public information	Undersecretariat for Institutional Reform and Democracy Strengthening. Chief of the Cabinet Office	
Data processing matrix of Decree 1172/2003	Undersecretariat for Institutional Reform and Democracy Strengthening. Chief of the Cabinet Office	
Bill to reform the Judiciary	Ministry of Justice and Human Rights	Only institution that is not part of the Office of the Chief of Cabinet of Ministers
3. Citizen participation		
Federalisation of Digital Agenda's Working Groups	Undersecretariat of Management Technologies. Chief of the Cabinet Office.	
Open Government National Event	Undersecretariat of Management Technologies. Chief of the Cabinet Office.	
Public Data Hackathon	Undersecretariat of Management Technologies. Chief of the Cabinet Office.	
Fostering of participation mechanisms under Decree 1172/03	Undersecretariat for Institutional Reform and Democracy Strengthening. Chief of the Cabinet Office.	
Regulation of Law 26.653 (Web Accessibility)	Undersecretariat of Management Technologies. Chief of the Cabinet Office	
Improvement of Plan Commitment Letter with Citizens (PCCC)	National Office of Management Innovation. Undersecretariat of Management and Public Employment. Chief of the Cabinet Office.	

Source: Author's own elaboration based on Government of Argentina (2013), "Argentina Action Plan – April 2013", Open Government Partnership, Buenos Aires, www.opengovpartnership.org/countries/argentina.

Table 4.3. Institutions involved in the implementation of Argentina's Second OGP Action Plan (2015-2017)

Commitment (name and number)	Coordination of Open Government – Undersecretariat of Management Technologies – Chief of the Cabinet Office	National Administration of Public Administration, Federal Council of Public Affairs – Secretariat of the Cabinet Office – Chief of the Cabinet Office	Ministry of Agriculture, Livestock and Fisheries	National Office of the Government Procurator for the Prison System	Argentine Mining Geological Service	National Institute of Social Associationism	National System of Public Data (SINDAP) Chief of the Cabinet Office	National Service of Rehabilitation – decentralised organisation of the National Ministry of Health	Ombudsman of the city of Buenos Aires	Ministry of Health	General Direction of Registration, Management and Documentary Archives – Undersecretariat of Coordination – Ministry of Work, Employment and Social Security	Members of the Ministry of Labour, Employment	Ministry of Justice and Human Rights	Federal Council of the Public Affairs – Secretariat of Chief of the Cabinet Office	Authority of Matanza Riachuelo Basin	Office of Access to Public Information, General Secretariat of the University of Buenos Aires (UBA)	Ministry of Social Development	Ministry of Tourism	Ministry of Federal Planning
1. Development of state capacities in open government	■	□	□	□	□	□													
2. Strengthening of the Public Data Portal			□	□	□		■												
3. Dialogue for the formulation of public policies for persons with disabilities: health, rehabilitation and life in the community	□							■	□	□									
4. Access to regulations and public policies of the Ministry of Work, Employment and Social Security: Everybody's right	□					□					■	□	□	□					
5. Open University	□															■	□	□	□
6. Development of new medium-term commitments	■	□	□	□	□	□													

Note: The dark blue colour indicates the main entity in charge of the commitment. The light blue colour indicates that an entity is listed as "contributing" to a certain commitment in the OGP Action Plan.

Source: Author's own elaboration based on Government of Argentina (2015), "*Plan de Acción de la República Argentina 2015-2017*", Open Government Partnership, Buenos Aires, www.opengovpartnership.org/countries/argentina.

The promotion of open government practices has to be accompanied by co-ordination.

While the promotion of open government principles in any country is important, it is only the first step. Once actors are aware of the benefits of open government, initiatives need to be co-ordinated both horizontally and vertically through dedicated mechanisms. In this regard, countries face different challenges to co-ordinate open government initiatives (Figure 4.1). Challenges may relate to the mandate of the co-ordinating institution, insufficient financial resources and/or lack of incentives to co-ordinate among government institutions, among others

Figure 4.1. Main challenge indicated by countries in co-ordinating open government initiatives
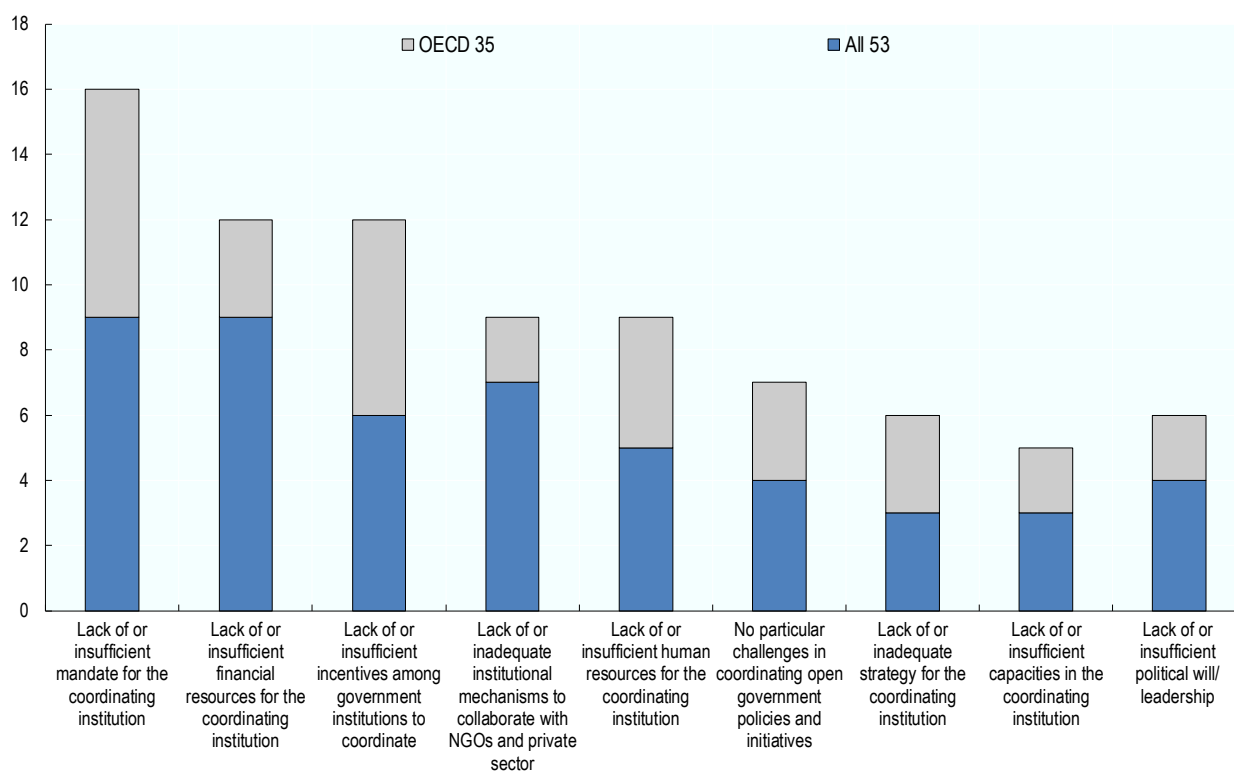
Note: Countries were asked to name their main three challenges to co-ordinating open government initiatives. This figure shows only the number one challenge listed by countries. In its response to the OECD Survey (2015), Argentina listed three main challenges to effective co-ordination of open government strategies and initiatives: 1) lack of or inadequate institutional mechanisms to collaborate with NGOs and the private sector, 2) lack of or insufficient incentives (career, financial, etc.) to co-ordinate among government institutions, and 3) lack of or insufficient human resources for the co-ordinating institution.
Source: Country responses to OECD (2015), *OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle*, OECD, Paris.

Given the significant number of institutions involved in Argentina's open government agenda, formal and informal co-ordination mechanisms are key to ensuring policy coherence and alignment with national priorities and to avoiding fragmentation. As discussed in the *OECD Integrity Review of Argentina* (2019a) and the *OECD Digital Government Review of Argentina* (2019b), co-ordination is also key to ensuring that the

open government, integrity and digital government agendas proceed in the same direction and contribute jointly to common objectives.

The creation of the National Open Government Roundtable represented an important step towards better whole-of-government co-ordination.

Open government policy co-ordination at the national level can take different forms, the most common of which is the creation of an *ad hoc* mechanism such as an Open Government Committee. In approximately 50% of countries (34% in OECD countries), co-ordination takes place through such an *ad hoc* mechanism (Figure 4.2), and occurs at sector level or project level (on areas of joint responsibility between two or more institutions) in a number of other cases (OECD, 2016).

Figure 4.2. Mechanisms used to co-ordinate open government initiatives
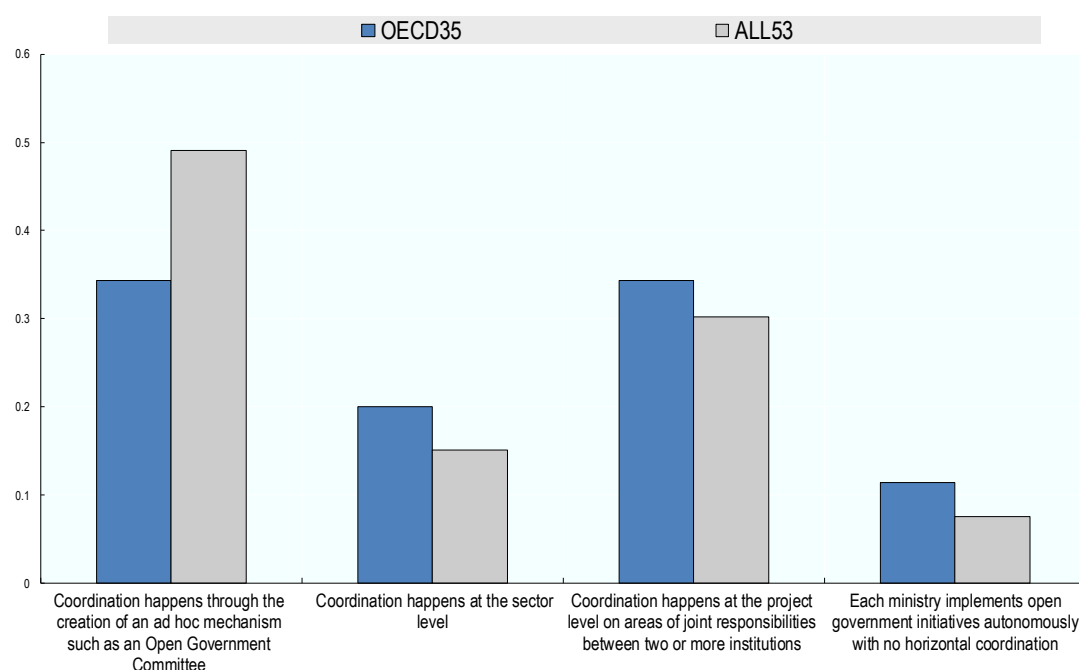
Source: Country responses to OECD (2015), *OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle*, OECD, Paris.

The co-ordination process for Argentina's first two OGP National Action Plans was led by the Office of the Chief of Cabinet of Ministers but lacked a space for discussion between the principal actors. The government revised this approach for the third NAP with the creation of a National Open Government Roundtable (*Mesa Nacional de Gobierno Abierto*). The Roundtable was composed of four government institutions and four civil society organisations (CSOs), and focused on Argentina's OGP process.

In 2017, the Argentinian Roundtable met on four occasions. Actors interviewed during the peer-driven OECD fact-finding missions agreed that the creation of the Roundtable represented an important step towards a more co-ordinated approach to open government strategies and initiatives. However, they also saw potential for further improvement, including a more active role for the Roundtable in the monitoring and evaluation of open government initiatives.

In December 2018, following a public consultation held throughout the year in advance of the co-creation of the fourth National Action Plan (2019-2021), the government passed Resolution 132/2018 formalising the Roundtable. In addition, the government passed a set of Internal Operating Regulations (IF-2018-64927697-APN-SSIPYGA#JGM).

The new Roundtable's objective is to "serve as an instrument for the coordination of work between the government and civil society in matters related to actions to be implemented by the Argentine Republic in the context of its participation in the Open Government Partnership and in the promotion of public policies on open government". Following the adoption of Resolution 132/2018, the Roundtable will continue to be composed of four government institutions and four civil society organisations. The Roundtable will be presided over by the Undersecretary of Public Innovation and Open Government, who can convene three other government institutions. The following institutions participated in the first meeting of 2019:

- the Undersecretariat of Public Innovation and Open Government (UOG), Government Secretariat of Modernisation, Office of the Chief of Cabinet of Ministers

- the Secretariat for Political and Institutional Affairs, Ministry of the Interior, Public Works and Housing

- the Secretariat for Institutional Strengthening, Chief of Cabinet of Ministers Office

- the Anti-Corruption Office (ACO), Ministry of Justice and Human Rights

- the Access to Information Agency

- Civil Association for Equality and Justice (*Asociación Civil por la Igualdad y la Justicia*, ACIJ)

- Legislative Directory Foundation (*Fundación Directorio Legislativo*)

- Foundation for the Study and Research of Women (*Fundación para el Estudio e Investigación de la Mujer*, FEIM)

- Latin American Human Rights Center (*Centro Latinoamericano de Derechos Humanos*, CLADH)

- Citizen Power (Poder *Ciudadano*)

- Center for the Implementation of Public Policies for Equity and Growth (*Centro de* Implementación *de Políticas Públicas para la Equidad y el Crecimiento*, CIPPEC).

Civil society organisations have established their own criteria and mechanisms for selecting participants for the Roundtable (see also Chapter 6 on Citizen and Stakeholder Participation). CSO participation is managed through the OGP Argentina space (https://ogpargentina.org). The ability of civil society to auto-select its representatives represents a good practice. The UK Open Government Network provides an interesting example of a CSO-driven mechanism for open government co-ordination (Box 4.2) which has also selected a group of individuals to act as its steering committee.

Box 4.2. The UK Open Government Network

The UK Open Government Network is a self-formed group of civil society organisations that are interested in working with the UK Government on Open Government Partnership (OGP) commitments. The Network is co-ordinated by the British think-tank Involve and meets regularly with the Cabinet Office to co-ordinate the development and implementation of the UK's OGP National Action Plan (NAP).

At a more senior level, the Network has selected a group of individuals to act as a steering committee for the Network, who meet with the Minister for the Cabinet Office and senior Cabinet Office officials to raise issues and agree on and drive forward priorities. In addition, the government has a number of mechanisms in place to co-ordinate input for the development of the next NAP. They have established a group consisting of representatives (from both civil society and government) who are working together on a strategy addressing specific themes and desired commitments.

The United Kingdom also has established a network of departmental leads who are responsible for co-ordinating their respective department's input into the NAP and the ongoing implementation process. At the level of specific commitments, mechanisms are in place to bring together relevant stakeholders to agree and implement commitments around a common theme, with departments determining their own arrangements in consultation with interested civil society organisations.

Source: Country responses to OECD (2015), *OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle*, OECD, Paris.

In 42% of OECD countries, local governments and the private sector are also involved in the horizontal co-ordination mechanism for open government (Figure 4.3); however, this is not the case for Argentina's Open Government Roundtable. Some OECD countries also involve independent institutions (33% of OECD countries), academics (17%), trade unions (17%) and the judiciary branch (8%) in their co-ordination mechanisms (Figure 4.3).

Figure 4.3. Members of the horizontal co-ordination mechanism on open government
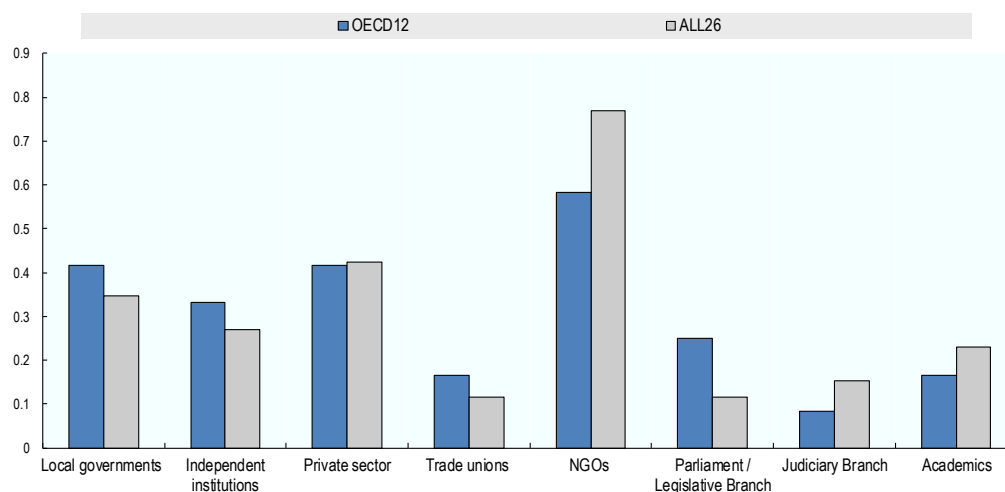
Note: Only countries that affirmed that co-ordination occurs through the creation of an ad hoc mechanism such as an Open Government Committee were asked this question.
Source: Country responses to OECD (2015), *OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle*, OECD, Paris.

The new Roundtable will be co-ordinated by an Executive Director, who is appointed by the President, the Undersecretary for Public Innovation and Open Government. According to its Internal Operating Regulations, the Roundtable will meet as many times as it considers necessary to accomplish its work on the open government agenda, with a minimum of three meetings per semester. Minutes of the meetings will be made public. The operating budget for the newly formalised Roundtable is provided by the Undersecretariat for Public Innovation and Open Government. However, the Roundtable cannot assign resources to specific projects.

The National Roundtable could be further upgraded in terms of mandate and inclusiveness to become a National Open Government Steering Committee.

The formalisation of the National Roundtable in 2018 through Resolution 132/2018 and the Internal Operating Regulations was a positive step. However, there exists further potential to broaden the mandate and enhance the inclusiveness of this body. In close collaboration with civil society, Argentina could consider upgrading the National Roundtable to a National Open Government Steering Committee (*Comite Nacional de Gobierno Abierto*, CNGA). This change would imply further updates to the above-mentioned Resolution and Regulations.

The CNGA could have a broader mandate that would incorporate the co-ordination of open government initiatives beyond OGP Action. Such responsibilities could include:

- providing direction to and co-ordinating the implementation of open government strategies and initiatives in Argentina

- providing a forum for dialogue and exchange of good practices between actors

- leading the design and implementation of a National Open Government Strategy (see Chapter 2 on the Policy Framework)

- leading and co-ordinating the design and implementation of the OGP Action Plans of Argentina

- monitoring and evaluating open government strategies and initiatives, including the OGP Action Plan

- promoting Argentina's open government agenda nationally and internationally.

Canada's interdepartmental Open Government Director General Committee (Box 4.3) provides an interesting example of an existing permanent co-ordination mechanism for open government.

To build support for the CNGA, the government could invite high-level representatives from institutions (e.g. Ministers, Secretaries of Government or Secretaries) to participate in the meetings. This would help ensure that the Committee provides the necessary leadership for the country's open government agenda. Experts in specific priority areas could meet in different sub-commissions, as discussed below.

Box 4.3. The interdepartmental Open Government Director General Committee in Canada

In Canada, open government initiatives are co-ordinated through the interdepartmental Open Government Director General Committee. The Committee is chaired by the Treasury Board of Canada Secretariat (TBS) and meets on a quarterly basis. This executive-level committee sets the strategic direction for open government initiatives. It acts as the overarching steering committee monitoring the implementation of open government across the Government of Canada. The Government of Canada has also established an Open Science Director Generals' Council, a committee made up of executive-level officials, focused on providing strategic direction for open science initiatives across Science-Based Departments and Agencies (SBDAs).

In addition to these two bodies, the Multi-Stakeholder Forum supports ongoing dialogue between government and Canadian civil society on open government. Its mandate is to provide input and advice on the Government of Canada's commitments on open government, identify new areas of focus and build the open government community across Canada.

Federal, provincial and territorial governments also collaborate on open government issues through the Canada Open Government Working Group. This group focuses on principles, standards, licensing, and outreach and engagement issues relevant to open government in Canada and thus contributes to an enabling environment for open government in Canada.

Source: Country responses to OECD (2015), OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle, OECD, Paris.


In order to reflect the government's broader understanding of open government, it will be important to involve other relevant actors. As in the case of the National Roundtable, the Government Secretariat of Modernisation of the JGM could chair the meetings, which should also involve the Secretariat for Institutional Strengthening of the JGM. To fully integrate the transparency and access to information agenda, seats could be reserved for the Access to Information Agency of the executive branch and the National Anti-Corruption Office. This approach would create stronger links between the open government agenda and the integrity/anti-corruption agenda. Other relevant actors from the national government could include the Ministry of the Interior, the Ministry of Justice and Human Rights, and the Ministry of Finance.

As with the Roundtable, civil society organisations should be given the opportunity to select members to represent their positions in the Committee (possibly through a rotation system). In order to further broaden representation, it may also be advisable to consider participation from the private sector (e.g. through business associations), trade unions and academia. Figure 4.4 details the possible composition of a permanent National Open Government Steering Committee in Argentina.

Figure 4.4. Possible composition of the new National Open Government Steering Committee

Source: Author's own elaboration.

The National Open Government Steering Committee could organise regular open state meetings.

In order to reflect on the ongoing move towards an open state and to create a space that allows for permanent exchange of good practices and experiences between branches of power and levels of government, Argentina could consider organising regular open state meetings within the framework of the CNGA (see also Chapter 7 on the Open State). These meetings could involve all branches of power, independent public institutions and subnational levels of government. Figure 4.5 provides an overview of possible participants in these meetings.

Figure 4.5. Possible composition of open state meetings
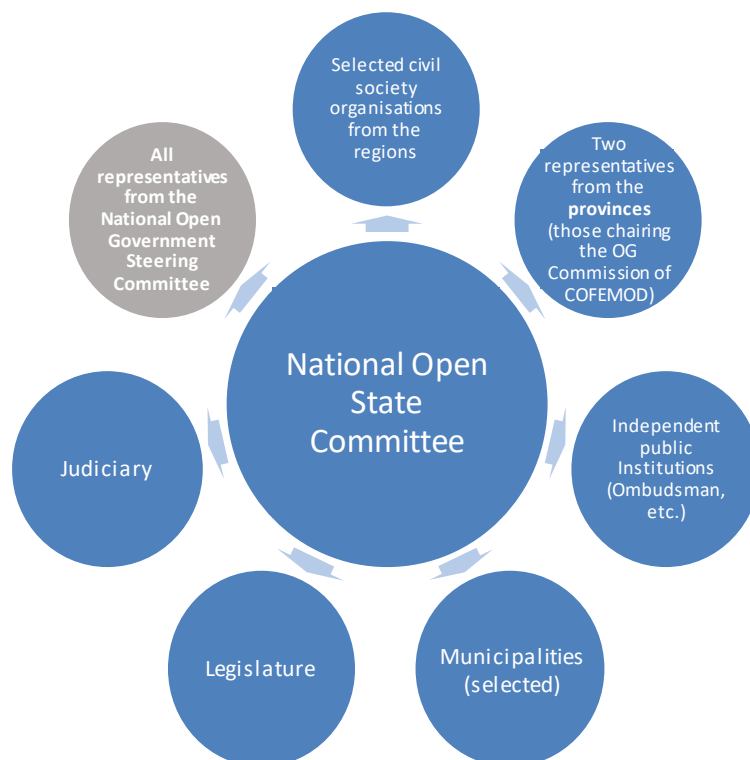
Source: Author's own elaboration.

It would be advisable for open state meetings to also take place at the highest possible level in order to generate the necessary buy-in for reforms. Follow-up at expert level could then take place in a sub-commission dedicated to open state matters. Colombia's and Costa Rica's Open State Committees, which are discussed in Chapter 7 on the Open State, provide interesting examples of ways to ensure political commitment for the open government agenda across branches of power and levels of government.

Argentina could create sub-commissions of the CNGA to focus on specific priority areas.

Sub-commissions of the CNGA could be charged with following up on high-level commitments and translating the common vision into concrete actions. They could also allow for discussions at an expert/technical level. The sub-commissions would actively engage with the Open Government Contact Points proposed below, and provide them with a space for policy exchange and dialogue while working on concrete agendas of relevance to their institutions.

Sub-commissions could be created for thematic areas such as Access to Information, Open Government and Education, and the Sustainable Development Goals. They could also be established for specific processes such as OGP Action Plans or legal changes (e.g. a possible overarching document on stakeholder participation, as discussed in Chapter 6 on Citizen and Stakeholder Participation). Italy's Open Government Forum, which has six working groups for specific thematic areas of open government, could provide inspiration in this regard (Box 4.4).

Box 4.4. Italy's Forum on Open Government

Italy has established a Forum on Open Government in which 20 public administrations and 54 civil society organizations meet regularly. The Forum, co-ordinated by the Department of Public Administration of the Presidency of Council of Ministers, is open to any new organisation or administration, both central and local, which wants to participate in the development of open government policies or that intends to join the Open Government Partnership (OGP) process. The aim of the Forum on Open Government is to commit civil society organisations (CSOs) and public administrations to a long-term collaboration centred around co-designing the development and co-ordination process for implementing actions detailed in Italy's OGP National Action Plan. The Minster of Public Administration attends the Forum on a regular basis every six months. The Forum has clustered the thematic areas of open government into six groups: "Transparency", "Open Data", "Participation", "Accountability", "Digital Citizenship" and "Innovation and Digital skills". Each of these areas is the focus of a separate Working Group established by the Department of Public Administration, and all are open to Forum participants.

In this way, the Department has created a direct channel between public administrations and civil society organisations, enabling them to have regular meetings (every two to three months) and communicate online. The aim is to give the officials responsible for open government commitments (i.e. actions stipulated in the NAP) the possibility to consult with CSOs about specific questions and obtain their feedback. Additionally, CSOs can monitor the implementation of commitments and provide input and ideas on the development of new open government initiatives.

Source: Italy Open Government (n.d.), Open Government Forum, http://open.gov.it/open-governmentpartnership/ open-government-forum (accessed 25 November 2016).

The CNGA would be the ideal space to co-create a National Open Government Strategy.

As discussed in detail in Chapter 2 on the Policy Framework, a whole-of-government National Open Government Strategy will only change a country's culture of governance if it has the support of the widest possible range of actors. Therefore, a formal National Open Government Steering Committee and its sub-commission involving all key institutions would be the ideal space to co-create such a strategic vision for open government with all stakeholders.

The open state meetings of the National Open Government Steering Committee could provide the platform for efforts to involve other branches of power and independent public institutions. Once co-created, these actors could voluntarily commit to adhering to the strategy and develop their own independent strategies based on a common vision.

The Committee's agenda would need to be co-ordinated with the agendas of existing Roundtables on Integrity and Administrative Reform.

At the national level several Roundtables exist that also have competencies in areas of relevance for open government principles. The most important is the Roundtable on Integrity (*Mesa de Integridad*), which was created in 2017 to improve the co-ordination of Argentina's integrity system (OECD, 2019a).

The *OECD Integrity Review of Argentina* (Ibid.) proposes to merge the Integrity Roundtable with the Roundtable of Administrative Reform (*Mesa de Reforma Administrativa*), as well as with the existing Roundtable on Governance of State-Owned Enterprises, in order to create a new Commission on Integrity and Transparency in the national executive branch. Should Argentina move forward with this recommendation, it will be important to link the work of the proposed National Open Government Steering Committee with the agenda of the new Commission on Integrity and Transparency.

Co-ordination will benefit from the fact that several of the actors participating in the National Open Government Steering Committee will also be involved in the Integrity and Transparency Commission. The Government Secretariat of Modernisation, as the co-ordinator of the National Open Government Steering Committee, will be responsible for aligning agendas between the different centres of co-ordination (see Figure 7.11 in Chapter 7 on the Open State for a detailed overview of a possible institutional framework for open government and the open state in Argentina).

Strengthening the role of the Government Secretariat of Modernisation as the leading national open government actor

Successful implementation of a national open government agenda requires strong institutional leadership and political commitment.

In any country, the transformation of commitments to foster open government principles into concrete tangible results needs institutional leadership. Co-ordination and co-operation would also benefit from the clear identification and empowerment of a national leader of the open government agenda. Open government reforms require strong political commitment (from the highest level) since they cover several policy areas and often meet with resistance to change and internal and external opposition.

According to the results of the 2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle, most countries (85% overall and 77% in OECD countries) – and all participating countries from Latin America and the Caribbean – have a government office responsible for the horizontal co-ordination of open government initiatives (Figure 4.6). For the majority of respondent countries (58% and 70% in OECD countries), these offices were located in an existing institution that had added open government to its portfolio in the recent past. About 20% of countries (19% in OECD countries) had created a new, separate unit within an existing institution to address open government-related matters (OECD, 2016).

Figure 4.6. Existence of a dedicated office responsible for the horizontal co-ordination of open government initiatives
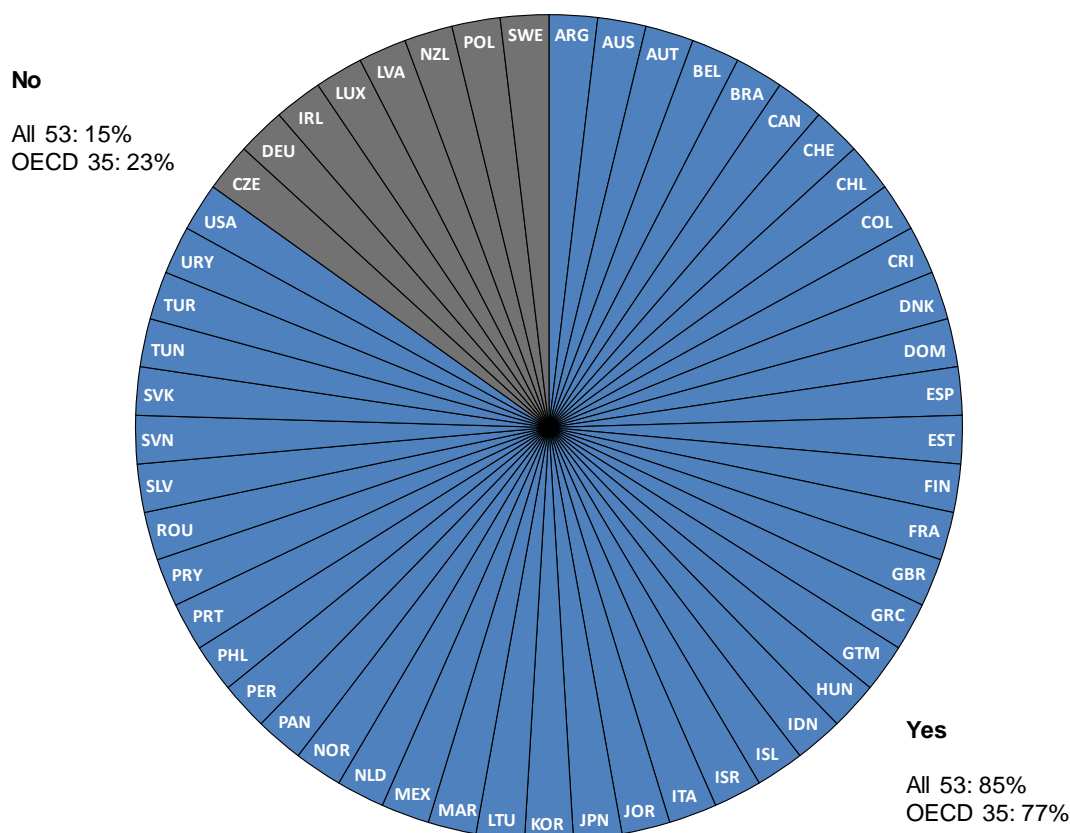
No

All 53: 15%
OECD 35: 23%

Yes

All 53: 85%
OECD 35: 77%

Source: Country responses to OECD (2015), *OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle*, OECD, Paris.

The incorporation of the then Ministry of Modernisation into the Office of the Chief of Cabinet of Ministers creates new opportunities to foster co-ordination.

The Government Secretariat of Modernisation (SGM) is Argentina's leading open government actor at the national level. It was created by the current government on 10 December 2015 (Decree 438/92) in an effort to reform and modernise Argentina's public sector. Following the September 2018 government reform, the then Ministry of Modernisation was incorporated into the Office of the Chief of Cabinet of Ministers (Decree 2018-802-APN-PTE). The new Government Secretariat of Modernisation, headed by the Secretary of Government for Modernisation and Deputy Chief of Cabinet, thus became part of the most important centre of government institution in the country.

In OECD terminology, "centre of government" (CoG) refers to the group of institutions or units that serve the head of government (President or Prime Minister) and the Council of Ministers (OECD, 2014). OECD experience shows that situating the responsibility for open government within a CoG institution can have several advantages (Box 4.5).

Box 4.5. Advantages of situating open government within the centre of government

- o The centre of government (CoG) can facilitate the link between open government strategies and initiatives and broader national objectives, including development objectives such as achievement of the United Nations Sustainable Development Goals.

- o The CoG can connect open government initiatives across government (including different sectors, levels of government and non-state actors) in order to foster a shared vision.

- o The CoG can also promote good practices in the area of open government – as well as institutional champions – across government and among citizens.

- o The CoG can strengthen the strategic use of performance data across the public sector, in order to support monitoring and evaluation of the impacts of open government strategies and initiatives (OECD, 2015b).

Source: Adapted from OECD (2016), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, https://doi.org/10.1787/9789264268104-en.

Among the majority of countries that contributed to the *OECD Report on Open Government* (OECD, 2016), the responsibility for open government was situated in the CoG. In most countries, the office was anchored inside the Office of the Head of Government or the Cabinet Office/Chancellery/Council of Ministers (64% of all respondent countries and 62% of OECD countries).

Figure 4.7. Institutional anchorage of the Open Government Office
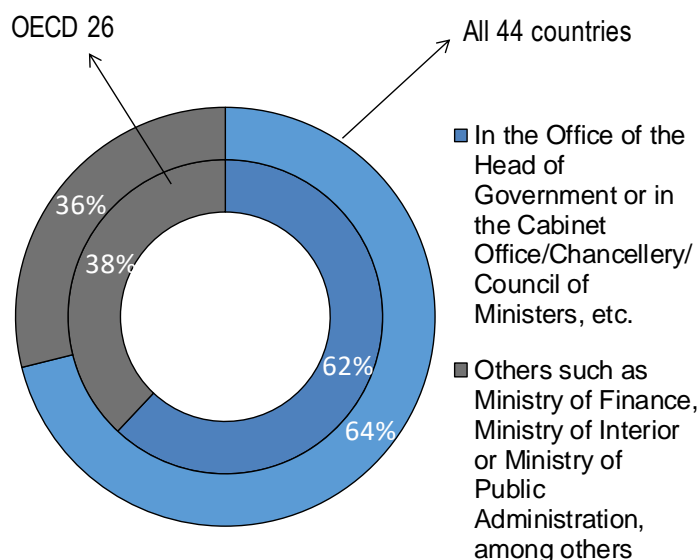
Source: Country responses to OECD (2015), *OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle*, OECD, Paris.

While the then Ministry of Modernisation was not a centre of government actor prior to the recent reform of the national public administration, most of its competencies were transversal by nature and therefore required extensive co-ordination and active outreach and communication. The Ministry became an effective and efficient co-ordinator largely due to the high level of political commitment from the Minister of Modernisation, the support of the President and the efforts of its staff. The fact that the MoM was a line ministry meant that it had to rely on soft means to convince actors of the benefits of public governance and open government reforms in order to actively involve them in its agenda. As a CoG institution, the Government Secretariat of Modernisation (SGM) will now have the opportunity to promote even more horizontality and inclusiveness of Argentina's open government agenda and to reach out to an even wider variety of actors.

The Undersecretariat for Open Government and Public Innovation (UOG), which leads the country's open government agenda (see below), now has more direct access to the Chief of Staff and the President (Figure 4.8). The benefits of the new structure will depend on the extent to which the senior leadership of the SGM and the head of the UOG, in particular, manage to leverage direct access to the highest levels of government to mainstream and broaden their agenda.

Figure 4.8. The new structure of the Government Secretariat of Modernisation
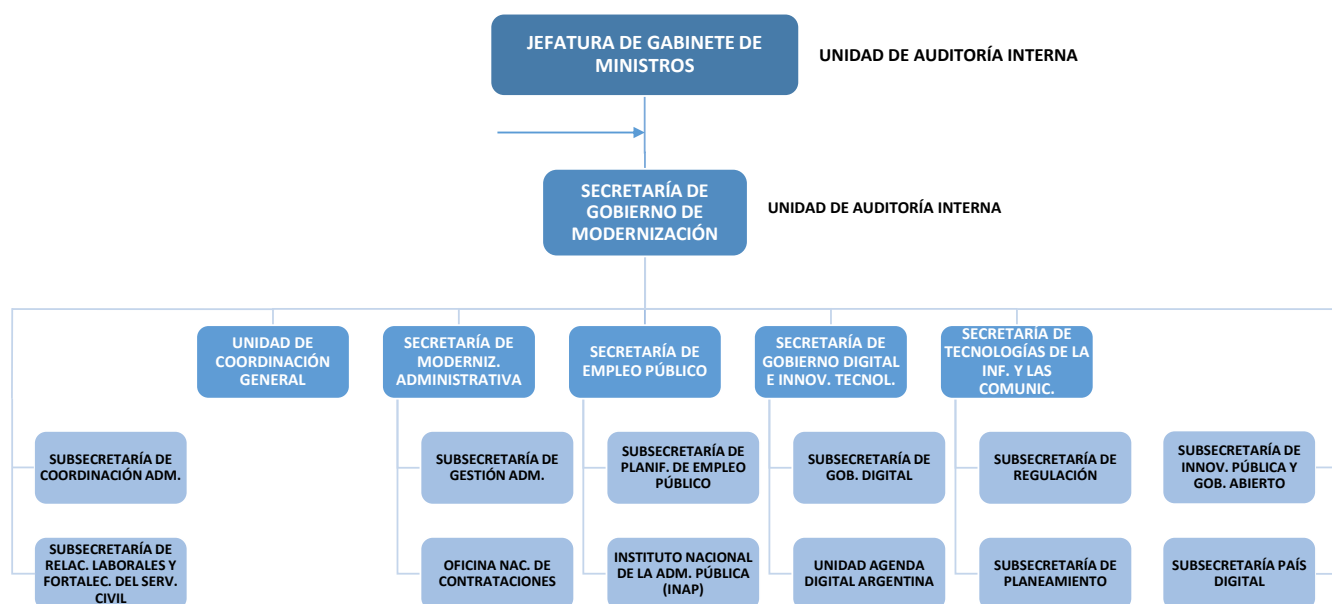
Note: This figure presents only a part of the full organigram of the Office of the Chief of Cabinet of Ministers.
Source: Government of Argentina (2018b), Mapa del Estado, Buenos Aires,
https://mapadelestado.jefatura.gob.ar/organigramas/jgm.pdf (accessed 11 December 2018).

In its new institutional setting, the Government Secretariat of Modernisation will also have to co-ordinate its agenda closely with the Secretariat of Institutional Strengthening of the Office of the Chief of Cabinet of Ministers (JGM), which co-ordinates the national integrity agenda. In addition to existing co-ordination mechanisms within the JGM, this co-ordination can take place through mechanisms such as the CNGA or a newly created Commission for Integrity and Transparency (see above).

The Undersecretariat for Public Innovation and Open Government has a clear mandate to promote open government reforms across the whole of government.

Between 2015 and 2018, the then MoM became a powerful actor in Argentinian politics. It had competencies in a number of areas that in many OECD countries are managed by a variety of institutions, including regulatory policy, digital government, innovation, human resources management of the state and, of course, open government. The creation of this super-ministry for public governance reform sent a strong message regarding the importance assigned to reforming the public administration in the agenda of the current government.

While the government reform of September 2018 changed the institutional anchorage of the ministry, its internal structure was not affected. Within the SGM, the Undersecretariat for Open Government and Public Innovation (UOG) is the entity in charge of the country's open government agenda. The Undersecretary that heads the UOG is a political appointee. He/she does not have the rank of a Secretary but reports directly to the Government Secretary of Modernisation and National Deputy Chief of Cabinet (Figure 4.8). This level of hierarchy is comparable to most countries that participated in the 2015 OECD Survey where the horizontal co-ordination office was either at the level of a Secretary-General/Director-General (43%) or at director level (30%) (Figure 4.9). The high level of institutional anchorage for open government has benefitted the promotion of an ambitious open government agenda in Argentina, as it gave political clout to the office holder.

Figure 4.9. Hierarchical level of the horizontal co-ordination office
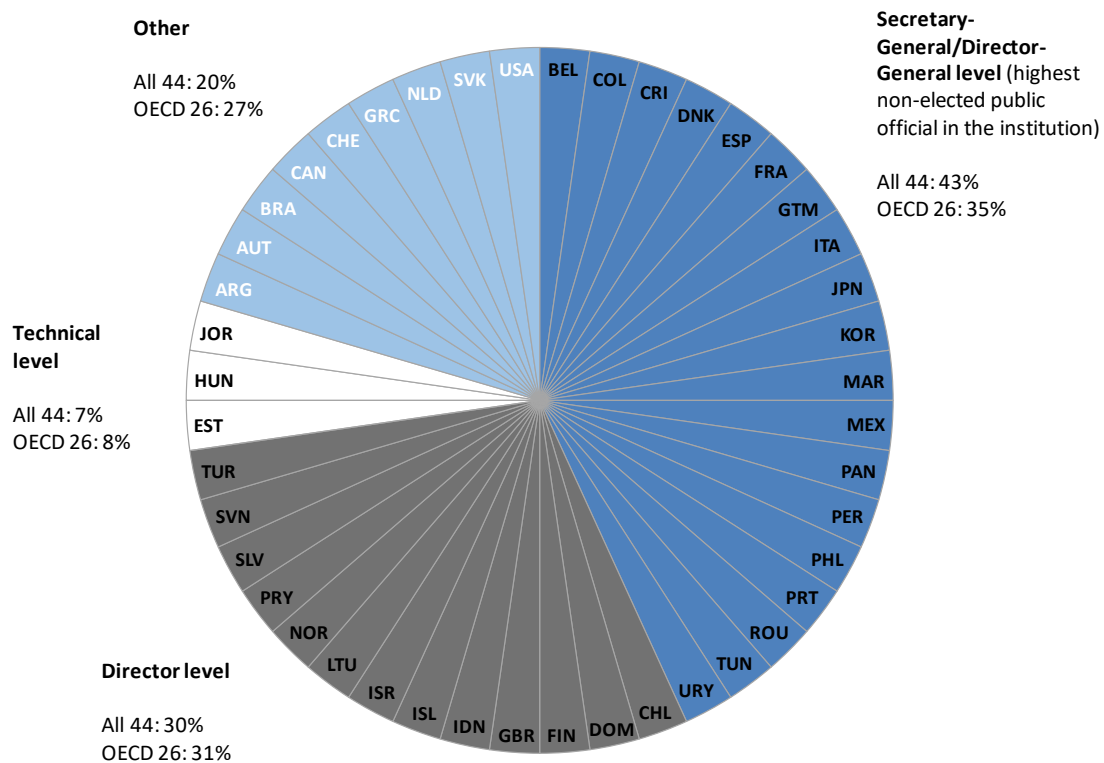
Source: Country responses to OECD (2015), *OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle*, OECD, Paris.

In line with Presidential Decree 174/2018 and the Administrative Decision of the Chief of Cabinet of Ministers 297/2018, the Undersecretariat has a broad range of responsibilities:

- Lead ("*comprender*") the development and co-ordination of policies promoting openness and innovation as design principles applicable to the policy cycle in the National Public Sector.

- Assist the Minister with the development of a National Open Government, within the framework of the agenda of modernisation and transformation of the National Public Sector.

- Develop and co-ordinate policies, regulatory frameworks and technological platforms necessary for the management of public information as a strategic asset for the development of evidence-based public policies, products and services .

- Lead the design, planning and execution of a strategy to open data and public information in the National Public Sector.

- Lead the co-ordination of a "Government Laboratory" as a space to promote, articulate and promote the management of innovation, accelerating the development of policies and services focused on citizens, promoting the linking of public bodies through an ecosystem of open innovation, and fostering the building of new capacities, competencies and skills in the state.

- Be responsible for the design and monitoring of the National Open Government Action Plan, within the framework of participation in the Open Government Partnership.

- Promote the realisation of bilateral, multilateral and interjurisdictional agreements that favour open government in the national, provincial and municipal Public Sector, in co-ordination with the competent organisms.

- Develop and co-ordinate the policies, regulatory frameworks and technological platforms necessary to promote **citizen** participation and innovation in the process of formulating public policies.

- Develop an evaluation culture and implement results-based management methodologies in the National Public Sector, in co-ordination with the competent areas.

- Promote the creation of a public innovation and open government network at national level, generating collaborative workspaces, exchanges and training in co-operation with the national, provincial and municipal public sector, the private sector, academia and civil society organisations.

The UOG's responsibilities include leading the Open Government Partnership process; however, they also explicitly provide a mandate to venture beyond the OGP Action Plans. This includes the development of a National Open Government Strategy and the promotion of open government at provincial and municipal level. The responsibilities of the UOG align with those of other co-ordinating offices in OECD countries and beyond. More than 90% of co-ordinating offices in countries that participated in the OECD Survey (2015) were responsible for co-ordinating open government initiatives and more than 80% monitored implementation. Furthermore, in 80% of countries the office is also in charge of developing the national open government strategy, while only a small number of offices (less than 20%) assign financial resources. This is also the case in Argentina.

Figure 4.10. Responsibilities of the office in charge of countries' open government agendas
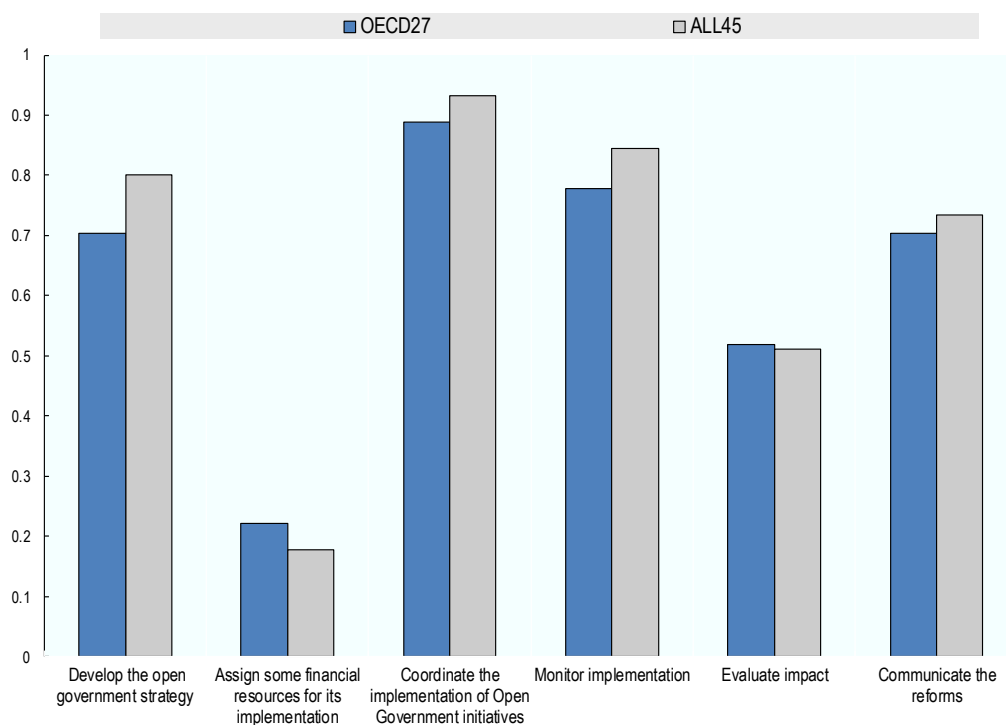
Source: Country responses to OECD (2015), *OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle*, OECD, Paris.

The Undersecretariat itself consists of a variety of units. It has two National Directorates (Data and Public Information as well as Public Innovation) as well as five dependent Directorates (three of which report directly to the Undersecretary, including the Directorate for Open Government). Research and interviews conducted during OECD fact-finding missions revealed that the Undersecretariat has significant human and financial resources and a young and dynamic team consisting of approximately 50 people.

Figure 4.11. Units within the Undersecretariat of Public Innovation and Open Government

Source: Government of Argentina (2018b), Mapa del Estado, Buenos Aires, https://mapadelestado.jefatura.gob.ar/organigramas/jgm.pdf (accessed 11 December 2018).

SGM leadership in the area of open government is recognised, but there is a need to institutionalise frameworks to guarantee continuity.

Within the space of three years – and with the support of the President – Argentina found itself at the forefront of the international open government community. This achievement is a result of the Ministry of Modernisation's success in attaining membership of the OGP Steering Committee and improving the country's international rankings on the Transparency International Anti-Corruption Index and the Open Data Index, among others. At the national level, the Ministry's dedicated staff designed and implemented a multitude of open government initiatives; reached out to new ministries, local levels of government and other branches of the state; and led an exemplary design process for the country's third NAP. Responses from interviews conducted during the OECD's peer-driven fact-finding missions, and the results of the OECD Surveys, show that ministries, provinces and institutions from other branches of power clearly recognise the MoM's leadership in the area of open government and reveal a general willingness to co-operate with the Ministry.

Collaboration and co-operation between institutions in the initial stages is often driven by personal relationships rather than institutionalised frameworks. In many countries, people in the open government community know each other and have worked together for many years to promote open government principles, long before the appearance of the term "open government" and the establishment of the Open Government Partnership.

The Government Secretariat of Modernisation and the UOG are staffed with experts in the areas of open government, open data and public sector innovation, many of whom acquired ample experience working on these topics in the administration of the Autonomous City of Buenos Aires, when President Macri was Mayor of the City. When they became part of the national government in 2016, they imbued the national open government agenda with fresh energy and enthusiasm. Such existing connections have at times resulted in a very fluid

exchange between these actors. In particular, this informal network of contacts proved beneficial in launching the national open government agenda, as stressed in the *OECD Digital Government Review of Argentina* (2019b); however, it is now important to institutionalise open government frameworks in Argentina to reduce their dependency on personal networks and guarantee continuity over the medium and long term.

Argentina could create Open Government Contact Points.

In interviews, the SGM recognised that it faced a major challenge in identifying its counterparts in line ministries, as different people often work on open government in each entity. The then MoM had previously created contact points in different entities as part of the process to design and implement the OGP Action Plan. However, these contact points mostly oversaw implementation of the NAP commitment(s) made by their entity and were not tasked with promoting open government within their institutions.

Evidence gathered in OECD countries underlines the benefits of creating dedicated institutional Open Government Contact Points in line ministries – at all levels of government and branches of power – as a means of translating an existing high-level vision into institutional realities in each individual entity and for every individual civil servant. Open Government Contact Points (*Enlaces de Gobierno Abierto, EGA*) could ensure the implementation of laws and policies relevant to open government principles, while at the same time providing individual and personalised support to the public servants in their institution. The Contact Points would also be responsible for translating the work done in the National Open Government Steering Committee into institutional realities. In an ideal scenario, the Contact Points would be the heads of the open government offices (where these exist) in the respective institutions. Costa Rica's *Enlaces Interinstitucionales* and Canada's Departmental Open Government Co-ordinators provide interesting examples of existing Open Government Contact Points (Box 4.6).

Box 4.6. Canada's departmental open government co-ordinators and Costa Rica's open government contact points

Canada

In Canada, every governmental department has identified an open government co-ordinator. These individuals function as the entry point into the department for the Treasury Board Secretariat (TBS) – the main co-ordinating entity responsible for setting government-wide direction on open government – for all matters related to open government.

Open government co-ordinators:

- facilitate open government activities throughout their organisation

- assist content owners within the organisation with the process to release data (e.g. identification, preparation, approval mechanisms and entry into the Open Government Registry)

- provide recommendations to the senior official responsible for approving the data release

- provide assistance to clients within the organisation requesting information via open.canada.ca

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- provide relevant training in the organisation, where possible

- participate in open government working groups, led by the Treasury Board Secretariat, where they share best practices and challenges related to open government.

Open government co-ordinators are typically appointed at the director level and below, and convene on a monthly basis through working group meetings co-ordinated by the Treasury Board Secretariat. TBS is also planning to create an online "co-ordinators corner" where co-ordinators can more easily interact if they wish.

Costa Rica

The *Enlaces interinstitucionales* (i.e. open government contact points), established to facilitate the design and implementation of the Second Open Government Partnership (OGP) Action Plan, represent an important first step in ensuring inter-institutional co-ordination. The *Enlaces* initiative was launched by the centre of government in Costa Rica, and comprises contact points for the Deputy Ministry of the Presidency (the main office responsible for open government initiatives in the country), the different central government ministries, decentralised institutions, some municipalities, the Ombudsman, the judiciary and so on.

The government aims to create at least one *Enlace* in each institution to help implement its open government agenda. The *Enlaces* meet regularly and benefit from capacity-building co-operation from the OGP Support Unit. While they do not formally report to the Deputy Ministry of the Presidency, the *Enlaces* voluntarily collaborate with this office and have the potential to provide the CoG with an effective co-ordination tool, both horizontally and vertically.

Source: OECD (2016), *Open Government: The Global Context and the Way Forward,* OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264268104-en.

Once established, the Government Secretariat of Modernisation could play an active role in maintaining and animating an informal Network of Open Government Contact Points (Figure 4.12). In addition to inviting selected EGAs to the sub-commissions of the CNGA, the SGM could organise regular meetings between Contact Points to exchange experience and provide training and capacity-building support in specific priority areas to groups of Contact Points (e.g. within the framework of events such as *Argentina Abierta*). Given the high number of Contact Points, the SGM could also provide the Network with an online platform to foster peer-to-peer dialogue and learning.

Figure 4.12. Open Government Contact Points in all ministries, branches and levels of government
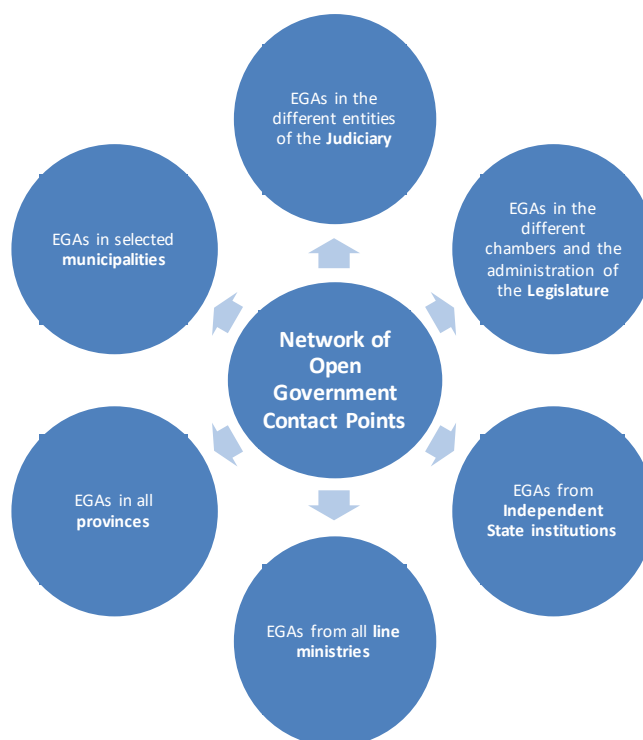
Source: Author's own elaboration.

In order to create specific EGAs, it will be important to capitalise, build on and involve the following Contact Points in other relevant areas (Figure 4.13):

- informal open data focal points that have started to emerge in response to Decree 117/2016, which establishes Open Data Plans

- the Network of Contact Points for Access to Public Information managed by the Ministry of the Interior, which has 102 contact points in all ministries and most decentralised entities (OECD, 2019c)

- a possible future network of Integrity Contact Points (*Enlaces de Integridad*), as suggested in the *OECD Integrity Review* (2019a).

In some cases, the dedicated EGA may be simultaneously the Open Data, Access to Public Information or Integrity Contact Point of their institution. This should be viewed as an opportunity to align agendas and ensure that all efforts to promote open government principles converge in the same direction. Rather than duplicating the functions of existing contact points, the EGAs would reinforce their agendas and provide them with an additional platform to promote their objectives. Along the same lines, the newly established Network of Open Government Contact Points could function as an umbrella network involving, at times, the Open Data, Access to Public Information and Integrity focal points (Figure 4.13).

Figure 4.13. The role of the Network of Open Government Contact Points
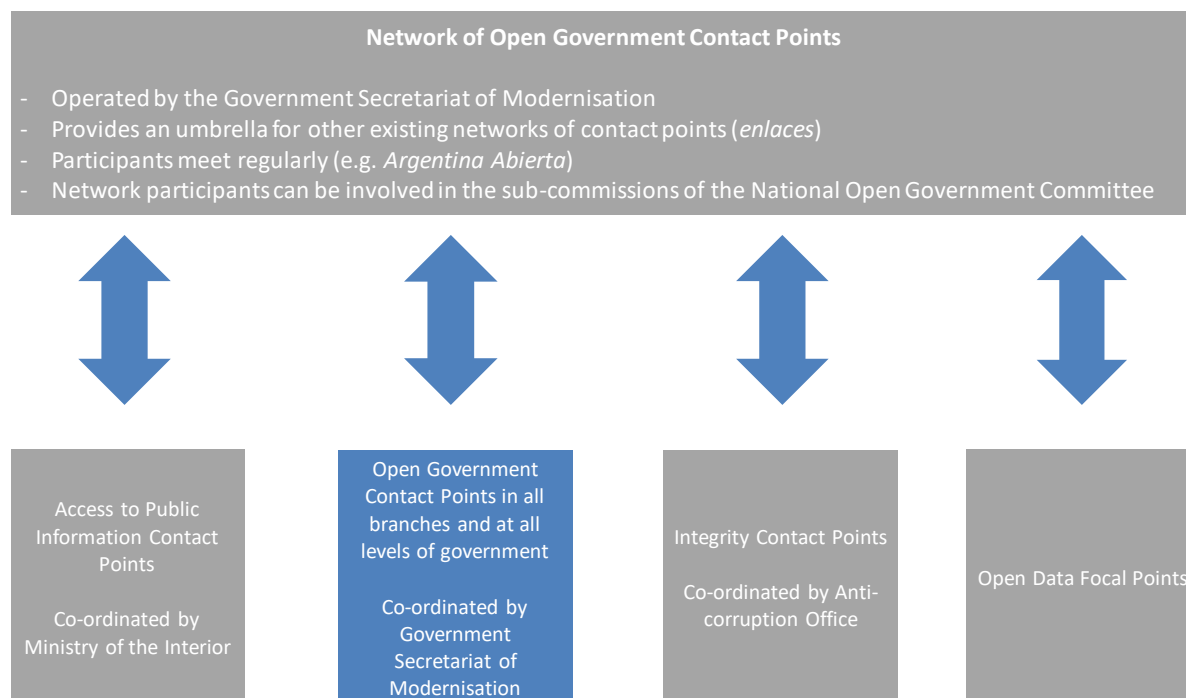
Source: Author's own elaboration.

Implementing open government beyond the Government Secretariat of Modernisation through human resource management and innovation

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Box 4.7. Provision 3 of the OECD Recommendation of the Council on Open Government

"Ensure the successful operationalisation and take-up of open government strategies and initiatives" by:

  i.   Providing public officials with the mandate to design and implement successful open government strategies and initiatives, as well as the adequate human, financial and technical resources, while promoting a supportive organisational culture

  ii. Promoting open government literacy in the administration, at all levels of government, and among stakeholders".

Source: OECD (2017), *Recommendation of the Council on Open Government*, OECD, Paris, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438 (accessed 30 November 2018).

The Government Secretariat of Modernisation recognises the importance of human resource management as an enabler of open government reforms.

The draft OECD Recommendation on Public Service Leadership and Capability underlines the importance of skills to transform political visions into high-quality services that improve citizens' lives (OECD, 2018). The 2017 OECD Report, *Skills for a High Performing Civil Service*, introduced a framework for skills needed by today's civil

servants. One of the four pillars of this framework focuses on service delivery and citizen engagement. Accordingly, the Report argues that "civil servants work directly with citizens and users of government services. New skills are required for civil servants to effectively engage citizens, crowdsource ideas and co-create better services" (OECD, 2017b, p. 9).

Box 4.8. Skills needed for citizen engagement and service delivery

Employees involved in service management, design and/or policy making require skillsets that encourage input from citizens into these processes. While service delivery, communication, consultation and engagement have long been recognised as desired competencies for public officials, three trends are altering the demand for skills:

- o   Many countries now have an increasingly complex service delivery landscape.

- o   Technological change is resulting in new channels and tools for engagement.

- o   The push for more open and innovative government means that civil services are expected to incorporate meaningful input and participation at a greater number of stages of the policy/service design process.

The 2017 OECD Report, *Skills for a High Performing Civil Service*, summarises the skills needed as:

- o   Professional:

- O   Traditional building blocks of service and engagement skills including professionals with expertise in public relations, communications, marketing, consultation, facilitation, service delivery, conflict resolution, community development, outreach, etc.

- o   Strategic:

- O   The use of engagement skills to achieve specific outcomes to inform, for example, better targeted interventions, or nudge public behaviour towards desirable outcomes, such as healthier eating habits or smoking reduction.

- o   Innovative:

- O   The application of innovation skills to engagement to expand and redesign the tools themselves through, for example, co-creation, prototyping, social media, crowdsourcing, challenge prizes, ethnography, opinion research and data, branding, behavioural insights/nudging, digital service environments and user data analytics.

Source: OECD (2017), *Skills for a High Performing Civil Service, OECD Public Governance Reviews*, OECD Publishing, Paris, https://doi.org/10.1787/9789264280724-en.

The Government Secretariat of Modernisation (SGM) has taken a number of steps to provide tailored capacity-building opportunities for public servants. The Secretariat of Public Employment, a body located in the SGM responsible for skills development programmes, has launched initiatives targeting different groups of public officials. These programmes include *Líderes en Acción*, which is designed to build the capacities of young officials, *Protagonistas de Recursos Humanos*, which addresses HRM officials, and *Construyendo Nuestro Futuro*, which targets high-level public managers (Government of

Argentina, n.d.; 2017; OECD, 2018). As in other OECD countries, staff turnover caused by political transitions can affect the Government of Argentina, especially among high-ranking officials (including individuals that previously received training). This is particularly relevant in the context of Argentina, as staff turnover during changes in government affects not only senior civil servants but also staff members in charge of the technical implementation of (open government) reforms.

The *Digital Government Review of Argentina* found that: "during the peer review mission to Buenos Aires (March, 2018) public officials expressed that roughly 75% of ICT professionals stay less than 2 years in the public sector, and in general terms lack formal tertiary education (e.g. university-level degrees)" (OECD, 2018, p. 17). These challenges can have implications for many public officials, including those in charge of the open government agenda in the country.

The Government Secretariat of Modernisation clearly recognises the importance of human resource management (HRM) as an enable of open government reforms. For instance, the Secretariat included HRM as one of the five focal areas of the third OGP Action Plan, which seeks to build a "21st century government" (Government Secretariat of Modernisation, 2017). The Undersecretariat of Open Government (UOG) in the SGM has a highly skilled and dedicated young team with about half a dozen staff members working solely on open government, while other teams cover related areas (including digital government and innovation). The various teams work closely together under two Undersecretaries responsible for Public Innovation and Open Government, and Digital Government. The size of the team in Argentina thus exceeds that of open government units in most OECD countries, and its significant capacity provides a favourable basis for the successful implementation of open government reforms at central level.

Human resource-related open government reforms represent a challenge for line ministries and provinces.

The OECD Surveys asked ministries and provinces of Argentina about the challenges they faced in implementing stakeholder participation initiatives. Insufficient human resources was among the most frequently cited challenges in 60% of provinces and 63% of line ministries (Figure 4.14). These findings hint at the strong contrast between the human resources available in the SGM and those in line ministries and at the provincial level. This contrast was also noted during interviews conducted with representatives from line ministries for this Review, which confirmed that the size of the teams devoted to implementing open government initiatives was limited.

The OECD Surveys also asked ministries and provinces about HRM-related challenges they faced in building effective stakeholder participation. The most frequently cited obstacle was insufficient awareness among public officials of the value added of stakeholder participation in line ministries (78%) and provinces (87%) (Figure 4.14). This factor was also noted as the second most pressing challenge on average by provinces (weighted vis-à-vis other challenges).

Figure 4.14. Different HRM-related challenges for effective stakeholder participation at sector level and the provinces
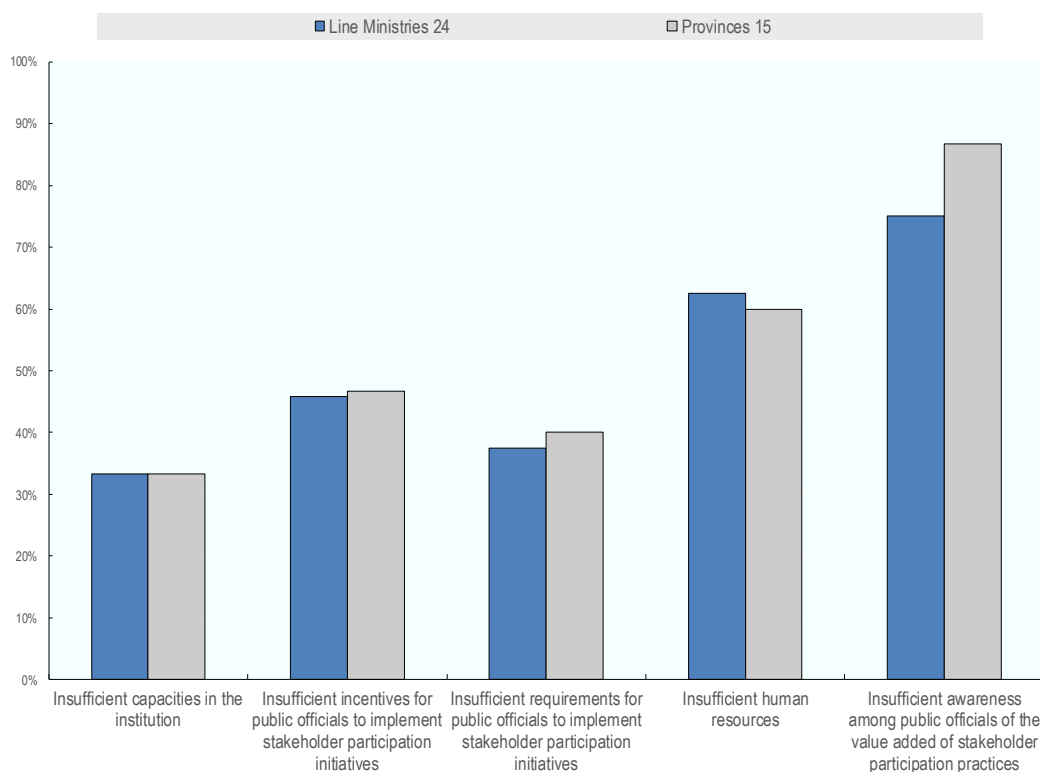
Note: Provinces and ministries were asked to list the five main challenges they faced in implementing stakeholder participation and to rank them accordingly. The figure reflects the frequency of the challenge chosen, but does not reflect the ranking.
Source: Responses to OECD (2018), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

As 38% of line ministries and 40% of provinces acknowledge, current requirements for public officials to implement stakeholder participation initiatives are insufficient. Around half of ministries (46%) and provinces (47%) also noted the absence of incentives for effective stakeholder participation as a challenge, as discussed in more detail in Chapter 5 on Citizen and Stakeholder Participation.

Argentina could include open government-related skills in competency frameworks for public servants.

A majority of OECD countries include open government principles in values frameworks (57%) (OECD, 2016). However, only 23% include these principles in competency frameworks, performance agreements and/or accountability frameworks (ibid.). In Argentina, at the sector level, only the Ministry of Work, Employment and Social Security and the National Auditing Commission (*Sindicatura General de la Nación*) include specific skills on open government into the terms of reference (ToRs) of institutional public servants, according to the OECD Survey data. At the provincial level, a similarly low share (Salta, Neuquén, Catamarca and Córdoba) incorporate these skills into ToRs. In order to best equip the public service with the necessary skills to promote a supportive organisational culture, the Government of Argentina could include skills related to open government in public servants' ToRs and advocate for provinces to follow this example.

Initiatives created by the National Institute for Public Administration and the Design Academy of Public Policy are at the core of Argentina's move towards an open government culture.

Capacities related to open government principles needs to be developed in the early stages of public officials' careers. As with 51% of schools of public administration in OECD countries, Argentina's National Institute for Public Administration (INAP) offers courses with a special focus on open government, designed for staff working in the field of public administration (INAP, 2018). In particular, INAP offers a course dedicated solely to open government that lasts three weeks (32 hours). Other courses related to open government principles include "Public Innovation and Open Government", "Basic Aspects for Public Innovation", "Introduction to the Modernisation of the State" and "Management of Citizen Participation in Public Policies" (INAP, 2018).

The SGM's Government Lab of Argentina (LABgobar) is a multi-disciplinary team located in the Undersecretariat of Public Innovation and Open Government. The Lab provides assistance with ministerial and municipality-led projects that aim to make use of tools to innovate. As the open government and innovation agendas are closely linked, innovation labs are found not only at the central level but also in the provinces. For example, the Province of Neuquén has established a noteworthy innovation lab, which is described in more detail in Box 4.9.

Box 4.9. The Province of Neuquén's Innovation Lab

The government of the Province of Neuquén in Argentina created a Public Policy Innovation Lab (Nqn Lab) in 2017. The Lab is defined as a space of co-creation and collaboration for public innovation. In practice, the Nqn Lab facilitates the creation of participatory spaces where the public sector and civil society can meet to develop and/or improve projects and initiatives from an experimental and interdisciplinary perspective. For example, Nqn Lab facilitated the planning of the participative budget process in the municipality of Andacollo. The process involved more than 50 participants from civil society organisation (CSOs), academia and the public sector, who gathered to collectively conceptualise and plan the project, including the underlying methodology and follow-up. Another Nqn Lab initiative is the Forum for Young People in the municipality of *San Martín de los Andes*, where young people from different sectors (CSOs, clubs, schools, bands and churches) participated in a workshop to collectively identify the main challenges their community faced.

The innovative approach of the Nqn Lab is underpinned by the overarching objective of the Ministry of Citizens: to strengthen and promote participative spaces and tools for citizens to solve social challenges. To this end, the Nqn Lab acts as the innovative branch of the Ministry by facilitating the creation of participatory spaces and providing the methodology necessary to succeed. This approach is beneficial for citizens, as it allows them to participate more closely in policy making within their communities, as well as for municipalities, which may not necessarily have the resources or skills to undertake these activities on their own.

Source: Province of Neuquén (2017), *Diversidad de miradas, creación colectiva: Comenzó a rodar Nqn Lab*, http://ciudadanianqn.com.ar/noticia.php?noticia=582 (accessed 14 January 2019).
Neuquén Informa (2018), *Primer Laboratorio de Innovación Joven en San Martín de los Andes*, www.neuqueninforma.gob.ar/primer-laboratorio-de-innovacion-joven-en-san-martin-de-los-andes (accessed 14 January 2019).

In close collaboration with INAP and LABgobar, the Government Secretariat of Modernisation's Directorate for the Development of Capacities for Innovation (*Dirección de Desarrollo de Capacidades para la Innovación*) established a Design Academy of Public Policy in 2016. The Academy offers training courses to public officials on innovation, which aim to "create the state of the future" (INAP, et al., n.d.). The courses place great emphasis on the skills needed to build an agile public administration, such as "participatory leadership, applying a holistic perspective, or approaches to initiate cultural change" (INAP, et al., n.d.), among others. The courses are aligned with the OECD's beta skills model for public sector innovation, which is based around core skills areas and follows the paradigm of serving and collaborating with citizens (OECD, 2017b; Figure 4.15).

Figure 4.15. Six core skills areas for public sector innovation
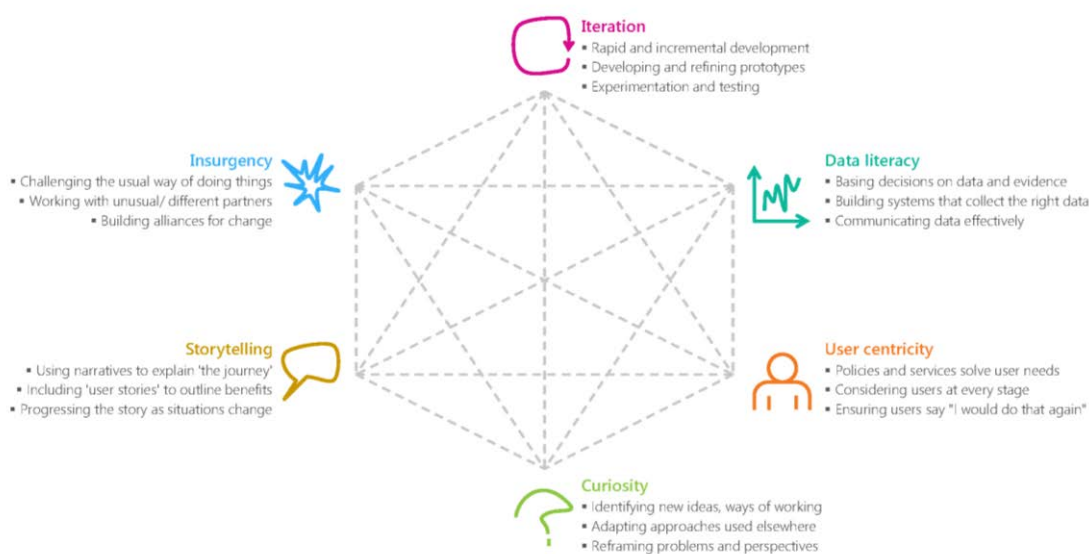
Source: OECD (2017b), *Skills for a High Performing Civil Service*, OECD Public Governance Reviews, OECD Publishing, Paris, https://doi.org/10.1787/9789264280724-en.

The creation of the Academy represents an opportunity to address a number of challenges identified in this Review, including building closer collaboration and co-operation at all levels of and across government. In terms of the motivation for the Academy's establishment, UOG explained that "(i)n a country where systems, data and civil servants work in siloes; where every ministry works alone, it was clear to us that this could be a project that could accelerate transformation" (Beun, 2018). Initiating a change in the culture of governance towards greater openness is a process that requires time and buy-in from public servants. The Academy is an important step in initiating this change.

The Design Academy of Public Policy could create (in-) formal networks to continue training alumni and inform them about available courses.

The Design Academy of Public Policy has proven very successful in terms of outreach, having taught 32,000 students until March 2019 (Beun, 2018). The Academy works to fulfil provision 3 of the OECD Recommendation on Open Government, which advocates for the provision of open government literacy at all levels of government. To this end, it has

provided training courses to 140 municipalities and all 23 provincial governments in Argentina (Beun, 2018), which is also noteworthy in terms of the move towards an open state.

The Design Academy of Public Policy is a remarkable example of how to stipulate and encourage innovation and open government initiatives that do not originate in the central institution in charge of open government, but rather in line ministries and at all levels of government. The number of public servants trained over a short period of time demonstrate that the capacity to transform each of the participants into "agents of change". Such "agents" can then advocate for more innovative and citizen-centred approaches when designing and implementing policies. Since institutions such as INAP and the Design Academy of Public Policy cannot teach all public servants, the sustainability and diffusion of the content taught depends on the course alumni. Their ability to pass on the skills and knowledge they have obtained can help to transmit the cultural change to their teams.

The Academy could thus place particular emphasis on creating (in-) formal forums and networks consisting of public servants that have taken the courses and are willing to pass on their knowledge to others. Such forums or networks could, moreover, help to further enhance the quality of courses by incorporating feedback from civil servants on the topics taught.

The Government of Argentina could widen the focus from an innovation-driven training agenda to more holistic open government literacy.

The number of public servants trained and the numerous ministries that have either started implementing their own measures to train public servants on open government or made use of the offers by INAP or the Design Academy of Public Policy are remarkable. The variety of courses on offer in the Academy, ranging from design thinking to the use of evidence and artificial intelligence, play an important role in further enhancing the capacity for public officials. However, the Academy's training agenda seems to be determined largely by innovation. Additional courses presenting a stronger alignment with open government provinces could bring the Argentinian government closer to the declared goal of a "state of the 21st century".

Concretely, these courses could be designed to advance policy makers' understanding of the benefits of applying the open government principles of transparency, accountability, integrity and stakeholder participation in the policy cycles of their respective areas of work. The content of the courses could be adapted accordingly and targeted to the respective public officials to determine priority areas for the training courses. Whereas training courses on considering and ensuring transparency throughout the policy cycle would be more pressing for public servants working in the extractive industry sector in Argentina, policy makers working in the area of security could also be trained on how to further enhance accountability in their daily tasks. This needs-based course offer – which has already been implemented on specific occasions – could help to raise awareness among public servants of the specific targets and objectives of open government. Concretely, the courses could make the case for the economic, political and social benefits of mainstreaming open government in policy making in all policy areas, including environment, health and education, among others.

Eventually, concrete provisions on training could be included in the recommended National Open Government Strategy or the overarching document on stakeholder participation (see Chapter 6 on Citizen and Stakeholder Participation). Explicit provisions dedicated to enhancing civil servants' skills to respect and implement open government principles

could, for example, outline approaches to raise awareness of the existence of training courses and their added value. This would, moreover, benefit efforts to move from ad hoc enrolment in courses offered by INAP and the Design Academy of Public Policy, to a more structured approach to a supportive organisational culture of open government reforms that benefits all stakeholders.

Recommendations

Improving the horizontal co-ordination of open government strategies and initiatives at national level

- Upgrade the mandate and inclusiveness of the National Open Government Roundtable and create a National Open Government Steering Committee (CNGA) in order to provide a forum to co-ordinate the country's entire open government agenda.

- Extend the CNGA's mandate to go beyond co-ordination of the OGP process.

- Invite high-level representatives from institutions to join the Committee in order to ensure that it can provide the necessary leadership to the country's open government agenda.

- Reserve a seat for the Access to Information Agency of the executive branch and a seat for the National Anticorruption Office, in order to fully integrate the open government, anti-corruption and transparency agendas.

- Consider involving the Ministry of the Interior, the Ministry of Justice and Human Rights and the Ministry of Finance in the CNGA.

- Organise regular open state meetings within the framework of the CNGA, in order to create a space that allows for the permanent exchange of good practices and experience between branches of power and levels of government.

- Create sub-commissions of the CNGA to allow for discussions at a more technical level and to translate a commonly agreed vision and shared objectives into concrete actions and initiatives (see also Chapter 2. on the Policy Framework).

Strengthening the role of the Government Secretariat of Modernisation as the leading national open government actor

- Take advantage of the new institutional anchorage of the Government Secretariat of Modernisation in the Office of the Chief of Cabinet of Ministers, the country's main Centre of Government institution, to foster co-ordination and mainstream open government principles.

- Ensure effective co-ordination between the Government Secretariat of Modernisation and the Secretariat of Institutional Strengthening of the Office of the Chief of Cabinet of Ministers.

- Create dedicated institutional Open Government Contact Points in all public institutions and branches of power, and at all levels of government, in order to enable a continuous exchange of experiences and good practices.

- Build capacity for Contact Points to enable them to provide individual and personalised support to public servants in their institutions.

- Capitalise on and foster synergies with existing networks such as the Open Data Focal Points and the Network of Contact Points for Access to Public Information.

- Invite selected contact points to meetings of the National Open Government Steering Committee and its sub-commissions.

- Provide the Network of Open Government contact points with an (online) platform to foster peer-to-peer dialogue and learning.

Implementing open government beyond the Government Secretariat of Modernisation through human resource management and innovation

- Raise public servants' awareness of the economic, political and social benefits of open government principles.

- Advocate for the inclusion of open government principles in public servants competency and values framework, as well as their ToRs, including in the provinces.

- Further enhance the impact on open government reforms of courses offered by the Design Academy of Public Policy, by harnessing the potential offered by the significant number of trained public servants.

- Transform each training participant into an agent of change. This could be achieved through the creation of formal or informal forums and networks of public servants that have taken the courses and are willing to pass on their knowledge to others.

- Consider moving beyond innovation to include additional courses with a specific focus on open government principles.

- Integrate open government principles into existing courses.

- Move towards a strategic approach to human resource management by including HRM provisions in the National Open Government Strategy.

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Chapter 5. Building a monitoring and evaluation framework for open government in Argentina

This chapter assesses Argentina's efforts to monitor and evaluate open government strategies and initiatives. It argues that Argentina has made substantial progress since 2016 in promoting monitoring and evaluation (M&E) practices across government. Nevertheless, it notes that the respective M&E and open government agendas could be further aligned to improve the M&E of open government efforts. Therefore, the chapter provides recommendations on how to foster M&E of open government, considering areas such as the institutional set-up for sharing data, the design of indicators, the development of M&E capacities among public officials and the evaluation of open government initiatives. The chapter also discusses Argentina's promotion of M&E across governments with a focus on the provinces.

Introduction

The Government of Argentina's commitment to open government calls for sound monitoring and evaluation of open government strategies and initiatives

The Government of Argentina's (GoA) commitment to implement and mainstream open government calls for solid monitoring and evaluation (M&E) tools to support and promote operational and strategic decision-making, performance, accountability and learning. Despite Argentina's limited policy monitoring and evaluation culture across government, a number of important ongoing initiatives and existing tools in the area of M&E are relevant for the open government agenda. The strategic use of M&E has the potential to foster the implementation, visibility and impact of the country's open government agenda and to inspire other areas of the public sector on how to use M&E strategically.

Building upon provision 5 of the OECD Recommendation of the Council on Open Government (Box 5.1, hereafter the OECD Recommendation), this chapter assesses the GoA's efforts to monitor and evaluate open government strategies and initiatives, and provides actionable recommendations for further improvement. More specifically, it analyses Argentina's efforts to build an institutional framework for M&E, to promote the development of relevant indicators and to foster an M&E culture among public officials in charge of open government. In addition, it explores Argentina's capacities to evaluate open government initiatives and to promote M&E of open government initiatives across levels of government. Given that the evaluation of open government is an embryonic area of work for the GoA – as it is for many other governments – the assessment presented here focuses primarily on monitoring, while also exploring opportunities for strengthening evaluation efforts in the future.

Box 5.1. Provision 5 of the OECD Recommendation of the Council on Open Government

"Develop and implement monitoring, evaluation and learning mechanisms for open government strategies and initiatives by:

1. Identifying institutional actors to be in charge of collecting and disseminating up-to-date and reliable information and data in an open format

2. Developing comparable indicators to measure processes, outputs, outcomes, and impact in collaboration with stakeholders

3. 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".

Source: OECD (2017c), *Recommendation of the Council on Open Government*, OECD, Paris, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438 (accessed 30 November 2018).

The benefits of monitoring and evaluating open government strategies and initiatives

Monitoring and evaluation are two different but complementary practices that contribute to better decision-making and service delivery

One of the great challenges for OECD countries in the area of open government is to move the focus of open government strategies and initiatives from process to outcomes and impact. This would allow governments to link open government with the effectiveness and quality of public governance and the delivery of public policies and services.

M&E systems are crucial to understanding the output, outcome and impact of open government reforms. Solid M&E mechanisms can help to ensure that policies are achieving the intended goals, contribute to the identification of policy design and implementation barriers, and orient policy choices by building on past experiences. M&E is instrumental to initiating changes and communicating policy results in a timely and accessible manner. M&E data can moreover serve to highlight the relevance of open government initiatives, thereby creating incentives to ensure that all public policies are designed with an open government perspective. Last but not least, by feeding into further policy design, M&E results can improve policy effectiveness and value for money (OECD, 2016). In its consideration of the overall relevance of M&E, the OECD Recommendation accords substantial importance to the monitoring and evaluation of open government strategies and initiatives.

Notwithstanding their complementarity, monitoring and evaluation are two different practices, with different dynamics and goals. Policy monitoring refers to a continuous function that uses systematic data collection on specific indicators to provide policy makers and stakeholders with information regarding the progress and achievements of an ongoing public policy initiative and/or the use of allocated funds (OECD, 2018; 2016; 2009). Monitoring contributes to planning and operational decision-making, as it provides evidence to measure performance and can help to raise specific questions in order to identify implementation delays or bottlenecks. It can also strengthen accountability related to the use of resources, the efficiency of internal management processes or the outputs of a given policy initiative (OECD, 2017).

Policy evaluation refers to the structured and objective assessment of the design, implementation and/or results of a future, ongoing or completed policy initiative. The aim is to determine the relevance and fulfilment of policy objectives, as well as to assess dimensions such as public policies' efficiency, effectiveness, impact or sustainability. As such, policy evaluation refers to the process of determining the worth or significance of a policy (OECD, 2018; 2016; 2009). It serves three main purposes. It fosters learning by helping policy makers to understand why and how a policy was successful or not. Consequently, it contributes to strategic decision-making, by providing insights into how to improve the links between policy decisions and outcomes. Lastly, policy evaluation promotes accountability, as it provides citizens and a broad range of stakeholders – such as journalists and academics – with information on whether efforts carried out by the government, including the financial resources mobilised for them, are producing the expected results (OECD, 2017).

Therefore, while policy monitoring is descriptive and an important (but not exclusive) source of information that can be used within the context of an evaluation, policy evaluation is a different activity that seeks to analyse and understand cause-effect links between a

policy intervention and its results. Table 5.1 highlights the main distinguishing traits of both functions.

Table 5.1. Comparing policy monitoring and policy evaluation

Policy monitoring	Policy evaluation
Ongoing (leading to operational decision-making)	Episodic (leading to strategic decision-making)
Monitoring systems are generally suitable for broad issues/questions that were anticipated in the policy design	Issue-specific
Measures are developed and data are usually gathered through routinised processes	Measures are usually customised for each policy evaluation
Attribution is generally assumed	Attribution of observed outcomes is usually a key question
Because monitoring is ongoing, resources usually form part of the programme or organisational infrastructure	Targeted resources are needed for each policy evaluation
Use of the information can evolve over time to reflect changing information needs and priorities	The intended purposes of a policy evaluation are usually negotiated upfront

Source: Adapted from McDavid, J.C. and L.R.L. Hawthorn, (2006), *Program Evaluation and Performance Measurement, an Introduction to Practice*, Thousand Oaks, CA, Sage.

Challenges and enablers for the monitoring and evaluation of open government strategies

Given their multidimensional and cross-cutting nature, national open government strategies and related initiatives are difficult to monitor and evaluate. Implementing open government strategies usually involves initiatives in a variety of areas, such as stakeholder participation, integrity, transparency and digital government, among others, and requires the involvement of multiple stakeholders, such as ministries, agencies and civil society organisations (CSOs) – and in some cases – different levels of government (e.g. provinces and municipalities), as in the case of Argentina.

Notwithstanding the complexity of implementing open government strategies, the necessity of having a more concrete understanding of the dynamics and effects of open government has made M&E particularly relevant. As outlined by the OECD Recommendation (OECD, 2017c), potential enablers promoting systematic M&E include the existence of mandated institutional actors, comparable indicators and an M&E culture across public officials (including capacity and skills). Moreover, the features of the broader M&E ecosystem across the public sector can be expected to impact the capacity of a government to monitor and evaluate open government strategies and initiatives (OECD, 2017). The assessment presented in this chapter addresses the key features of provision 5 of the OECD Recommendation, while also linking it to the broader M&E ecosystem in Argentina.

The institutional framework: Identifying institutional actors to be responsible for collecting and disseminating up-to-date and reliable information and data in an open format

The SGM's key projects on open government are monitored by the Office of the Chief of Cabinet of Ministers as part of the 100 government policy priorities.

While formal requirements for planning, monitoring and evaluating public policies in Argentina were largely absent until recently (CIPPEC, 2017), the country initiated a move

towards the institutionalisation of an M&E culture in 2016 with the introduction of the State Modernisation Plan (see Chapter 2 on the Policy Framework). The roll-out of this plan is characterised by a gradual approach, starting with building planning capacities at the line ministry level, moving to monitoring policy priorities and, eventually, evaluating results.

This approach is spelled out in the 2016 State Modernisation Plan. Axis 3 of the Plan focuses on the development of a culture of management for results and public commitments, with a special emphasis on the 100 government policy priorities and 8 government priorities. The axis establishes five main objectives:

1. Development and strengthening of planning systems, with the aim of optimising management capacities and resource allocation, according to the government's priority goals, and under the guidance and co-ordination of the Office of the Chief of Cabinet of Ministers (JGM).

2. Organisational, administrative processes and control re-engineering, with the aim of optimising the organisational structure and providing greater efficiency to the administrative and control circuits to achieve government objectives.

3. Strengthening of the policy goal monitoring system, with the objective of improving the quality of public services by controlling the delivery of commitments across the administration, in accordance with the JGM's directives. This includes the development of a control dashboard, a system of measurement indicators and the development of training activities.

4. Development of citizen and performance commitments to improve the services provided by public bodies.

5. Quality management, consisting of promoting the development and dissemination of quality assurance and control processes and systems, to meet the needs and expectations of society.

Under the leadership of the Office of the Chief of Cabinet of Ministers (JGM), the Government Secretariat of Modernisation (SGM), besides being the body in charge of the open government agenda, is also responsible for working with line ministries to standardise planning, monitoring and evaluation. For this purpose, the government designed an integral monitoring and evaluation management system, based on a results-based management methodology, which emphasises public management planning, monitoring and control. To facilitate the implementation of the methodology, different dashboards were created that allow key data to be processed in order to keep track of government commitments. Examples include the Results Management Dashboard (*Tablero de Gestión por Resultados, Gpr*), the Integral Management Dashboard (*Tablero de Gestión Integral*) and the Strategic Monthly Report (*Informe Mensual Estratégico*). As part of this system, the SGM asks each ministry to develop a strategic and operational plans for all priority projects, including main goals and success indicators.

Following its relocation to the JGM, the SGM reports directly to the President of the Nation on open government priorities, including open data processes and Open Government Partnership (OGP) commitments, along with two other key axes for state modernisation: public employment and transversal systems (e.g. document management systems, public procurement, etc.).

The current system monitors open government key projects (outputs) but not open government's strategic medium and long-term goals (outcomes and impact objectives).

Key projects related to open government include the organisation of the conference Open Argentina 2018 (*Argentina Abierta* 2018), follow-up of the third OGP Action Plan, the establishment of the Open Government Roundtable, the creation of the fourth OGP Action Plan and the management of the Open Government Commission of the Modernisation Federal Council (COFEMOD), as well as Argentina's recent membership of the OGP Steering Committee. The system also includes sub-activities and a success indicator, which mainly measure processes. For example, in the case of the third OGP Action Plan, sub-activities mainly consist of follow-up processes, including: sending follow-up emails to public officials responsible for each OGP commitment, organising a webinar seminar to inform on progress regarding implementation of the OGP Plan and organising a federal follow-up meeting. The success indicator for this project is the reporting of the 97 milestones of the OGP Action Plan.

Whereas this high-level monitoring mechanism is a useful tool for keeping track of the implementation of the SGM's key projects on open government, it works mainly as an input for the JGM – the latter fulfilling the role of a Delivery Unit, primarily focused on improving the project's implementation and achieving the government's main policy goals.

For the monitoring of its OGP Action Plan, the GoA also relies on the OGP monitoring mechanisms – the independent reporting mechanism (IRM) and the self-assessment report – as key elements of the IRM (see Box 5.2).

Box 5.2. OGP Country self-assessment and independent reporting

Self-assessment report: During the two-year National Action Plan (NAP) cycle, governments will produce yearly self-assessment reports. In order to minimise the administrative burden, the two self-assessment reports will have similar content to one another, differing primarily in terms of the time period covered. The mid-term self-assessment should focus on the development of the NAP, the consultation process, the relevance and ambitiousness of the commitments, and progress to date. The end-of-term self-assessment should focus on the results of the reforms completed in the NAP, consultation during implementation and lessons learned. The development of the self-assessment reports must include a two-week public consultation period, as stipulated in the OGP Guidelines.

Independent reporting mechanism: The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries. The IRM produces annual independent progress reports for each country participating in the Open Government Partnership. The reports assess governments on the development and implementation of OGP Action Plans, track their progress in fulfilling open government principles, and make technical recommendations for improvements. These reports are intended to stimulate dialogue and promote accountability between member governments and citizens.

Source: Open Government Partnership (n.d.a), "Self-Assessment Process", OGP, www.opengovpartnership.org/how-it-works/self-assessment-process (accessed January 2019); OGP (n.d.b), "IRM Reports", OGP, www.opengovpartnership.org/irm/irm-reports (accessed January 2019).

In this regard, as explained in Chapter 2 on the Policy Framework, the GoA has not yet established open government medium-term to long-term goals (outcomes and impacts objectives) to strategically link high-level political commitments (e.g. "open government" as part of the 100 government priorities) to short-term activities (outputs such as line ministries' open government initiatives). Definition of these strategic goals – as recommended in Chapter 2 – would also allow for more robust and efficient monitoring – and eventually evaluation – of the GoA open government agenda, as explained in this section.

Monitoring of open government initiatives at sector level is done primarily through OGP mechanisms.

In Argentina, the SGM's Undersecretariat of Public Innovation and Open Government (UOG) follows up on the different ongoing open government initiatives at sector level. These initiatives focus primarily on the 44 commitments of the third Open Government Partnership's (OGP) Action Plan (2017-2019). During implementation of the OGP Action Plan, the government institutions responsible for implementing each commitment must report any progress in the execution of the milestone activities. This reporting is done using Trello, an online project management tool (Figure 5.1).

Figure 5.1. Trello System for monitoring the open government commitments
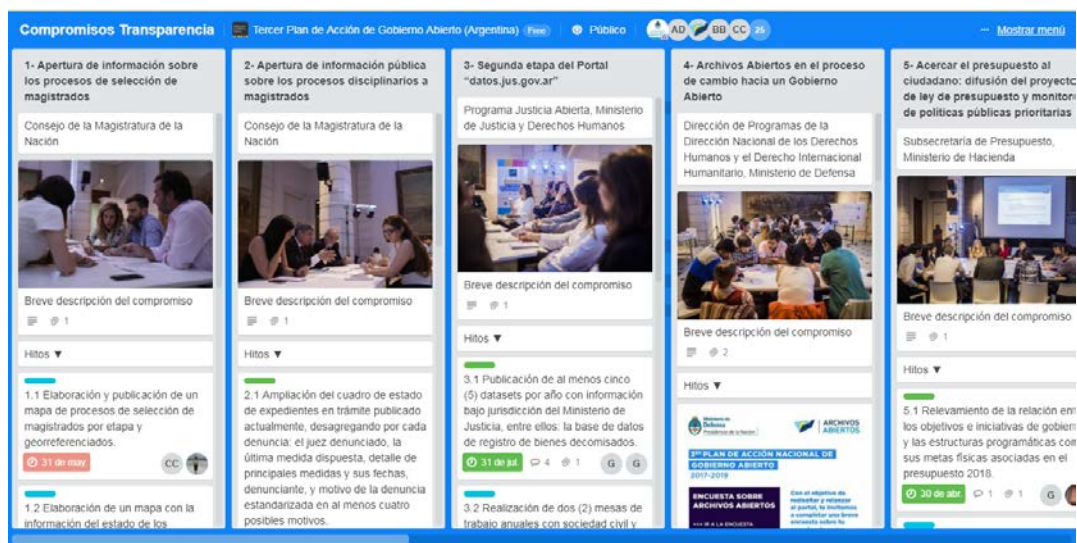
Source: Trello (n.d.) *Compromisos Transparencia*, https://trello.com/b/BqqCfLNS/compromisos-transparencia (accessed 11 January 2019).

The information provided through Trello is managed internally by the SGM through a dedicated dashboard, which differs from the one used for the Results Management Dashboard (*Tablero de Gestión, Gpr*). SGM tracks progress and reports on a weekly basis to the Government Secretary of Modernisation – who is also Deputy Chief of the Cabinet of Ministers – for each OGP commitment. The information is displayed in percentages, which represent an average of progress made during implementation of each commitment's milestone. For example, Commitment 25 of Argentina's OGP Action Plan aims to open the debate and build capacities on the electoral process in Argentina, and includes the following four milestones monitored through Trello:

1. Organise one co-ordination meeting with civil society and universities to define priority and strategic issues to be addressed in a debate cycle.

2. Develop electoral training material for young people.

3. Organise at least six meetings to discuss electoral processes within the framework of a cycle of debates.

4. Conduct meetings with civil society for the presentation and evaluation of electoral training material, and electoral capacity-building activities aimed at young people during 2017 (secondary schools and universities).

While the dashboard seems to be instrumental for the SGM in overseeing the implementation of the OGP Action Plan, in most of the cases the information collected for each milestone only allows users to ascertain whether or not it was finalised (e.g. the realisation of a co-ordination meeting or the elaboration of training material). Thus, for most of the milestones, the values used are either 0% or 100%. The dashboard also includes a brief assessment of the quality of the milestone reporting (good, regular or poor), based on the reporting guidelines provided by the SGM.

Another tool used by the SGM is the Citizen's Dashboard, which provides information regarding state modernisation projects implemented by the SGM. This tool was recently launched by the government as part of a commitment of the third OGP Action Plan, in order to inform citizens about implementation progress for these priority projects. The SGM's goal is to replicate this tool in every ministry by 2023, where it will monitor at least five priority projects from each one.

Box 5.3. Monitoring for accountability: the Citizen's Dashboard

The citizen's dashboard was launched in 2018 as an output of the third OGP Action Plan (2017-2019). Its goal is to improve public officials' accountability and active transparency through the development of a tool that allows citizens to consult and analyse the SGM's degree of progress in implementing its priority projects. The dashboard is organised around the State Modernisation Plan and includes information on five key areas: open government, public employment, digital government, digital inclusion and connectivity.

The dashboard summarises information on 20 projects including public sector training, the open data plan, the third OGP Plan and the development of a public procurement electronic system. The dashboard includes a description of each project, its expected impact, its starting and expected end dates as well as the degree of progress in implementation through process and output indicators (e.g. the number of public officials trained in comparison with an annual target).

Source: Government Secretariat of Modernisation (n.d.), *Tablero Ciudadano*, Buenos Aires, www.argentina.gob.ar/tablero-ciudadano (accessed 11 January 2019).

Based on the information provided by Trello and the SGM dashboard:

- The Undersecretariat of Public Innovation and Open Government (UOG)'s team monitors the information provided by ministries and sends them reminders in case of upcoming deadlines, delays or reports to be improved on a weekly basis (if applicable).

- The UOG holds closed meetings with the institutions responsible for each commitment. These meetings take place every two to six months, depending on the commitment. In the later stages of the Plan, meetings can occur on a monthly basis.

- The government also holds open meetings within the framework of the National Open Government Roundtable with representatives of CSOs. Each institution reports (via video streaming) on the progress of their commitment. In 2018, these meetings were held on a monthly basis and 19 institutions and 2 provinces publicly reported their progress.

- The CSOs that take part in the National Open Government Roundtable also send quarterly reports to the Roundtable which follow-up on their commitments.

Finally, as mentioned above, the Government Secretary of Modernisation reports to the President on the degree of progress of a number of major commitments. Reporting takes place every two weeks on average, according to interviews conducted by the OECD.

The monitoring of line ministries' open government initiatives is not aligned to any strategic outcome or impact objective on open government. As mentioned throughout this Review (see in particular Chapter 4 on Implementation), Argentina has made strategic use of the OGP Action Plan to achieve substantial progress in spreading awareness and building open government networks across government. Monitoring of implementation of the 44 OGP commitments (which includes almost all ministries and several decentralised institutions) has been a key factor in the identification of institutional counterparts across the administration. For instance, as explained in Chapter 4, most national line ministries now have either an office or a person in charge of open government. This collaborative process also led to the creation of the National Open Government Roundtable in 2017. The Roundtable is pivotal for the design and co-ordination of open government strategies, as well as for developing and collecting data.

In terms of M&E efforts related to open government, Argentina tends to rely primarily upon monitoring the implementation of OGP commitments, despite the fact that line ministries are implementing a variety of open government initiatives that go beyond the OGP process, as explained in Chapter 2 on the Policy Framework. The existing monitoring mechanisms developed by the GoA (outlined in Table 5.2) are able to verify whether an activity was carried out or not; however, they do not involve systematic data collection to assess performance (e.g. by tracking the resources used to implement an activity or its results).

Table 5.2. Government monitoring mechanisms for open government strategies and initiatives

	Focus	Responsible party	Type of tool	Frequency of monitoring
Monitoring and Evaluation Management System	Open government main strategic projects (e.g. OGP Action Plan) as part of the 100 government policy priorities	Chief of Cabinet of Ministers (JGM)	Internal management tool	Monthly
SGM dashboard	OGP commitments (primary)	Government Secretary of Modernisation	Internal management tool	Weekly follow-up meetings and Evaluation meetings every four months.
Trello system	OGP commitments	Government Secretary of Modernisation	Public management tool	
Citizen's dashboard	SGM's priority projects	Government Secretary of Modernisation	Public dashboard	Depends on the project

Source: Author's own elaboration.

The practice of systematically monitoring open government initiatives has not yet been fully expanded to the sector level. Among the ministries surveyed, 67% responded affirmatively, however half of these institutions only monitor these initiatives through the SGM's public mechanism (the Trello application) to follow-up on OGP commitments Table 5.3). Moreover, several ministries and agencies, such as the Ministry of Transport, use their own monitoring systems, adding another layer of complexity to information sharing.

The SGM's public follow-up mechanism (Trello) only contributes to one of the Results Management Dashboard's key priority projects – follow-up of the third OGP Action Plan. Such limited connection within the JGM's high-level monitoring system and the absence of medium and long-term whole-of-government strategic goals on open government might weaken line ministries' incentives to co-operate in a systematic manner. In this regard, as explained in Chapter 2 on the Policy Framework, setting high-level strategic objectives (outcomes and impact goals) can align open government initiatives, thereby helping to articulate short, medium and long-term priorities and steer their implementation (OECD, 2018c).

Table 5.3. Monitoring mechanisms for open government initiatives

Institution	The Ministry of Modernisation's Control Panel for OGP commitments (Trello)*	A single office/person in charge of monitoring all the institution's open government initiatives	An institution's ad hoc monitoring mechanism	The usual monitoring activities of the institution	Other
INSSJP-PAMI	X			X	
Ministry of Culture	X				
Ministry of Defence	X			X	
Ministry of Finance	X			X	
Ministry of Justice and Human Rights	X			X	
Ministry of Production	X				
Ministry of Health	X				
Ministry of Labour, Employment and Social Security	X				
Ministry of Transport				X	
Ministry of Interior, Public Works and Housing	X				X
Secretary of Mining Policy Co-ordination	X	X			
Accounting Office of the State (SIGEN)			X		
Government Secretariat for Environment and Sustainable Development		X			
National Institute of Women		X			
Ministry of Health and Social Development	X	X			
Ministry of Modernisation	X	X	X	X	

Note: The data cover ministries that were involved in the 2nd and 3rd OGP National Action Plans.
Source: Responses to OECD (2018a), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

Framing monitoring and evaluation provisions within a National Open Government Strategy would foster collaboration, decision-making and accountability across government.

In order to advance policy monitoring as a tool to inform planning, decision-making and accountability, the government could consider establishing specific provisions for systematic monitoring – and eventually evaluation – of its open government efforts in an integrated way, as part of a high-level strategic document on open government (see the proposed National Open Government Strategy in Chapter 2 on the Policy Framework). These provisions should include the OGP commitments, but could also go further by strategically linking the monitoring of government-wide open government outcome and impact goals – as recommended in Chapter 2 – with the different initiatives taking place at sector level. The inclusion of M&E provisions in strategic plans is a recurrent practice across OECD countries. In this regard, the "Resources and waste strategy for England", published in 2018, could be of particular interest to the Government of Argentina (Box 5.4).

Box 5.4. The resources and waste strategy for England

Launched in 2018, the "Resources and waste strategy for England" aims to define how the country "will preserve our stock of material resources by minimising waste, promoting resource efficiency and moving towards a circular economy". The strategy combines short-term commitments with long-term policy directions in line with the "UK 25 Year Environment Plan".

Chapter 8 of the Strategy focuses on "Measuring progress: data, monitoring and evaluation". Stating that "high-quality data, information and insights are essential for effective policy making", the chapter sets out the government approach towards:

- o transforming gathering and reporting of data

- o monitoring progress

- o evaluating the success of policy interventions and feeding back learning into future policy development.

The strategy proposes, among others, an indicator framework, key strategic indicators and metrics for adoption. It also includes a draft evaluation plan, which outlines policies to be evaluated and the likely approach used (theory-based, trial-based, etc.). This draft evaluation plan will constitute the basis of a Resources and Waste Strategy Evaluation Plan to be published in the first quarter of 2019.

Source: Government of the United Kingdom (2018), *Resources and Waste Strategy for England*, London, www.gov.uk/government/publications/resources-and-waste-strategy-for-england (accessed 11 January 2019).

A sound strategy should specify who is responsible for M&E. In the case of Argentina, such a strategy could provide a specific mandate to the JGM/SGM to develop an annual M&E plan for the National Open Government Strategy. The National Open Government Steering Committee, recommended in Chapter 4 on Implementation, could serve as an institutional platform to follow up and discuss progress on the strategic goals – and the different objectives – in a systematic manner. Meanwhile, the Undersecretariat for Open Government and Public Innovation (UOG) could be responsible for ensuring the monitoring of the strategy.

The government could also consider the development of specific operating principles to monitor open government initiatives, such as:

- Standards for developing open government outcomes and impact objectives and specific provisions and guidelines for building indicators.

- Standards and templates for monitoring reports, including provisions on what can be published for a larger audience and what information will constitute the basis for internal discussion.

- Decisions regarding frequency of monitoring – for instance, the National Open Government Steering Committee (recommended in Chapter 4) could discuss progress on the objectives on a quarterly basis, while the open government team could interact with the relevant stakeholders on a monthly basis.

- Provisions for stakeholder engagement, to ensure the presence of civil society and other stakeholders in discussions on the advancement of open government projects.

The rules could also include similar provisions for undertaking evaluations, including *inter alia* standards, templates, frequency, stakeholder engagement, evaluator profiles and the budget for evaluations.

Furthermore, the work of the National Open Government Steering Committee in monitoring performance and results could include discussion of the results of the OGP self-assessment report and of any other relevant evaluation carried out in the area of open government.

Developing comparable indicators to measure processes, outputs, outcomes and impact in collaboration with stakeholders

The government relies solely on process and output indicators to measure open government strategy and initiatives.

The GoA's commitment to take important steps to implement and mainstream open government principles across government also requires the development of indicators to monitor progress. Indicators are a key input for analytical work that informs policy recommendations and policy making (OECD, 2011). However, no indicator captures the totality of any reform. A variety of indicators are employed, ranging from context indicators to impact indicators, each of which serves a different purpose (Box 5.5). In the area of public governance, input, process and output indicators usually measure activities that the public sector can control (e.g. the design and implementation of a policy), while outcome and impact indicators measure the short and long-term effects of these activities (e.g. their economic, social and political effects) (Lafortune, Gonzalez and Lonti, 2017).

Box 5.5. Typology of indicators

A classic typology of indicators distinguishes between the following types:

- **Context indicators**, when considering the public sector as an open system, can monitor external factors such as socio-economic trends, but can also include policy measures by other governments or supranational organisations (Van Dooren, Bouckaert and Halligan, 2015). Ideally, a comprehensive M&E system should include indicators to monitor the existence and development of environmental/context factors that can influence the governance of open government strategies and initiatives.

- **Input indicators** measure resources in the broad sense (i.e. human and financial resources, logistics) devoted to a particular open government strategy or initiative. In the context of the governance of open government, input indicators could include the number of staff working in the office in charge of open government or the budget allocated for a given open government initiative.

- **Process indicators** refer to the link between input and output (i.e. activities that use resources and lead to an output). In the context of the governance of open government strategies and initiatives, these indicators could include the duration of the process to create an office responsible for the co-ordination of open government strategies and initiatives or the time allocated to their design.

- **Output** indicators refer to the quantity, type and quality of outputs that result from the inputs allocated, and encompass operational goals or objectives. For instance,

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in the context of this policy area, output indicators can refer to the existence of a law on access to information or the existence of training courses for public officials on the implementation of open government principles.

- **Outcome/impact indicators** refer to the (strategic) objectives of a policy intervention. In a public policy context, intended effects often relate to a target group or region, but can also relate to the internal functioning of an administration. Effects can occur or be expected with varying time gaps following the policy intervention. Regarding the difference between outcome and impact, the term "outcome" usually refers to shorter-term effects, while "impact" refers to longer-term effects. Examples in this field could include the share of public servants aware of an open government strategy or the number of citizens' complaints against public policy decisions.

Source: OECD (2017a), "Towards Open Government Indicators: Framework for the Governance of Open Government (GOOG) Index and the Checklist for Open Government Impact Indicators" (concept note), OECD, Paris; Van Dooren, W., G. Bouckaert and J. Halligan (2015), *Performance Management in the Public Sector*, Routledge, London.

In the case of Argentina, government-wide open government priority goals and the efforts of line ministries are monitored mainly through the application of process and output indicators. These measure, inter alia, whether a planned meeting was carried out, whether a specific regulation was issued or whether a specific platform was put in place.

Out of the 23 institutions that the OECD surveyed, 13 monitor processes, 10 monitor outputs, 8 monitor outcomes and only 1 institution has confirmed that it monitors impact (Figure 5.2). The affirmative response was received from the Comprehensive Medical Attention Programme (*Programa de Atención Médica Integral*), a public health insurance agency dependent on the Ministry of Health and Social Development. Although almost one-third of the institutions claimed to monitor outcomes, the examples provided on the indicators used by them link to processes and outputs (e.g. the number of people visiting an agency webpage, the number of roundtables held as part of a certain commitments, etc.) This might indicate that the distinction between process, output and outcome indicators among practitioners is not always clear.

Figure 5.2. Different indicators used to monitor open government initiatives by line ministry in Argentina
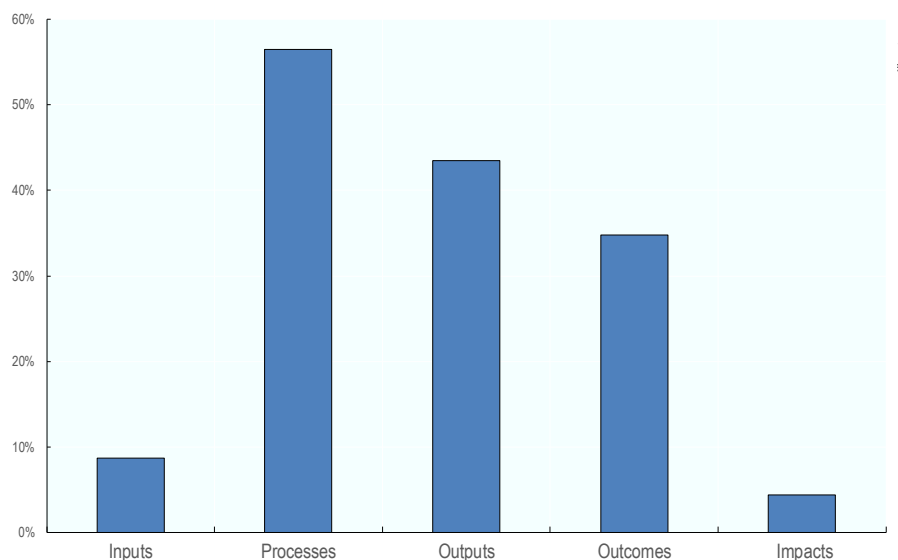
Source: Responses to OECD (2018a), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

While process and output indicators can be useful to measure activity progress, they cannot assess whether a policy initiative is delivering the expected results. Moreover, these indicators are useful primarily for internal management purposes, but do not offer much added value to external stakeholders such as citizens, who are interested mainly in the quality of policies and services (Lafortune et al., 2017; OECD, 2017).

Argentina could adopt a theory of change approach for the development of open government initiatives, to ensure that each initiative pursues a specific objective and includes output, outcome and impact indicators.

While acknowledging that the development of robust and relevant output, outcome and impact indicators is a complex endeavour, the GoA could implement specific initiatives to gradually work towards this goal. One such initiative is the adoption of a theory of change approach to the design of open government strategies and initiatives. A theory of change is a "description of the cascade of cause and effect leading from an intervention to its desired effects" (OECD, 2014, p. 2). As opposed to a logic model (see Figure 5.3), a theory of change not only shows the relationship between resources, activities, outputs and outcomes; it also takes into consideration environmental complexity (things that the intervention cannot control), works to highlight the different paths that might lead to change, and describes how and why a change is expected to happen. In this regard, it is used mainly to design and evaluate programmes (Bisits Bullen, 2013.).

Figure 5.3. Example of indicators associated with an open government initiative
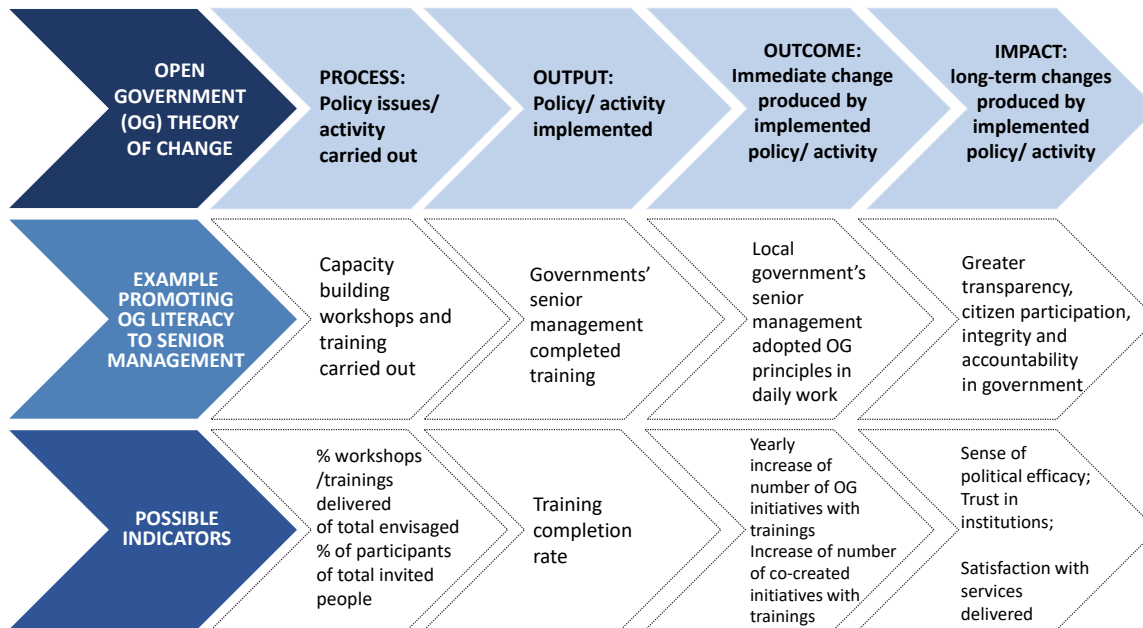
Source: Authors' own elaboration.

This approach can support critical thinking regarding the design, implementation and evaluation of a programme (OECD, 2012). It is based on theoretical assumptions about why and how a desired change is expected to happen. Theories of change should also incorporate the input of practitioners and stakeholders. They can be drawn from experience, or be rooted in research/evidence obtained, for instance, from policy evaluations. Despite some limitations (e.g. they tend to omit unexpected results and/or overestimate the effect of certain interventions, OECD 2014), adopting such approach can be instrumental to ensuring that each open government initiative pursues a specific objective (outcome and impact) related to the improvement of public governance and/or policy making and service delivery. Furthermore, this methodology would help Argentina promote stronger alignment between open government initiatives and broader strategic objectives, in line with the recommendation provided in section 3.4. In this regard, Canada's initiative to create a logic model and a performance management framework for open government, despite its limitations vis-à-vis a theory of change, represents an interesting example of the efforts currently being carried out in this area (Box 5.6).

Box 5.6. Canada's draft performance management framework and logic model for open government

Canada has undertaken substantial efforts to develop an open government performance management framework. Commitment 5 of Canada's third OGP Action Plan obligates the government to "integrate performance indicators for openness and transparency into a Performance Management Framework for Open Government" (Government of Canada, 2018). To this end, Canada's Treasury Board Secretariat worked with a risk consultancy firm (SecDev) to develop a draft logic model for open government and a proposed performance management framework with related indicators. The draft logic model was published in 2017. As can be observed below, the model distinguishes between activities, outputs and immediate, intermediate and long-term outcomes.

Figure 5.4. Draft logic model of Canada's Treasury Board Secretariat

Despite the fact that the model currently lacks "a robust result chain and a coherent theory of change to explain how the gap between outputs and outcomes will be bridged" (SecDev, 2018, p. 19), it represents an important step forward in understanding the underlying theory motivating open government actions.

Source: Government of Canada (2018), *End-of-Term Self-Assessment Report on Canada's Third Biennial Plan to the Open Government Partnership 2016-2018*, Ottawa, https://open.canada.ca/en/content/end-term-self-assessment-report-canadas-third-biennial-plan-open-government-partnership; SecDev (2018) *Open Government Performance: Measuring Impact*, Treasury Board of Canada Secretariat, Ottawa, https://open.canada.ca/ckan/en/dataset/f637580f-e0f7-5939-bf3f-ded35ce72d2a.

The GoA could create a platform to support the co-creation of robust indicators.

Ensuring the robustness and quality of indicators is a prerequisite to measuring and managing performance. Using the right indicators helps policy makers to benchmark, monitor, and evaluate progress and policies, as well as to identify bottlenecks. In order to effectively support public sector reforms, indicators should generally measure actual and observable facts, practices and implementation progress. To the extent possible, indicators should also be connected to a clear and valuable outcome and impact, which can be related to better government performance or improved quality of public services (Lafortune et al., 2017).

In line with the previous recommendation, Argentina could consider developing a platform to co-create robust open government indicators. This could be done, for instance, within the context of the implementation of the Open Government National Strategy recommended in previous chapters. The network could include key stakeholders such as COFEMOD, provincial and municipal governments, civil society organisations, academia and key line ministries. In addition, the SGM – and in particular UOG – could help to ensure that the proposed indicators undergo a quality assurance process, by discussing them with experts in the field, such as the National Statistics Office (*Instituto Nacional de Estadística y Censos*, INDEC), the System of Information, Evaluation and Monitoring of Social Programmes (SIEMPRO), and specialists from civil society (CIPPEC) and academia. Box 5.7 presents some criteria to evaluate the relevance and robustness of public governance indicators.

Box 5.7. Toward a framework for assessing the relevance and robustness of public governance indicators

Based on the worked carried out by the OECD on public governance indicators, Lafortune, Gonzalez and Lonti (2017) propose a set of criteria to evaluate the relevance and robustness of public governance indicators.

Relevance corresponds to the degree to which indicators serve a clear purpose and provide useful information that can guide public sector reforms. To be relevant, the indicators sets provided must be:

- *Action worthy*: an indicator should measure something that is important and meaningful for policy makers and society.

- *Actionable*: governments should know what actions they need to take in order to improve their performance. Indicators should provide useful and informative insights on the type of reform in which countries should engage.

- *Behavioural*: when measuring the existence of directives, laws and other institutional documents (e.g. an access to information law), provided some information on the legal framework in place, what matters most is that these documents are actually implemented (output) and the nature of the actual outcome/impact. The existence of an access to information law does not imply better access to information from citizens or journalists.

Robustness corresponds to the statistical soundness of indicators. In this regard, the authors outline two main characteristics:

- Validity: A valid indicator measures precisely the concept it is intended to measure.

> • Reliability. The measure should produce consistent results when repeated across populations, settings and events, when assessed by different people at different times.
>
> *Source:* Lafortune, G., S. Gonzalez and Z. Lonti (2017), "Government at a glance: A dashboard approach to indicators", in D. Malito, G. Umbach and N. Bhuta (eds.), *The Palgrave Handbook of Indicators of Global Governance,* Palgrave Macmillan, Basingstoke, UK.

Fostering a culture of monitoring, evaluation and learning among public officials by increasing their capacity to conduct regular exercises in collaboration with relevant stakeholders.

Argentina's efforts to promote skills development for M&E are not connected with existing training and capacity-building activities related to open government.

Sound institutional frameworks and guidelines for monitoring and evaluating open government initiatives will not have the desired impact if public officials lack the right skills and incentives to carry out M&E activities successfully. In this regard, Argentina is making substantial progress in building public service capability on open government issues and results-oriented management.

There are two relevant actors in the GoA when it comes to building M&E's skills within the public administration. First, the National Institute of Public Administration (INAP), under the SGM, conducts training sessions, designed by the UOG, on open government and results-oriented management. INAP's mission is to carry out training sessions for all public servants with the objective of consolidating a citizen-oriented state (INAP, n.d.). In the area of open government, as explained in Chapter 4 on Implementation, INAP provides training mainly on issues related to citizen participation and service delivery.

INAP also develops training sessions on results-based management (RBM), with the SGM's National Direction of Results-Based Management (*Dirección Nacional de Gestión por Resultados,* DNGpR), the body in charge of promoting RBM across the administration. The training introduces the M&E guidelines defined by the JGM, describes their components, and seeks to facilitate implementation at the central and ministerial levels. The training is organised into five components: 1) ministerial strategic planning, 2) ministerial follow-up, 3) linkages between planning and budget, 4) management tools and 5) preparation of a planning matrix. This training course is currently being re-designed by the DNGpR and INAP to integrate the training related to RBM. In addition, the DNGpR and INAP are also designing a self-organised training course (*curso autogestionado*) which will include an M&E component.

As discussed in other chapters of this Review, the SGM has created a Design Academy of Public Policy (*Academia de Diseño de Políticas Públicas*), which focuses on providing public servants (from senior management to administrative staff) with innovative tools to design and implement public policies, including the use of a theory of change. Using the OECD's *Core Skills for Public Sector Innovation* (OECD, 2017b) as a starting point, the Academy focuses their technical assistance on the following areas: 1) orientation to results, 2) data literacy, 3) user centricity, 4) iteration, 5) insurgency, 6) digital, 7) curiosity and 8) storytelling. In this regard, the first four approaches are particularly relevant to building an M&E culture:

- *Orientation to results*. This area consists of skills for project planning and monitoring, which are oriented towards results, value for money and stronger impact.

- *Data literacy*. This area comprises skills to leverage data in order to inform innovation projects at every stage of their cycle. It includes competencies to analyse and link existing datasets to bring new insights, collect new data and translate the evidence into actionable innovation.

- *User centricity*. This area refers to skills that bring public employees closer to citizens and serve to ensure that services focus on responding to users' needs. They might include ethnographic observation, outreach and communication, as well as facilitation and networking skills with user groups and stakeholders.

- *Iteration*. This consists of skills to incrementally develop public policies and services. They include competencies related to experimental policy design and capacities to bring policy, implementation and evaluation skills together under a more agile approach to project management.

In the light of the government's need to enhance the capacity of public officials to design, monitor and evaluate open government initiatives, these training sessions – despite the relevance of this initiative – seem somewhat disconnected and are addressed primarily to different audiences. Training on open government lacks an M&E component, and the training on M&E is targeted to public officials in charge of reporting to the JGM on the monitoring and evaluation of government priorities (termed the *Guía del Sistema de Gestión por Resultados*).

Another instrument to support the development of capacities in the public sector is the development of guidelines and toolkits. The GoA has developed guidelines including an "Open Government Toolkit", which focuses mostly on explaining the benefits of open government; an "Evaluation Toolkit", which offers insights into planning, policy design and theory of change approaches; and several materials provided within the framework of the Design Academy of Public Policy. Nevertheless, similar to the training sessions, and according to the information gathered during the fact-finding mission, the available guidelines on M&E are generally not used for the design, monitoring and evaluation of open government initiatives.

The government could develop capacity-building activities on M&E of open government strategies and initiatives, in collaboration with relevant stakeholders.

Argentina could build on ongoing efforts by exploring synergies between existing (but separate) training courses on open government and M&E, with a view to developing dedicated training modules on the design, monitoring and evaluation of open government initiatives. These modules could be addressed primarily to the main open government interlocutors in line ministries and provinces, and could include the following elements:

- design of open government initiatives using the theory of change approach recommended in the previous section

- training for internal or external evaluators with a special focus on open government initiatives.

Argentina could also consider the development of a dedicated set of guidelines to elaborate open government initiatives, building on existing tools (Open Government Toolkit,

Evaluation Toolkit). The guidelines could include specific tools and provide guidance for the development of indicators for each phase of the policy cycle, as well as concrete examples. Using this approach would facilitate the development of process, outputs, outcomes and impact indicators, in line with the recommendation of section 5.4. In addition, the development of outcome and impact indicators would promote ex ante analysis of the relevance of each activity.

The government could also consider specific capacity-building strategies to ensure adoption of the theory of change approach recommended in section 5.4. Experience shows that, while guidelines are relatively easy to elaborate, the main challenge is to ensure their use by policy makers. In this regard, the proposed National Open Government Strategy could mandate the open government co-ordination team to train and assist the different institutions in using the theory of change approach to develop their sector initiatives. A feasible starting point could be piloting projects with specific institutions.

In some OECD countries, civil society organisations – such as evaluation societies – and academia have played a pivotal role in promoting and supporting M&E practices (Jacob, Speer and Furubo, 2015). As observed during the OECD fact-finding mission in Argentina, demand for the development of policy monitoring and evaluation capacities (often targeted to government), coexists with an increasing supply from thinks tanks and academia. For example:

- The Centre for the Implementation of Public Policies Promoting Equity and Growth (CIPPEC), which operates as a think tank, has promoted the development of policy monitoring and evaluation in Argentina, and works proactively with subnational governments. CIPPEC is currently collaborating with the city of Santa Fe on the institutionalisation of their evaluation system. The think tank also works with national government entities, such as the Presidency's National Council for the Co-ordination of Social Policies, where it supports the development of the Annual Plan of Monitoring and Evaluation of Social Policies (described in the next section).

- In the academic field, the University Torcuato Di Tella recently created the Centre for the Evaluation of Evidence-Based Policies (CEPE), which aims to improve the quality of policies through the provision – and evaluation – of evidence. To this end, the Centre conducts impact evaluations as well as training in policy evaluation and other practices related to public management.

The government could promote synergies between these actors, by incorporating them into capacity-building activities and the development of indicators.

The way forward: Toward the evaluation of open government initiatives

Argentina's capacities for evaluating open government initiatives are limited due to the absence of a broader institutional framework for policy evaluation.

Assessing the outcomes and impact of policies related to open government is a relatively new area of interest among policy makers and researchers and therefore a shared challenge across OECD countries. In Argentina, the lack of an evaluation culture across government and the absence of a broader institutional framework for policy evaluation, as the starting point for the development of a policy evaluation system (Box 5.8), have limited the government's capacities to evaluate open government initiatives. In OECD countries, 56% of respondents affirmed that they evaluate their open government initiatives (OECD, 2016). In Argentina, only PAMI (public health insurance agency) responded affirmatively out of

the 20 institutions which were surveyed. None of the surveyed ministries stated positively that they follow a broader evaluation policy or have in place government-wide policy evaluation guidelines to assess their open government initiatives.

Box 5.8. What is a policy evaluation system? The OECD's governance perspective on policy evaluation

A sound policy evaluation system implies that policy evaluation is part and parcel of the policy cycle, that policy evaluation is carried out rigorously and systematically, that its results are used by decision makers, and that information is readily available to the public (see Lazaro, 2015).

The OECD's ongoing work on "the governance of policy evaluation" focuses on the institutionalisation of policy evaluation, along with measures in place to promote quality and use of policy evaluations. More specifically, internationally comparative data are analysed to assess the existence and nature of:

- an institutional framework for policy evaluation that provides (a) the legal basis to undertake policy evaluations, (b) macro-level guidance on when and how to carry out policy evaluations, and (c) clearly mandated institutional actors with allocated resources to oversee or carry out policy evaluations

- a policy evaluation culture, including – among others – the promotion of the quality and use of policy evaluations across government, through a skilled public service and appropriate stakeholder engagement mechanisms.

Source: OECD (2018b) *OECD Survey on Policy Evaluation,* unpublished; OECD (forthcoming) *Policy Evaluation Report*, OECD, Paris.

There is no one-size-fits-all model for setting up an institutional framework for policy evaluation. As the rationale for evaluation differs among countries, so does the nature of institutionalisation. Some countries such as France and Switzerland have embedded the use of evaluations in their constitutions, while others have framed evaluation as part of larger public management reforms adopted by legislation, as is the case in the United States (the 2010 Government Performance and Results Act Modernisation Act). Several countries have adopted policies specifically devoted to government-wide evaluation, as is the case for Korea (Framework Act on Government Performance Evaluation, 2006).

Contrary to the Latin American trend of creating centralised policy evaluation systems, Argentina never formalised a government-wide policy or legal framework on policy evaluation (CIPPEC, 2017). The current draft of the State Modernisation Law, for instance, does not include specific articles on policy evaluation. Nevertheless, the country has laws in place that outline partial aspects of a policy evaluation system, although they are disjoint and focus mainly on expenditure control (CIPPEC, 2017; Aquilino et al., 2015). As part of this set of norms and policies, the government recently launched the Monitoring and Evaluation Plan for Social Policies and Programmes (*Plan Anual de Monitoreo y Evaluación de Políticas y Programas Sociales*) (April 2018), which is explained in more detail in this section. This policy has the potential to become a milestone for the development of a broader policy evaluation system at the national level, similarly to Mexico's National Council for the Evaluation of Social Development Policy (CONEVAL), which progressively expanded its role toward providing guidance for, and co-ordination of, policy evaluation across government (Box 5.9).

Regarding the institutional actors that carry out policy evaluations, the landscape in OECD countries is also quite diverse. Within the executive branch, one way to organise policy evaluation is through the creation of evaluation departments or units with competencies across government. For example, some countries have created departments or offices under the Presidency or the Prime Minister Office, as in the case of Korea, with its Government Performance Evaluation Office. In several countries, bodies under the Ministry of Finance play an important role in cross-government evaluation. This is the case for Chile and Norway. As such, these evaluation units or departments come in different shapes, depending on their mandate, financial resources and capacity. Some of them have technical, managerial and/or budgeting autonomy, while others do not.

Box 5.9. Examples of institutions responsible for M&E in OECD countries

Centre of Government: Finland

The Centre of Government of Finland, which consists of the Ministry of Finance, the Ministry of Justice and the Prime Minister's Office, exercises the competences related to policy evaluation. In order to enhance the use of evidence, the government established in 2014 the Policy Analysis Unit under the Prime Minister's Office. The unit has the mandate to commission research projects and present evidence to support the government's decisions on future strategic and economic policy.

Autonomous Agency: Mexico

The National Council of Social Development Policy Evaluation (*Consejo Nacional de la Política de Desarrollo Social*, CONEVAL), was created in 2004 as a decentralised body with budgetary, technical and management autonomy. It has the mandate (embedded in the Constitution in 2014) to set the standards and co-ordinate the evaluation exercises of the National Social Development Policy and its subsidiary actions and provide the guidelines to define, identify and measure poverty. The agency carries out or commissions evaluation exercises of the social policies developed by the Mexican government.

Ministry of Finance: Chile

The Budgets Directorate (*Dirección de Presupuestos*), as a dependent body of the Ministry of Finance (*Ministerio de Hacienda*), is the technical body in charge of ensuring the efficient allocation and use of public funds. In order to do so, the Directorate carries out ex ante, impact and value-for-money evaluations of different governmental policies and programmes. Moreover, it monitors the implementation of government programmes to collect performance information, which is then introduced into the budgetary process and communicated to stakeholders.

Source: Knowledge Sector Initiative (2017), *Global Evidence Units – Finland*, Government Policy Analysis Unit, Helsinki, www.ksi-indonesia.org/file_upload/Evidence-Policy-Unit-in-Finland-the-Government-Po-14Jun2017163532.pdf, Secretaría de Desarrollo Social (2005), Decree for which the Council of Social Development Policy Evaluation is regulated. [Decree 24/08/2005]. DOF www.coneval.org.mx/quienessomos/Conocenos/Paginas/Funciones.aspx, www.dipres.cl/598/w3-channel.html.

Institutional anchorage and sources of funding, as well as accountability and reporting mechanisms, can all affect the degree of independence and influence the body in charge of leading the promotion and use of policy evaluation (Gaarder and Briceño, 2010). In

Argentina, the JGM hosts three bodies with responsibilities for policy evaluation across government:

- The SGM, as explained in the beginning of this chapter, is responsible for the development of M&E for government priorities, as well for hosting the Policy Evaluations Bank (a public website containing evaluations reports, although they have not been updated since 2015).

- The Undersecretariat of Budgetary Evaluation and Public Investment works with the Ministry of Finance's Budget Office to assess budgetary performance across government.

- The JGM's National Council for Co-ordination of Social Policies (NCCSP) is in charge of co-ordinating the areas of the national state that implement social policies.

This broader institutional framework, characterised by a limited evaluation culture across the administration, has affected the capacity to evaluate open government strategies and initiatives in a recurrent way. However, as mentioned previously, the GoA launched an Annual Monitoring and Evaluation Plan for Social Policies and Programmes in April 2018, which has been prepared – and is being executed – by the NCCSP. This Plan is mandatory for all public sector bodies at the national level that carry out social policies, programmes, plans and projects financed with funds from the National Treasury and international organisations. In this regard, despite the lack of a government-wide evaluation policy, the Annual Monitoring and Evaluation Plan for Social Policies and Programmes can be used by the GoA to evaluate how open policy making can lead to better governance and services.

Pilot evaluations of the openness of social policies can serve to assess how open government improves policy outcomes and impacts.

Adherents to the OECD Recommendation, including Argentina, recognise that open government "is critical to building citizen trust and is a key contributor to achieving different policy outcomes", such as public sector integrity, public sector modernisation and civic freedom, among others (OECD, 2017c, p. 1). Open government, and more specifically stakeholder participation, is also pursued under the rationale that it improves "government accountability, broadens citizens' empowerment and influence on decisions, builds civic capacity, improves the evidence base for policy making, reduces implementation costs, and taps wider networks for innovation in policy making and service delivery" (ibid.). In this sense, one way to assess how open government contributes to better policy making and service delivery is to evaluate the openness of specific sectorial policies. For instance, an evaluation can assess if – and how – a stakeholder consultation process has affected the outcomes and impact of a policy.

As mentioned above, the GoA has recently developed an Annual Monitoring and Evaluation Plan for Social Policies and Programmes. The NCCSP, the body in charge of designing and implementing the plan, proposes the projects to be evaluated and the JGM approves them. The Plan's objective is to evaluate ten policies per year and send the evaluation results to the National Congress. The Council is planning to evaluate both policy design and processes (in which "openness" in policy design and implementation could potentially be analysed), as well as their impact, focusing on the beneficiary's perspective.

This Plan gives Argentina an opportunity to explore the causal chain by which open government can lead to better policies and services. The government could, for instance, consider evaluating specifically the transparency or stakeholder participation dimensions of initiatives where interaction and consultation with stakeholders would be key to

improving outcomes. An example of this is the Government's Early Childhood Plan (*Plan de Primera Infancia*) and/or specific initiatives to help parents with children with disabilities. The Transparency for Development (T4D) project, which was developed by the Harvard Kennedy School in partnership with Results for Development (a global non-profit development organisation), constitutes an interesting example of a specific evaluation exploring whether well-designed transparency and accountability interventions improve health outcomes (See Box 5.10).

Box 5.10. Transparency for Development project

The research project Transparency for Development (T4D), launched by Harvard Kennedy School in partnership with Results for Development, looks to disentangle whether, why and in what context community-led transparency and accountability activities improve the outcomes of social development programmes. Working with local civil society, the project carried out an intervention in Indonesia and Tanzania. The researchers first carried out a group of surveys to collect information on health infrastructure and newborn children and mothers. The community was then asked to discuss the information collected to identify the barriers preventing improvement in the provision of public services for mothers and newborn children, and to come up with an action plan to overcome these barriers. Following implementation of the action plan, T4D will carry out an evaluation of the impact of transparency and accountability on the intervention's results using a randomised controlled trial (RCT) methodology. Finally, after analysing the results of the evaluation, the project will look to replicate the intervention in other areas, in order to build up a comprehensive view of different contexts.

Source: https://epod.cid.harvard.edu/project/transparency-development-t4d.

Moreover, strengthening the link between the SGM and the NCCSP – both located within the JGM – could offer an opportunity to foster the openness of the Annual Monitoring and Evaluation Plan. Incorporating open government practices into this M&E Annual Plan could be instrumental to increasing its robustness, in particular due to the important role that stakeholder engagement and reporting play in promoting the quality of M&E and the use of its results in policy making.

Monitoring and evaluation of multi-level open government initiatives

Efforts are ongoing to strategically use M&E to improve the multi-level governance and capacities of open government at the provincial and municipal level.

Argentina is carrying out intensive efforts to spread open government to all levels of government and branches of power. This includes active engagement with provinces and municipalities within the framework of the Federal Commitment for the Modernisation of the State (see Chapter 2), the Federal Council for Modernisation and Innovation in Public Management (COFEMOD) and through the forum *Argentina Abierta* (see Chapter 7 on Open State). COFEMOD is the representative federal organ for matters of state modernisation. It has six technical commissions which mainly reflect the priorities of the Federal Commitment for the Modernisation of the State – training and public employment, results and quality-oriented management, open government and innovation, equality of

opportunities and responsible practices, technological infrastructure and cybersecurity, and administrative modernisation.

Many interlocutors at the provincial and municipal levels have stressed the need to have some kind of guidance to develop their own open government strategies. At present, only 6 of the 15 surveyed provinces monitor their open government strategies and initiatives. Moreover, the City of Buenos Aires evaluates its open government initiatives, but only through the OGP's Independent Reporting Mechanism. Hence, in order to strengthen multi-level governance and enhance provincial capacities for the monitoring and evaluation of open government strategies and initiatives, COFEMOD agreed in 2018 on common criteria to measure the progress of the Federal Modernisation Commitment. The result is a dashboard with a set of baseline indicators that enable calculation of the degree of fulfilment of commitments based on the goals that the provinces agreed in the Council. This will enable provinces to measure and compare their own performance with that of other provinces over the years. In the area of open government the indicators are structured as follows:

- Whether or not provinces have a data portal

- The quality of the data (i.e. the type of datasets they publish and the publication format)

- Whether or not they have laws or regulations on access to public information.

This type of peer benchmarking can serve as an incentive for the development of sound open government strategies and initiatives. Strategic guidance, including some indicators to measure the implementation of open government strategies, can serve as a tool to:

- harmonise the structure and language of the different open government strategies at the provincial level, taking into consideration the provinces' autonomy

- promote an M&E culture at the provincial level (the existence of high-level objectives and indicators will push provinces to plan actions to achieve these objectives).

The GoA and COFEMOD should continue ongoing efforts to develop these baseline indicators. Mexico's experience in developing an open government metric (Box 5.11) provides an interesting example of composite indicators, from the perspective of government and citizens, drawn from a single definition of open government, as recommended in Chapter 2 on the Policy Framework.

Box 5.11. Mexico's baseline indicators on open government

Mexico's Open Government Metrics were developed by the Centre for Economic Research and Teaching (CIDE), and were based on an initiative of the National Institute for Transparency, Access to Information and Personal Data Protection (INAI).

The metrics are designed as a baseline to measure the current state of the National System of Transparency, Access to Information and Protection of Personal Data (SNT) and its open government and transparency policies. Aiming to be an "x-ray of the starting point of the open government policy of the Mexican State" at the national and subnational level, its focus goes beyond measuring the compliance with regulations, and aims to capture performance information on the outcomes of open government and transparency policies from the perspective of both government and citizens.

The metrics start with an operational definition of open government structured around two dimensions: transparency and public participation. Each dimension is approached from two perspectives: government and citizens.

	Transparency dimension	Public participation dimension
Government perspective	Does the government make public information about its decisions and actions? To what extent is this done? What is the quality of this information?	In what ways can citizens have an impact on public decisions?
Citizen perspective	How feasible is it for a citizen to obtain timely and relevant information in order to make decisions?	Can citizens activate a mechanism that allows them to influence public decisions?

The CIDE team developed an Open Government Index, consisting of measurements of transparency and participation from the perspective of both government and citizens. The construction of these indexes involved the analysis of existing regulations, a review of government websites, and user simulations, including information requests.

The Metrics survey included a sample of 908 governmental bodies at the national and subnational level; 754 portals were reviewed and 3 635 requests for information were sent. The resulting Open Government Index of Mexico was 0.39 (on a scale of 0 to 1). The index showed that the transparency dimension has a much higher value (0.50) than the participation dimension (0.28).

Source: INAI (2017), *Resultados Edición 2017*, http://eventos.inai.org.mx/metricasga/index.php/descargables (accessed 11 January 2019).

COFEMOD is also taking active measures to build M&E capacities at the provincial level. For instance, in 2018, planning and M&E training sessions were carried out by COFEMOD's Results-Based and Quality Management Commission (*Comisión de Gestión por Resultados y Calidad*), with the participation of more than 50 officials from provincial governments.

However, despite the progress made in fostering co-operation with several provinces, to date COFEMOD and its Open Government Commission still lack the necessary tools to monitor the agreed commitments. According to information collected during the fact-finding mission, the Federal Council works mainly as a forum to reach political agreements on high-level issues, but still faces human resources and financial challenges to promote multi-level governance and horizontal co-operation from a technical point of view.

Argentina could continue ongoing efforts to strengthen the technical capacities of COFEMOD to promote capacity building and horizontal co-operation on M&E

The GoA could continue ongoing efforts to strengthen the technical capacities of COFEMOD, promoting its capability to provide advice to provinces and municipalities regarding the development of M&E capacities and indicators for open government. This could be operationalised through:

- The establishment of a small technical team providing short-term assistance to provinces for the development of their M&E systems and indicators.

- The promotion of COFEMOD as a space to promote horizontal co-operation in a systematic manner. For instance, the City of Buenos Aires is a frontrunner in monitoring strategic priorities and its experience and "know-how" could be shared with other provinces and municipalities through COFEMOD.

- Strengthening the co-operation and co-ordination between open government commissions and the Results and Quality-Oriented Management Commission, which is currently conducting capacity-building activities on M&E. These can be useful for officials in charge of open government policies at the provincial level.

Furthermore, universities and CSOs could play a key role in providing technical capacities for monitoring and evaluating open government initiatives. In the case of the Province of Mendoza, for instance, the CSO *Nuestra Mendoza* is promoting the development of government plans and performance indicators, and monitors both. Meanwhile, the Public Policy Observatory of the University of Cuyo has developed governance performance indicators in collaboration with the Provincial Government and is planning to develop a public policy evaluators' network.

Recommendations

Identifying institutional actors to be responsible for collecting and disseminating up-to-date and reliable information and data in an open format.

- Consider framing monitoring and evaluation provisions within a National Open Government Strategy. Depending on its legal nature, this could provide a specific mandate to the JGM to develop an annual M&E plan for the National Open Government Strategy.

- Link the monitoring of a government-wide open government goals with the different initiatives taking place on the ground at sector level, including the OGP commitments.

- Use the recommended National Open Government Steering Committee as an institutional platform to follow up and discuss progress on the strategic goals – and the different objectives – in a systematic manner.

- Develop specific operating principles to monitor open government initiatives.

Developing comparable indicators to measure processes, outputs, outcomes, and impact in collaboration with stakeholders

- Consider adopting a theory of change approach for the development of open government initiatives.

- Create a platform to support the co-creation of robust indicators, with the participation of key stakeholders, such as CSOs, universities and think tanks.

Fostering a culture of monitoring, evaluation and learning among public officials by increasing their capacity to conduct regular exercises in collaboration with relevant stakeholders.

- Develop capacity-building activities on M&E of open government strategies and initiatives, in collaboration with relevant stakeholders.

- Consider the development of a dedicated set of guidelines for the development of open government initiatives, in order to facilitate the inclusion of process, outputs, outcomes and impact indicators.

- Consider mandating the team of the UOG in the SGM to train and assist the different institutions in using a theory of change approach in the development of sectoral initiatives. Piloting projects with specific institutions could be a feasible starting point.

- Incorporate M&E thinks tanks and academia in the development of capacity-building activities.

The way forward: Toward the evaluation of open government initiatives

- Consider the development of pilot evaluations on the openness of social policies to assess how open government improves policy outcomes and impacts.

Monitoring and evaluation of multi-level open government initiatives

- Continue ongoing efforts to strengthen the technical capacities of COFEMOD, in order to promote capacity building and horizontal co-operation on the M&E of open government strategies and initiatives.

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Chapter 6. Mainstreaming citizen and stakeholder participation in the policy cycle in Argentina

This chapter assesses Argentina's approaches to informing, consulting and engaging with citizens and other relevant stakeholders in open government reforms. It argues that institutional communication can help raise awareness regarding the benefits that effective stakeholder participation can yield, such as higher trust in government. The chapter outlines the various good practices that the central government, ministries and provinces have implemented and the important role of the third Open Government Partnership Action Plan of Argentina. The final section presents recommendations on how to align existing practices and move towards an integrated approach for stakeholder participation.

Introduction

Information, consultation and engagement are the key elements of stakeholder participation.

Stakeholder participation is a core open government principle and lies at the heart of inclusive policy making. Today, according to the global civil society alliance, CIVICUS, "Argentine civil society is robust and highly visible and has played a positive role in recent legal reforms". Their overview further notes that "(t)he right to create and operate civil society organisations is guaranteed in Argentina. Non-governmental organisations (NGOs), trade unions, grassroots organisations and advocacy groups are legally recognised, are robust and play a major role in society" (CIVICUS, 2016). Despite these positive findings, representatives from civil society organisations, academia and other stakeholders, interviewed for this Review, noted room for further improvement in terms of being informed and consulted, and actively participating in the policy cycle. The following chapter provides an assessment of and recommendations for improving the environment for participation in Argentina.

According to the OECD Recommendation of the Council on Open Government, stakeholders are defined as "any interested and/or affected party, including: individuals, regardless of their age, gender, sexual orientation, religious and political affiliations; and institutions and organisations, whether governmental or non-governmental, from civil society, academia, the media or the private sector". Stakeholder participation, in turn, is defined by the OECD Recommendation (2017b) as, "all the ways in which stakeholders can be involved in the policy cycle and in service design and delivery". The OECD uses a model that distinguishes between different degrees of stakeholder participation:

- **Information** refers to an initial level of participation characterised by a one-way relationship in which the government produces and delivers information to stakeholders. It covers both on-demand provision of information and "proactive" measures by the government to disseminate information.

- **Consultation** refers to a more advanced level of participation that entails a two-way relationship in which stakeholders provide feedback to the government and vice-versa. It is based on prior definition of the issue for which views are being sought and requires the provision of relevant information, in addition to feedback on the outcomes of the process.

- **Engagement** refers to instances where stakeholders are given the opportunity and the necessary resources (e.g. information, data and digital tools) to collaborate during all phases of the policy cycle and in service design and delivery (OECD, 2016).

The first part of this chapter assesses Argentina's efforts to further improve public communication, with a strong focus on the initial degree of stakeholder participation. The second part examines initiatives taken by the Government of Argentina to consult and engage stakeholders in the policy-making cycle.

Box 6.1. Provision 6, 8 and 9 of the OECD Recommendation of the Council on Open Government

"Actively communicate on open government strategies and initiatives, as well as on their outputs, outcomes and impacts, in order to ensure that they are well-known within and outside government, to favour their uptake, as well as to stimulate stakeholder buy-in."

"Grant all stakeholders equal and fair opportunities to be informed and consulted and actively engage them in all phases of the policy cycle and service design and delivery. This should be done with adequate time and at minimal cost, while avoiding duplication to minimise consultation fatigue. Further, specific efforts should be dedicated to reaching out to the most relevant, vulnerable, underrepresented, or marginalised groups in society, while avoiding undue influence and policy capture."

"Promote innovative ways to effectively engage with stakeholders to source ideas and co-create solutions and seize the opportunities provided by digital government tools, including through the use of open government data, to support the achievement of the objectives of open government strategies and initiatives."

Source: OECD (2017b), *Recommendation of the Council on Open Government*, OECD, Paris, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438 (accessed 30 November 2018).

Using public communication as a lever for open government

Argentina is making use of the potential of public communication in support of open government.

Public communication plays a fundamental role in the everyday lives of citizens, as it allows them to gain access to relevant information and acts as a precondition for engaging with their government on issues that matter most to them. Beyond simply serving to disseminate information, when delivered strategically public communication can support better policy making and service delivery, as it raises awareness about reforms and helps to change behaviour. As such, communication can promote greater transparency and participation and therefore acts as a key pillar of open government reforms, as reflected in provisions 6 and 8 of the OECD Recommendation of the Council on Open Government (OECD, 2016; OECD, 2019a).

Efforts to improve public communication are happening in a context of unparalleled technological advances and increasing use of digital technologies and social media, which are introducing new possibilities for government-citizen interaction, and allowing public administrations to reach a wider audience in more rapid and cost-effective ways. However, such opportunities also come with challenges. Examples across the globe point to how social media can propel disinformation at a speed often faster than the capacity of governments to react.

Box 6.2. The OECD's work on public communication

The OECD has supported the creation and strengthening of networks on public communication in both Morocco and Tunisia, and has conducted data collection and analysis of the public communication landscape and media ecosystem in both countries, in addition to organising a series of capacity-building activities. The OECD further developed an analytical framework on open government and media and collected data on public communication to assess the current state of communication policies, institutions and practices. The data collection focuses on four areas: communication strategy, communication structures, communication methods and activities, and relations with the media. Based on the evidence gathered, the OECD will produce a series of benchmarking reports.

These reports will cover the following areas and include a focus on women and youth:

- o setting up public communication for increased transparency and stakeholder participation

- o access to information as a prerequisite for accountability

- o local and community media as levers for including citizens' voices

- o online media, social media and citizen journalism and the challenges and opportunities they raise for hearing citizens' voices

- o the contribution of media ecosystems to hearing citizens' voices.

Source: OECD (n.d.), *Open Government*, OECD, Paris, www.oecd.org/gov/open-government.htm (accessed 5 December 2018).

Governments are increasingly aware of this issue and consider communication to be one of the top four priority tasks for their Centres of Government (CoG) (OECD, 2017b). However, the strategic use of communication in support of transparency, integrity, accountability and stakeholder participation remains an underexplored avenue across the OECD. In fact, only 10% of surveyed Centres of Government list the promotion of transparency and stakeholder participation as a key objective of their communication strategy (OECD, 2017b). Similarly, only around 2% of commitments included in OGP National Action Plans relate to media and communication (OGP Explorer, 2018).

Box 6.3. Public communication and its potential to improve policy making and service delivery

Governments are increasingly recognising the potential of communication activities to improve policy making and service delivery, and are implementing a wide variety of innovative approaches to communicate with their audiences.

The "Food is GREAT" campaign led by the Department of Food and Rural Affairs (Defra) of the United Kingdom, as part of the government-wide "GREAT Britain" campaign, has helped boost British trade in food and drink exports from GBP 20.1 billion in 2016 to more than GBP 22 billion in 2017-18. The campaign is on its way to achieving its 2020 target for exports of GBP 29 billion.

The "Change4life: sugar smart" campaign by Public Health England aimed at improving the nation's health, by making sugar content visible and real through the Sugar Smart App and advertising across 750 supermarkets. The campaign has helped to change the behaviour of families across the country, with 30% of mothers reporting that the campaign made them reduce their child's sugar intake – a figure that rose to 80% among those who had downloaded the app. A test and control study conducted outside supermarkets showed that the campaign led to a 4% decrease in sales of sugary cereals, a 3% decrease in sales of sugary drinks, and a 4% increase in diet drinks during and after the campaign.

The AdoptUSKids campaign run by the US Children's Bureau aimed to increase the number of children placed in permanent and loving homes. According to response numbers and follow-up surveys, the Ad Council estimates that the campaign has helped spur more than 24 000 adoptions of children from foster care.

Source: PR Week (7 August 2018), "Case Study: Food is GREAT campaign celebrates surge in exports", *PR Week*, www.prweek.com/article/1489784/case-study-food-great-campaign-celebrates-surge-exports, (accessed 5 December 2018); Government Communication Service (n.d.), *Case Studies: Campaign Highlights 2016/17*, UK Government, London, https://gcs.civilservice.gov.uk/guidance/campaigns/case-studies (accessed 5 December 2018); The Government & Public Sector Practice (n.d.), *The Leader's Report*, https://sites.wpp.com/govtpractice/insights/leaders-report (accessed 5 December 2018).

Argentina could improve communication about open government reforms beyond the initiatives taken within the framework of the OGP process

In recent years, public communication has grown substantively in Argentina in size and scope – namely through increased public investments in communication initiatives, the growing presence of government on social media, and the creation of websites and data portals for the different ministries (CPI, 2017; Ure et al., 2017). However, despite ongoing efforts, the Government Secretariat of Modernisation (SGM) noted during OECD interviews that citizens were still generally unaware of existing initiatives and progress towards opening up the government – a challenge common to many OECD countries.

The 2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle found that 22 OECD member countries also identified the recurring "lack of, or insufficient communication and awareness of the benefits of open government reforms amongst public officials" as a key challenge to implementing open government reforms (OECD, 2016). When the OECD Surveys on Open Government in Argentina asked respondents to name the main challenges to the successful implementation of participation initiatives with relevant stakeholders. 83% of ministries acknowledged that stakeholders

are not sufficiently informed about participation opportunities, with a similar share of provinces responding accordingly (80%) (Figure 6.1).

Figure 6.1. Is communication one of the top 5 challenges to successfully implement participation initiatives with relevant stakeholders?
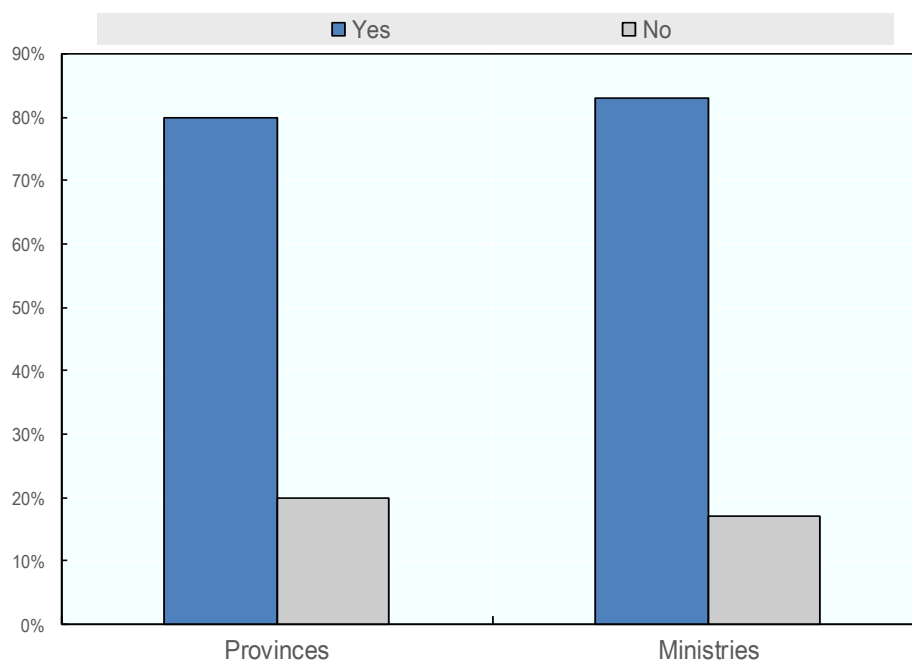
Source: Responses to OECD (2018), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

As discussed in Chapter 2 on the Policy Framework, the then Ministry of Modernisation (MoM) put forth a State Modernisation Plan in 2016, which included open government initiatives as one of its six pillars. To accompany this reform, the Ministry developed a communication strategy with a strong social media focus. It included several activities targeting different segments of the population through the use of diverse channels, including social media platforms, emails, videos, printed communication material (i.e. posters and flyers), institutional websites and interactive forums (notably, the conference *Argentina Abierta* presented in Chapter 7 on the Open State).

In interviews conducted during the fact-finding missions, the OECD discussed the challenges facing the team in charge of communication in the SGM. The representatives noted that they are a small team (consisting mainly of two people who are responsible for communicating about open government initiatives) without a fixed budget upon which to rely. The move of the then MoM to the Chief of the Cabinet of Ministers Office (*Oficina de la Jefatura de Gabinete de Ministros*) presented the possibility of obtaining more privileged access to communication channels with greater outreach. Prior to the restructuring, the communications team shared around three to four initiatives per year with the Presidency's communication channels, which only permitted communication on major events and initiatives on topics related to open government.

There is room to strengthen open government communication within the administration.

A key element supporting the implementation of open government agendas is effective communication about initiatives within and among government agencies. Survey results show that line ministries and provinces are using internal communication channels to disseminate information about open government reforms. In fact, 16 out of 20 surveyed ministries had informed public officials about the existence and scope of open government strategies and initiatives. The same applies to 12 out of 15 provinces. However, in Argentina, only 20% of ministries have a clear communication strategy. According to the OECD Surveys, internal circulars are used by 46% of responding ministries and 20% of provinces (Figure 6.2).

Figure 6.2. Approach of institutions informing other public servants about the existence and scope of open government strategies and initiatives, as well as their benefits
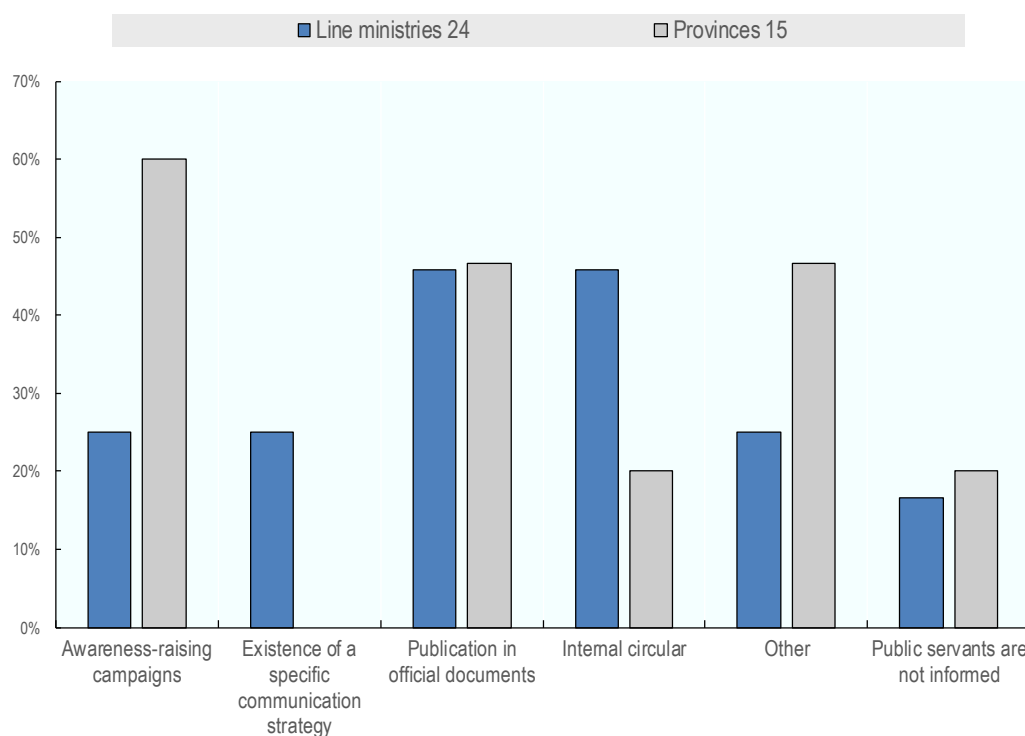
Note: Data for provinces for the option *Existence of a specific communication strategy* are not available
Source: Responses to OECD (2018), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

Potential remains to improve the co-ordination of messages on open government initiatives both horizontally and vertically.

The co-ordination of messages on open government initiatives, both horizontally and vertically, is crucial to maximise their uptake and to promote the effort to move towards an open state. Open Government Contact Points from line ministries, all branches of the state and the subnational level, as suggested in Chapter 4 on Implementation, could be involved in communication efforts on open government.

Box 6.4. Examples of public communication networks facilitating co-ordination

Italy's #PASocial

In Italy, public communicators have been organising events since 2015 to exchange good practices and lessons learned around public communication, and to facilitate co-ordination. This approach has since evolved with the establishment of a public association (#PASocial) currently comprising 300 people. The association works for the promotion of good practices, exchanges between peers and training in the field of public communication.

Estonia's Communication Co-ordination Council

The inter-ministerial Government Communication Co-ordination Council meets every week to exchange information and organise communication activities. The Council is responsible for discussing government communication topics, making proposals for instructions governing the organisation of work in the field, consulting with the Government Office with regard to amending and establishing legal acts pertaining to government communication, and discussing and adopting positions on key matters pertaining to government communication. The working meetings of the Co-ordination Council are chaired by the Director of Government Communication and include heads of communications units at the ministries.

Source: Government Office of Estonia (2017), *Government Communication Handbook*, Tallinn, www.valitsus.ee/sites/default/files/content-editors/failid/government_communication_handbook_eng_13.09.2017.pdf (accessed 5 December 2018).

In this respect, the Secretariat of Modernisation could strengthen its role as the co-ordinating actor of open government communication in collaboration with the Secretary of Public Communication in the CMO. Together, they could convene regular meetings with Open Government Contact Points and all communication officers of the government to strengthen their involvement in communication about open government initiatives, and share good practices as well as lessons learned. In addition, the Secretariat of Modernisation could benefit from including communication objectives and activities for open government in its overall communication plan. Involving all ministries and provinces in the implementation of the Secretariat of Modernisation's communication plan would ensure that the messages communicated by all actors involved in open government initiatives are harmonised, as is done in the case of Lithuania's OGP Action Plan (Box 6.5).

Box 6.5. Lithuania's 2016-2018 OGP National Action Plan: Promoting openness by developing and implementing measures for publicising information about government activities and civic participation in governance

The Government of Lithuania used its 2016-2018 Open Government Partnership National Action Plan to promote a government-wide effort to improve public communication and civic participation. Specifically, the National Action Plan pointed to the lack of common standards for publicising information about government activities and the absence of consistent, high-quality communication efforts as barriers to ensuring uniform delivery of information and to motivating public engagement. The government noted that effective communication requires the active generation of interesting content and high-quality presentation, and that information about government activities should be easily accessible

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and presented in a clear and understandable format. At the same time, the public must have access to information on public governance processes and participation possibilities.

The commitments made under the National Action Plan therefore seek to promote the systematic publication of information, as well as to assist institutions to strengthen their communication capacities. Lithuania, led by the Office of the Government, will develop guidelines for the publication of governmental activities by creating common standards that promote interaction and accessibility. The Plan also calls for the publication of an electronic newsletter on government activities and the creation of templates for publicising government activities through social media. This example also highlights the opportunity to link institutional communication efforts to mutually reinforcing cross-sectoral initiatives, such as the OGP.

Source: OGP (n.d.), *Lithuania 2016-2018 Open Government Partnership National Action Plan*, Open Government Partnership, Washington, DC, www.opengovpartnership.org/sites/default/files/AVP_planas_2016-2018_en%20%281%29.pdf (accessed 4 December 2018).

In addition to further efforts to communicate information about the national open government agenda, the Secretariat of Modernisation could encourage other ministries and provinces to increase communication on their own open government initiatives internally and externally. To this end, the SGM could provide them with specific guidance (i.e. a manual how to develop communication messages) or offer platforms for them to do so (i.e. sharing information about how to reach key stakeholders, using joint hashtags, etc.).

The Secretariat of Modernisation uses two-way communication approaches about open government initiatives and could increase its frequency

The SGM acknowledges the potential that a more structured communication approach offers, especially if implemented in conjunction with an outreach strategy on open government reforms that consists of diverse set of channels and activities. The latter include the use of one-way communication channels such as newsletters for national media, weekly mails to citizens, press conferences, the intervention of high-level officials on TV and radio shows, and the use of online blogs and daily social media updates.

The conference *Argentina Abierta* is an important part of the Secretariat's outreach approach to disseminate information and gather feedback on current open government practices. *Argentina Abierta* brings together experts, academics, government officials, civil society organisations and citizens to exchange experiences, knowledge and lessons learned in the area of open government. This event recently held its third edition in May 2018, addressing themes such as access to information, data journalism and the use of new technologies to support the opening up of the government (in addition to transversal topics such as gender, natural resources and extractive industries) (SGM, 2018). The interactive nature of the conference provides for a good example of two-way communication in which civil society organisations (CSOs) have the possibility not only to be consulted, but also to exchange ideas face to face with government representatives.

The success of any open government initiative also depends on communicating its progress and the challenges encountered during implementation. For its third OGP Action Plan (2017-2019), Argentina has increased its communication endeavours, making use of new digital platforms, such as Trello, to inform participating ministries and citizens about the progress made on each commitment (see Chapter 5 on Monitoring and Evaluation). In

addition, the third Action Plan highlights the relevance of communication throughout several of its commitments. For example, commitment 10 on the opening of information on gender equality includes an objective to collaborate with civil society to develop communication activities aimed at disseminating gender statistics (SGM, 2016).

The SGM also sends monthly bulletins on updates and news published in Trello to inform stakeholders about the implementation of OGP commitments. Additionally, public forums are organised and include discussion panels where the public servants responsible for implementing the respective commitments of the OGP Action Plan report on challenges and advances. These discussions are live-streamed through the SGM's official YouTube channel. According to the SGM, these initiatives seek to encourage remote participation in the discussions, in particular from CSOs from other provinces, as well as to generate a record of the reports, which will serve both the OGP's Independent Reporting Mechanism (IRM) researcher and the National Open Government Roundtable (GSM, n.d.).

At sector and provincial level, the approaches used to communicate with stakeholders vary. When asked about their outreach strategy, 17 out of 20 ministries confirmed that they carry out activities to raise awareness with the general public, in addition to 13 out of the 15 provinces. There are, however, clear differences in terms of the sophistication of the initiatives carried out. The then Ministry of Health, for example, organised a roundtable with relevant CSOs and other members of the public, while other ministries make use of open data portals.

The use of social media offers the potential to leverage more responsive and inclusive communication with citizens.

Digital technologies and social media platforms are drastically transforming the way governments share information, allowing them to rethink their communication approaches. The instantaneous, direct and interactive components of these platforms bring tangible benefits for governments, enabling them to be more transparent, participatory and collaborative (Graham, 2014). Interestingly, 94% of public administrations in OECD countries use social media and online tools as their preferred means of informing stakeholders about the existence of open government initiatives (OECD, 2016).

The use of social media represents an important tool for Argentina to leverage more responsive and inclusive communication, especially as the country is the regional leader in terms of online connectivity. Out of a population of approximately 44.7 million, about 93% are connected to the Internet and 67% have a Facebook account (Internet World Stats, 2018). Moreover, a study from Carrier & Asociados (2017) found that millennials (individuals aged 24–33) and centennials (persons aged below 24) are the segment of the population most present on social media, and in average connect through three main platforms – namely, Facebook, Instagram and Twitter.

According to the OECD CoG Survey (2017), 70% of centres of government have a clear social media strategy. In this respect, it is critical to ensure that all relevant communicators have the necessary resources and skills as well as clear guidelines on how to use these platforms to fully support a communication geared towards participation and transparency (see Box 6.6 for an example of the German Government's social media guidelines).

Box 6.6. Germany's guidelines on social media use by government

In recognition of the fact that social media is changing public communication, several public institutions in Germany have elaborated guidelines on its use for external communication. These include, among others, guidelines for federal ministries. These guidelines emphasise that as a citizen-friendly administration, the administration needs to communicate directly, fast and engage in a dialogue. As such, social media can supplement but not replace traditional public communication. The guidelines include information on:

- different social media platforms and their advantages

- private use of social media by public officials

- how to engage in social media

    - compatibility of the legal requirements of the institution with the conditions of the social media platform

    - considering the target group

    - organisational structures, resources and the communication strategy

    - paying attention to the fact that social media does not comply with working hours

- creating a profile

- active and passive use of social media

- remembering important issues such as: data privacy, freedom of information, accessibility of social media, copyright and liability issues.

Source: *Die Bundesregierung* (2013), "Handreichung zu sozialen Medien jetzt online verfügbar" [Help on social media now available online], 15 November 2013, www.verwaltung-innovativ.de/SharedDocs/Kurzmeldungen/DE/2013/handreichung_zu_sozialen_medien.html (accessed 21 November 2018)

Communication about open government reforms requires messages tailored to the needs of different stakeholders.

When designing communication approaches for open government reforms, citizens' media consumption habits need to be taken into account to ensure that the most effective channels are used. Online news sites are the most important information source in Argentina, with nine out of ten online users turning to the Internet for news (Reuters Institute, 2018). For these users, television (76%) remains another important source, while print outlets (42%) are consumed by fewer people. The growing relevance of social media is of particular importance, with 72% of users accessing news stories via these platforms, including Facebook (60%), WhatsApp (37%), and YouTube (27%) (ibid.). Targeting the right audience through their preferred source of information has become a challenge for all governments. While online media reach a wide population, 7% of Argentinians are not online and 33% do not have a Facebook account (Internet World Stats, 2018).

Globally, citizens are increasingly participating in news production through citizen and community journalism. This trend offers an opportunity to showcase a wider variety of voices and engage in a public debate. In Argentina, 58% of the country shares news via

social media, 35% comment on news via social media or websites (Reuters Institute, 2018), and 44% of Internet users consume user-generated content (Digital Strategy Consulting, 2012). Examples of such user-generated content include the platform *VozData*, launched by the newspaper *La Nación*. This collaborative open platform allows readers to digitise public documents and transform them into useful information. Such initiatives could be actively supported by providing training to citizen journalists as well as to traditional outlets on community management. Citizen journalists as well as community media could also be involved in open government communication efforts.

The provision of information and regular two-way communication with citizens and other stakeholders constitutes the basis for effective engagement with these groups. This topic constitutes the focus of the second part of this chapter.

Making use of the benefits of stakeholders participation

Enhancing stakeholder participation is one of the key objectives of the Government of Argentina.

Argentina's current government has demonstrated its commitment to advancing the open government principle of stakeholder participation. References to citizen participation feature in two of the current government's 100 priorities:

- Priority 47: Citizen participation. "We believe in teamwork, not only within the Government but between the State and society. We want to expand these networks to work more and more with social organisations, volunteers and companies to reach each of the people who need it."

- Priority 84: Open government. "A contemporary state is more open, transparent and close to the citizens. With the objective of opening up public administration, we are strengthening the practices of open government at the federal level by fostering accountability, citizen participation, new technologies and public innovation."

In addition, Argentina's State Modernisation Plan (see Chapter 2 on the Policy Framework) makes explicit reference to citizens in its declared aim to "strengthen trust with citizens and the protection of their rights, providing goods and services of quality and effectively promoting initiatives by the people" (Presidency of Argentina, 2016). The Plan also seeks to better "co-ordinate the administration and creation of digital channels through telecommunications networks to facilitate information sharing, such as through mobile applications, social networks, etc." as well as to "publish all relevant information for citizens about the services that are provided" (ibid.).

Argentina could move from information and consultation to more advanced engagement practices.

The benefits of stakeholder participation were recognised in the OECD Recommendation of the Council on Open Government in 2018, to which OECD countries as well as Argentina are adherents. The Recommendation affirms "that stakeholder participation increases government accountability, broadens citizens' empowerment and influence on decisions, builds civic capacity, improves the evidence base for policy-making, reduces implementation costs, and taps wider networks for innovation in policy-making and service delivery". The following section is guided by the elements of Provision 8 of the OECD Recommendation.

To make use of the benefits that stakeholder participation can yield, governments need to ensure that stakeholders have equal access to opportunities for participation. According to data collected for perception surveys by *Latinobarómetro* in Argentina, when asked by whom their country is governed, more than two-thirds (73%) of the people polled responded "powerful groups acting in their own interest". A mere 26% responded that the country is governed for the good of the entire population (*Latinobarómetro*, n.d.) (Figure 6.3). According to the OECD, any situation "where public decisions over policies are directed away from the public interest towards a special interest" can be characterised as policy capture (OECD 2017b). As argued in more detail in the OECD *Integrity Review of Argentina*, policy capture is the opposite of inclusive policy making and weakens democracy and its core values (OECD, 2019a). The Review argues that: "To overcome the concentration of economic resources in the hands of ever-fewer people (…), and to enable an environment conducive to inclusive growth that promotes innovation and competition and reduces inequalities, Argentina should (…) aim at improving its policy-making processes by making them more accessible, inclusive and subject to public accountability" (ibid.).

Figure 6.3. The majority of Argentinians believe that a few powerful groups dominate their country
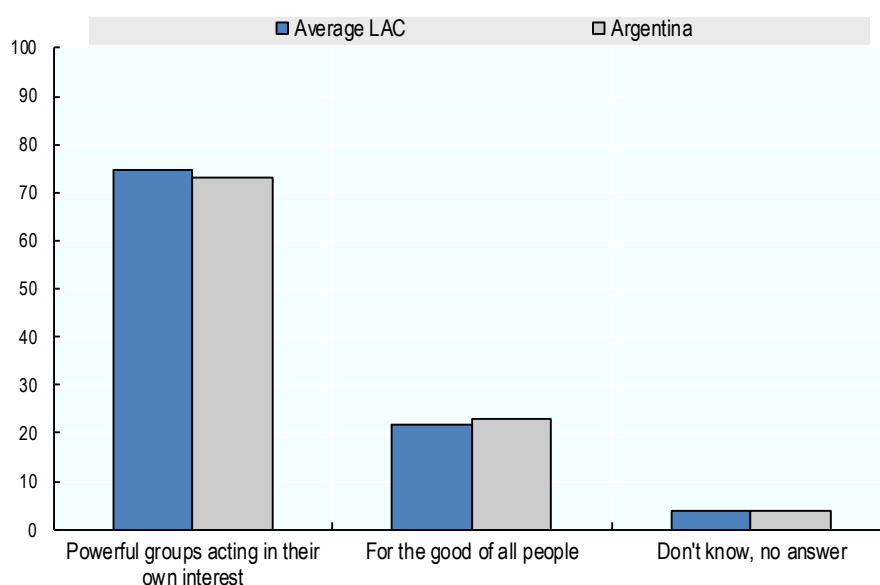
Note: "In general terms, would you say that your country is governed by a few powerful groups for their own benefit, or that it is ruled for the good of the whole population? The original question reads as: "En términos generales ¿diría usted que (país) está gobernado por unos cuantos grupos poderosos en su propio beneficio, o que está gobernado para el bien de todo el pueblo?" Overall, this survey was conducted in 18 countries in the region (Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela).
Source: Latinobarómetro (2017), Análisis Online [Online Analysis] (database), www.latinobarometro.org/latOnline.jsp (accessed 5 December 2018).

While stakeholder participation can play a vital role in overcoming the concentration of economic resources, its benefits extend beyond countering policy capture. Stakeholder participation is at the very core of participation and can have a positive impact on the perception of democracy and accountability at all levels of the state. The benefits can be divided into two clusters (OECD, 2016; OECD, 2015a; Corella, 2011):

- **Instrumental benefits** (i.e. better results): this is based on the idea that participation can improve the quality of policies, laws and services, by enabling them to be elaborated, implemented and evaluated based on better evidence and more informed choices. They may also benefit from the innovative ideas of citizens and be more cost-effective.

- **Intrinsic benefits** (i.e. a better and more democratic policy-making process): this refers to the improvement and democratisation of the process, which becomes more transparent, inclusive, legitimate and accountable through participation. A better process can contribute to strengthening representative democracy, building trust in government and creating social cohesion.

In order for the Government of Argentina to access the potential benefits yielded by the inclusion of stakeholders in policy making, it must ensure the continuous provision of information, effective consultation and active engagement. To this end, an institutional framework that ensures a co-ordinated approach for these initiatives is crucial.

Creating a culture of open governance requires building a more solid institutional framework for stakeholder participation in line ministries and provinces.

Chapter 4 assessed the overall institutional framework for open government in Argentina. The following section focuses on the specific institutional framework for stakeholder participation as well as citizens' and civil society participation in the National Roundtables related to open government. Two Roundtables are directly concerned here, namely the National Open Government Roundtable (*Mesa Nacional de Gobierno Abierto*) and the Roundtable on Integrity (*Mesa de Integridad*). However, the latter does not include representatives from civil society. In contrast, the National Open Government Roundtable offers a seat at the table to the following CSOs:

- Civil Association for Equality and Justice (Asociación Civil por la Igualdad y la Justicia, ACIJ)

- Directorio Legislativo

- Latin American Centre for Human Rights (Centro Latinoamericano de Derechos Humanos, CLADH)

- Foundation for Studying and Research on Women (Fundación para el Estudio e Investigación de la Mujer, FEIM)

In order to comply with the membership requirements of the OGP, it is necessary for governments to set up a permanent working space with civil society. In Argentina, the National Open Government Roundtable, which first met in July 2017, brings together four government representatives and four civil society organisations. At present, the Roundtable has a strong focus on the OGP agenda, however representatives of CSOs and government officials have noted the intent to extend the focus of the Roundtable to initiatives independent of the OGP process.

The four CSOs that participate in the Roundtable represent important policy areas, in which they are able to exert influence on the political agenda of the country. They also retain a strong focus on transparency or accountability. However, civil society organisations active in specific sectoral policy areas, such as environment or transport, have not yet been integrated into the Roundtable or the open government agenda of Argentina as a whole. As

argued throughout this Review, open government and its principles can function as a catalyst for all policy areas. CSOs that are already part of the Roundtable could therefore reach out to peer organisations which are not yet playing an active part in the open government agenda, to request their support for the mainstreaming of open government across government. Similarly, members of the Roundtable could partner with their peers in the provinces to actively support these organisations.

The National Roundtable on Open Government constitutes an important step in institutionalising the Government of Argentina's engagement with civil society organisations. However, in order to further broaden representation, it may be advisable also to consider participation by the private sector (e.g. through business associations), trade unions and academia. This would ensure a higher degree of inclusiveness and extend the Roundtable's scope beyond a focus on transparency and accountability to sectoral policies.

In the second half of 2018, the then Ministry of Modernisation launched a public consultation on the regulation and re-organisation of the National Roundtable on Open Government. On 18 October 2018, the Secretariat met with the CSOs that form part of the OGP process to assess comments received during the public consultation. During the meeting, the comments were discussed and examined with a view to integrating them into the regulations of the Roundtable (Presidency of Argentina, 2018). Although at the time of writing (November 2018), the institutionalisation of the Roundtable has not been finalised, the inclusive nature of the re-organisation process represents a positive step in strengthening the relevance of the Roundtable in the open government agenda.

Chapter 4 on Implementation proposes the creation of a National Open Government Steering Committee to lead the country's open government and open state agenda. Should Argentina decide to create the Steering Committee, participation from all stakeholders, including civil society, academia and the private sector will of course have to be ensured. The National Open Government Steering Committee could provide for a forum of more regular and institutionalised interaction between external stakeholders and the government. As argued before, civil society organisations could be given the opportunity to select members that represent their positions in the Committee (possibly through a rotation system). Should the Steering Committee decide to organise dedicated meetings on the open state issue, CSOs could facilitate this process by working closely with representatives from all branches and exerting pressure to hold them accountable.

Ministries should assign clear institutional responsibilities for stakeholder participation

In addition to ensuring the inclusion of civil society in the Roundtable, a number of ministries and provinces have established dedicated offices on stakeholder participation (Table 6.1). The Secretariat for Political and Institutional Affairs (*Secretaría de Asuntos Políticos e Institucionales*) of the Ministry of the Interior, Public Works and Housing (*Ministerio del Interior, Obras Públicas y Vivienda*) has a National Directorate dedicated to Community Relations and Citizen Participation (*Dirección Nacional de Relaciones con la Comunidad y Participación Ciudadana*). Its mandate includes the co-ordination and promotion of mechanisms that increase the legitimacy of representative institutions and broaden community participation in the decision-making processes of the administration. To this end, the Directorate designed three actions plans:

- The Programme for the Promotion and Strengthening of Citizenship and Organisations of Civil Society aims at training citizens and CSOs.

- The Programme of Technical Assistance and Research on Participation and Community Relations aims at deepening knowledge of different aspects of citizen participation and the different types of relationship that exist between the state and civil society, with a particular emphasis on the municipal sphere.

- Special joint state-civil society projects oriented towards the design and organisation and implementation of initiatives in collaboration with governmental and non-governmental organisations involved in issues related to participation and community relations (Ministry of the Interior, Public Works and Housing, n.d.).

The National Directorate, moreover, offers a number of services and support to CSOs and local governments. These include training sessions for CSOs, citizens and officials that work on topics related to participation. Local governments seeking to incorporate spaces for participation into their legislation can also request technical assistance from the Directorate. Eventually, its mandate will include the elaboration of publications, events and projects that are jointly implemented with CSOs, in order to better respond to the demands of society (Government of Argentina, n.d.).

Table 6.1. Ministry offices responsible for stakeholder participation

Name of the ministry/institution	Name of the office	Staff numbers
INJUVE	Chief of Cabinet (*Jefatura de Gabinete*)	4
Ministry of Agroindustry	Directorate of Information and Public Statistics, Citizen Service Centre (*Direccíon de Informacíon y Estadística Pública, Área de Atención al Ciudano*)	N.A.
Ministry of Education	Commitment for Education (*Compromiso por la Educación*)	6
Ministry of Justice and Human Rights	Justice 2020 Programme (*Programa Justicia 2020*)	7
Ministry of Production	*Mesa de Entrada*	N.A.
Ministry of Work, Employment and Social Security	Citizen-oriented Centre (*Centro de Orientación al Ciudadano*)	20
Ministry of the Interior, Public Works and Housing (Secretariat for Political and Institutional Affairs)	National Directorate for Community Relations and Citizen Participation (*Dirección Nacional de Relaciones con la Comunidad y Participación Ciudadana*)	N.A.
Ministry of Foreign Affairs and Worship	Secretariat for Co-ordination and External Planning (*Secretaría de Coordinación y Planificación Exterior*)	N.A.
Secretary of Co-ordination of Mining Policy	Communication Office (*Comunicación*)	5
General Comptroller's Office	Secretary-General (*Secretaría General*)	4

Note: Ministries not included in the table either did not answer this question or do not have an office dedicated to stakeholder participation.

Table 6.2. Offices in the provinces and the City of Buenos Aires in charge of stakeholder participation

Name of the province/city	Name of the office	Staff numbers
Chaco	Directorate of Open Government (*Dirección de Gobierno Abierto – Centro de Gestión*)	10
Salta	Citizen Service Centre (*Centro de Atención Ciudadana, Secretaría de Modernización*)	N.A.
Santa Fe	Undersecretariat of Strategic Planning (*Subsecretaria de Planificación Estratégica*)	12
Catamarca	Secretariat of Development and Citizen Participation (*Secretaria de Desarrollo y Participación Ciudadana*)	9
City of Buenos Aires	Secretariat of Citizen Administration and Service (*Secretaría de Atención y Gestión Ciudadana*)	N.A.

Note: Provinces not included in the table either did either not answer this question or do not have an office dedicated to stakeholder participation.

Offices dedicated to open government in ministries, public institutions and provinces are crucial to co-ordinate open government initiatives and provide strategic guidance. While it is not necessary to create an office that focuses solely on stakeholder participation, ministries and provinces could allocate the responsibility for open government initiatives to an existing office or newly created office. Informal Open Government Contact Points already established in most ministries provide a good starting point for the potential anchorage of offices.

The success and impact of the office on advancing open government in the respective institution or province is nevertheless dependent on financial and human resources, as well as political will. One positive example in this regard is the case of Santa Fe, where the Governor is a vocal supporter of open government through his publicly available agenda, and supports the incorporation of the concept of open government and an open state into the new draft State Constitution of Santa Fe (Notife, 2018).

Ministries and provinces need additional guidance from the central government in order to enhance their stakeholder participation practices.

The OECD Surveys asked ministries and provinces of Argentina about the challenges they face in the area stakeholder participation. Overall, the most frequently cited challenge was "stakeholders are not sufficiently informed about participation opportunities", mentioned by 83% of line ministries and 80% of provinces. The second most frequently cited challenge was "insufficient awareness among public officials of the value added of stakeholder participation practice", which was noted by 87% of provinces and 75% of ministries.

Figure 6.4. Self-perceived challenges for effective stakeholder participation at sector level and in the provinces
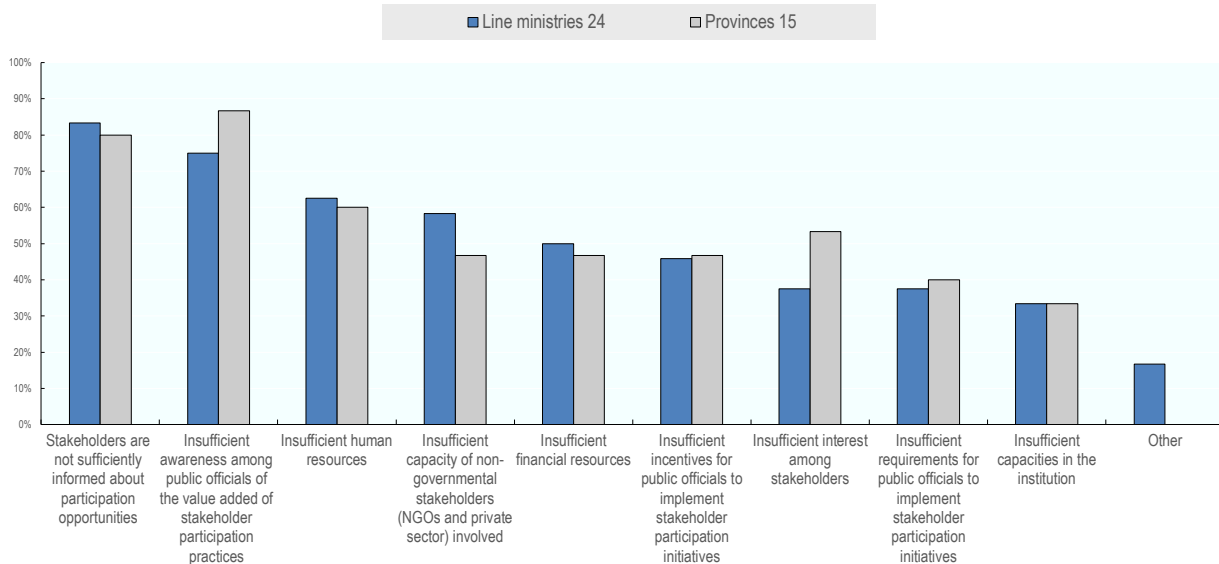
Note: Provinces and ministries were asked to list their five main challenges to implementing stakeholder participation and to rank them accordingly. The figure reflects the frequency of the challenge chosen, but does not reflect the ranking.
Source: Responses to OECD (2018), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

The reported challenges for effective stakeholder participation underline the importance of institutional communication, as discussed in the first section of this chapter. They also highlight the need for additional guidance and awareness raising about the benefits of stakeholder participation, conducted either by the SGM or the Open Government Contact Points in the ministries. The diffusion of existing toolkits on open government, transparency, open data, public innovation and agile management offers significant potential to raise awareness about open government and its benefits. Moreover, networking and dissemination events such as *Argentina Abierta* and the Roundtables and COFEMOD represent opportunities to raise awareness about the existence and usefulness of these tools (see also Chapter 7 on the Open State).

Since cultural change is slow to trickle down and reach all sectors and branches of power, the SGM should continue disseminating existing toolkits and encourage provinces and line ministries to build on experience acquired during the OGP process to elaborate their own stakeholder participation initiatives. The Secretariat could also continue to provide technical support for the implementation of stakeholder participation initiatives, a service that received praise from provinces and line ministries in the OECD Surveys and interviews held during the fact-finding missions.

The informal Open Government Contact Points established with the Secretariat of Modernisation could be key actors in raising awareness of the benefits of stakeholder participation. Continuing the close co-operation between the Secretariat and the ministries would help to ensure commitment at sector level to engage stakeholders. In addition to co-ordinating the homogenous implementation of open government strategies and initiatives within their institutions, the Contact Points could help to disseminate and advocate for the use of toolkits related to open government across their respective institutions. They could, moreover, help to design training courses that sensitise policy makers in the ministries

regarding stakeholder participation initiatives, as analysed in more detail in Chapter 4 on Implementation. This could be done in close co-operation with the National Institute for Public Administration (INAP) and the Design Academy of Public Policy, which offer similar courses. Additionally, the informal Contact Points could be capacitated using a "train the trainers approach" to even better support the policy makers in their ministries.

Harmonising and aligning scattered good practice to move towards an integrated approach for stakeholder participation

Stakeholders are informed and consulted on relevant policy areas in the provinces of Argentina, yet mostly on an ad hoc basis.

Involving stakeholders in policy areas most relevant to their lives can contribute to regaining trust in public institutions. According to data from the OECD Surveys, stakeholders in provinces are frequently involved in topics related to well-being/health (60%). With regard to consultation on the strategic plan of the province, stakeholders are involved in around two-thirds of provinces (67%). Provinces also engage stakeholders in policies related to environment (67%) (Figure 6.5).

Figure 6.5. Stakeholders are engaged in a number of important policy areas in Argentina's provinces
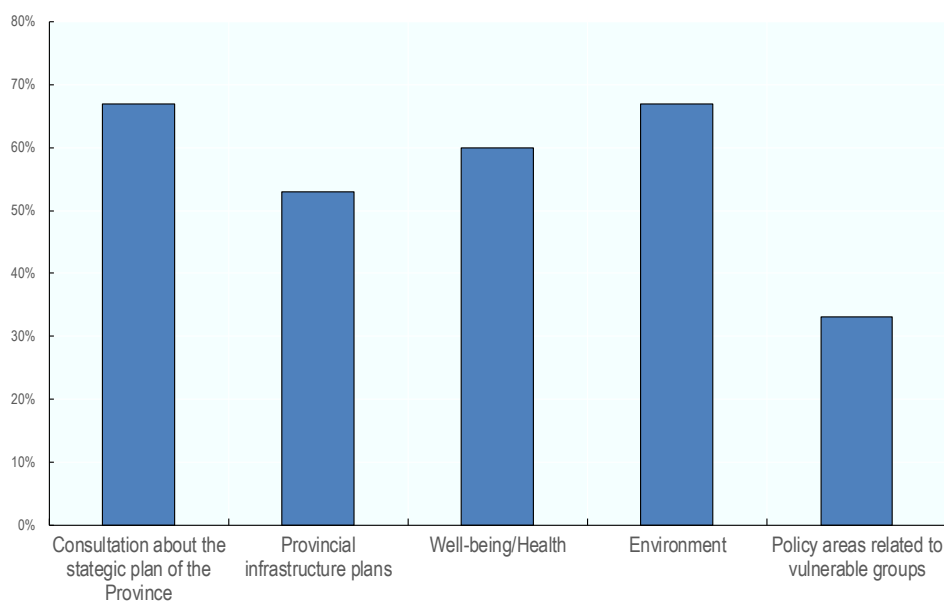
Source: OECD (2018), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

A significant number of provinces consult stakeholders on topics that are highly relevant for policy making, such as provincial infrastructure plans or strategic planning. As argued in more detail in the *OECD Public Governance Scan Review on Enhancing Administrative Capacity at Sub-National Level for Better Planning and Open Government in Colombia* (2019b), the inclusion of citizens, NGOs and representatives from the private sector in strategic planning can lead to higher responsiveness to stakeholders' needs. A project from the City of Buenos Aires offers a good practice on engaging citizens in urban planning and the re-organisation of their neighbourhood (Box 6.7).

Box 6.7. Asking the neighbours: Buenos Aires' participatory approach to upgrading and integrating slum communities in the City

In many cities, the majority of projects in urban planning are implemented using a top-down approach. Not so in Buenos Aires. The Ministry of Housing elaborated an innovative participatory approach to engage the residents of the slum communities in designing and implementing projects that seek to improve access to infrastructure (gas, water or electricity) or integration of the community into the City. The slum-upgrading project has three principal integration aims: a) housing integration (providing adequate housing for families and security of tenure through the construction of a new neighbourhood); b) urban integration (installing basic infrastructure); and c) socio-economic integration (improving access to health, education and employment opportunities).

Features of the participatory approach

The process was initiated two years ago in the Villa 20 Buenos Aires city slum, where around 20 000 residents of Buenos Aires (*Porteños*) were living in dire housing conditions without access to water, gas or electricity. In order to better understand the needs and receive suggestions for improvements, the ministry organised a participatory roundtable. At the meetings, resident representatives, neighbourhood social organisations, the city ombudsman and the Ministry itself gathered to find a consensus on the re-urbanisation of the neighbourhood and its socio-urban integration. The board met on a weekly basis to allow sufficient time for thorough discussions and assessments. These participatory roundtables were established in each of the 30 blocks of the Villa 20 neighbourhood. A roundtable meeting of the entire neighbourhood took place twice a month and served to inform residents about the procedure and next steps. Eventually, the board prepared and approved the re-urbanisation bill, which was at the core of the project.

According to the President of the Housing Institute of the City of Buenos Aires, the benefits of this participatory approach can be summarised as follows:

- *"It improves the design and quality of the programme.* If stakeholders help to make decisions at all stages of the programme, problems are more likely to be understood and solutions are more effective.

- *It enhances impact and sustainability* through local ownership of projects and a sense of responsibility on the part of the community. This helps to overcome the paternalism in the relationship with public institutions in favour of a culture of rights and responsibilities – on both sides.

- It contributes to overarching goals of good governance, democratisation and poverty reduction. It favours people's empowerment, and helps to foster informed and responsible citizens."

Source: Maquieyra, J. (2018), "Why Buenos Aires has put residents at the heart of slum upgrading*", Apolitical*, https://apolitical.co/solution_article/buenos-aires-residents-slum-upgrading (accessed 7 January 2019).

Another example where stakeholder participation improved the quality of reforms is the Bicentennial Houses of History and Culture Programme in Argentina (Box 6.8).

Box 6.8. Citizen participation in the cultural policies cycle of the Bicentennial Houses of History and Culture Programme in Argentina

Under the leadership of the Cultural Innovation Directorate at the National Ministry of Culture, the Government of Argentina is currently implementing an open government initiative that focuses on generating an open and collaborative space for citizens to meet and discuss local issues around culture and propose new solutions that improve the quality of life in the communities where they live. Currently, there is limited citizen participation in the process of developing public cultural policies and few spaces for discussion. The Ministry acknowledged this challenge and decided to develop a solution on the basis that "cultural policies have a direct impact on building identities, constructs, backgrounds and horizons in a society" (Secretariat of Modernisation, 2017). Together with civil society organisations, *Museos Abiertos* and the *Estudio de Arte Dottore Malatesta*, the Ministry of Culture seeks to explore ways to solve local challenges by strengthening the cultural links of local communities. In the context of the Bicentennial Houses of History and Culture Programme, the Ministry propose to empower the 117 existing cultural spaces across the country and use them as centres for social and cultural innovation to guide citizen participation.

Concretely, citizens are engaged through a number of initiatives that take place throughout the policy cycle (diagnosis, formulation, implementation and evaluation). These can be summarised as:

- "focus groups, meetings and virtual instruments to analyse problems and opportunities for local creative industries

- the Festival of Ideas programme at Bicentennial Houses, an open and collaborative space for exchange to co-create projects

- implementation of projects co-created by the community

- constant evaluation of the process through virtual and in-person tools" (Secretariat of Modernisation, 2017).

The Ministry committed to organising at least two open meetings with artists, cultural managers and civil society organisations working on topics related to culture, as well as public institutions. Since the initiative is restricted to the biennial implementation cycle of Argentina's OGP Action Plan, the Ministry could use the valuable contacts established and lessons learned from the joint endeavour to develop additional inclusive initiatives that go beyond the Action Plan.

Source: Secretariat of Modernisation (2017), *III Open Government National Plan of the Argentine Republic 2017-2019*, Buenos Aires, www.opengovpartnership.org/sites/default/files/Argentina_Action-Plan_2017-2019_EN.pdf (accessed 5 December 2018).

While the topics on which citizens and other stakeholders are involved is crucial, it is important to reflect upon the stages of the policy cycle in which their engagement is most important (OECD, 2016). OECD data show that stakeholders in around 50% of provinces are involved in the identification (53%), drafting (53%) and implementation of policies (47%). However, overall only one-third of provinces include stakeholders in the evaluation of policies. As discussed in more detail in Chapter 5 on Monitoring and Evaluation, involving citizens and all stakeholders in the monitoring and evaluation of policies is of

utmost importance, as it enables those involved in the process to assess whether and to what extent the process has (or has not) been successful in achieving its goals (OECD, 2016). One example in which concerned citizens were asked to provide their input on the process of evaluation is the Residents' Panel in Canada (Box 6.9).

Box 6.9. The Ontario Residents' Panel to Review the Condominium Act: An initiative in support of the Ontario Ministry of Consumer Services' Condominium Act Review

One example in which citizens were involved in the reassessment of legislation comes from the Canadian Province of Ontario. In 2001, the Government of Ontario's Condominium Act came into force, a "provincial legislation that governs the rights and responsibilities of condominium developers, owners, corporations, and boards of directors and establishes a number of protections for condominium buyers and owners". Ever since, Ontario has experienced a boom in condominium construction that was propelled by densification policies and demographic changes, among others, with the result that by 2013, half of new homes in Ontario were condominiums.

In the light of these developments, the Government of Ontario decided to reform the 2001 Act in order to make it more responsive to the new needs and opportunities brought by the developments. The Ministry of Consumer Services was tasked with overseeing the review and decided to engage with the residents and property owners concerned by the Act. In order to evaluate the strengths and pitfalls of the Act, the Ministry partnered with experts in the field and created a three-stage process for the Review of the Act.

- **Stage 1:** A Residents' Review panel, one of the central components of the process, was established; the Ministry set up Stakeholder Roundtable Meetings; and the Minister organised Public Information Sessions, which included an option for residents to submit ideas about areas of the previous Act that did not address the challenges of their situation.

- **Stage 2:** The expert panel assessed the findings and elaborated recommendations for the provincial government to review and alter the Act. The recommendations were also made available to the public to allow them to provide comments.

- **Stage 3:** The Residents' Panel met for a weekend to assess the recommendations and decide whether their comments had been considered. On this basis, the Panel provided comments on the report which informed the Action Plan, eventually resulting in recommendations to the Government of Ontario and the condominium sector and industry, to devise a renewed version of the Act that corresponds to the shifted reality of the sector.

Source: Government of Ontario (2013), *The Ontario Residents' Panel to Review the Condominium Act: An Initiative in Support of the Ontario Ministry of Consumer Services' Condominium Act Review*, Final report prepared for Public Policy Forum, Ottawa, https://files.ontario.ca/residents_panel_report_en.pdf (accessed 4 December 2018).

Good practices such as **Innovación Abierta** *are essential tools to inform and consult with stakeholders.*

A central approach of open policy making frequently used by the Secretariat of Modernisation to engage with stakeholders is the Open Innovation paradigm (*Innovación Abierta*). Managed by the UOG's National Directorate for Public Innovation (*Dirección*

Nacional de Innovación Pública), the concept was adopted from the private sector and translated into a valuable tool for stakeholder participation. The paradigm is used by the SGM to provide platforms and physical meetings in which participants share and co-create knowledge, assess public challenges and seek new approaches to tackle them (Table 6.4). According to the SGM, the Open Innovation paradigm catalyses knowledge, practices and objectives with a view to modernising the state and its link with society. Moreover, the composition of Argentina's Open Innovation initiative is noteworthy, as it brings together representatives from the state, the private sector and civil society.

Table 6.3. Stakeholders involved in Open Innovation in Argentina

	Participants	Role
Representatives of the state	Event organisers	Ensure consensus and participation, logistics and outreach, provision of methodologic framework
	Specialists in the topic	Provide relevant information on the topic, participate in solution finding, assist with the mapping exercise and meet with involved stakeholders
	Mentors	Facilitate the development of the projects, mainly by supporting experts from the public sector who work on the topic
Private sector	Entrepreneurs	Provide ideas for the development of the project
	Developers	Provide technical input mainly during hackathons
	Chambers and enterprises	Help to disseminate the ideas of the hackathons; provide speakers, experts and jury members
	Data scientists, designers, communicators, inventors	Support the implementation process
Civil society	NGOs/associations	Provide an outside perspective, which can be especially important during the identification of priority topics; act on occasion as mentors and communicators
	Academia	Play a crucial role in collaborating on communication, offer venues and participate as speakers, etc.

Source: Background Report provided by the Secretariat of Modernisation (unpublished).

As part of the Open Innovation paradigm, a number of ministries have organised hackathons on topics as diverse as technology and agriculture, tourism, territorial development and the environment (Box 6.10).

Box 6.10. Effectively involving citizens in relevant policy areas through hackathons

As part of the Open Innovation (*Innovación Abierta*) process, several ministries have organised hackathons on various policy areas. In one hackathon, the ministries of environment, production, science and technology and the teams from the provinces competed to generate an Environmental Innovation Project. The project seeks to facilitate the design and prototyping of technological projects that will offer solutions to specific environmental challenges. The initiative also sought to connect the technological community with the environmental sector, and to lay the foundations for the development of highly beneficial initiatives.

Key focal areas included:

- *Biodiversity* – including the identification of threatened and/or endangered species and changes in their populations, the promotion of biodiversity and the use of databases in real time to record cases of illegal wildlife trafficking

- *Climate change* – including innovative early warning systems that are accessible and effective in the context of climate change; increased effectiveness of protocols

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and action plans for extreme climatic events; increased awareness of climate change; and the collection, processing, storage, interpretation and/or availability of data relevant to climate change

- *Water* – including simplification and reduction in costs of water sampling in watersheds, simplified and efficient monitoring of watersheds, and efficient use of water in the residential sector.

- *Waste collection* – including the importance and perceived value of waste, alternatives for home organic waste treatment, detection of informal landfills, and collaborative work between urban collectors and the population.

Throughout the process, the main environmental challenges were defined through inter-sectoral discussions. The environmental challenges were then discussed to identify opportunities for innovation and to establish solutions together with the local entrepreneurial ecosystem. Presentations were held in the provinces of Chaco, Corrientes, Jujuy, La Rioja and Buenos Aires.

More than 200 entrepreneurs, professionals from academia, students, specialists in technology and the environmental sciences, and citizens participated in a hackathon that included envisioning, co-creation, development and prototyping of technological solutions to environmental challenges. The final incubation stage involved accompanying and strengthening the projects to enhance the implementation of the five hackathon-winning solutions.

This process – an example of various hackathons jointly organised by different ministries in Argentina – constitutes a good practice for effectively engaging citizens throughout the different steps of the policy cycle on projects that are meaningful and relevant to their lives.

Source: Background Report provided by the Secretariat of Modernisation (unpublished).

Another online engagement platform created within the framework of Open Innovation is Public Challenges (*Desafíos Públicos*). The platform offers citizens and other stakeholders the opportunity to co-create initiatives relevant to society. Citizens can participate by uploading innovative proposals and commenting on those of other participants (Secretariat of Modernisation, n.d.). In certain cases, mentors who are experts in the field provide support to citizens to help them solidify their proposal. The proposals are published on the website Argentina.gob.ar/desafiospublicos, where they can be read by anyone interested in the challenge (Presidency of Argentina, n.d.).

Encouraging all ministries to use the Platform for Public Consultation and Public Challenges

In addition to initiatives launched within the framework of Open Innovation, the Government of Argentina consults stakeholders through the Platform of Public Consultation (*Plataforma de Consulta Pública*). The platform was created to offer ministries the possibility to ask for citizens' input on their respective policy areas. The platform is based on the open source online platform DemocracyOS. Stakeholders interested in participating consult an easy-to-understand manual which outlines the different steps involved. Users are then asked to either register through their Facebook page or to provide their full name and email address. According to information provided by the SGM, 21 consultations have been held involving more than 2 000 participants. Offering citizens and other stakeholders the possibility to participate and provide their input in an

anonymous manner (without providing their Facebook profile data or full name) would further encourage people to contribute their opinion, and likely add to the number of inputs received.

Another good practice at the provincial level is the Citizen Innovation Laboratory of Santa Fe, SantaLab. The Laboratory (presented in more detail in Chapter 7 on the Open State) seeks to create a space for new forms of citizen organisation and self-organised groups that, through informal processes of citizen practice, make policy making more resilient and adaptive (Santa Fe, n.d.).

In order to simplify the consultation process for stakeholders, Argentina created a single Platform of Public Consultation. This process conducted by different ministries and institutions eliminates the confusion created by multiple platforms, and thus represents an important step in facilitating stakeholder participation. Any institution that seeks to create a similar platform should thus consider using the existing Platform of Public Consultation.

In the interviews conducted during the fact-finding missions, representatives from the national and provincial governments, as well as civil society, frequently cited Open Innovation, the Platform of Public Consultation and hackathons as central tools to foster exchanges. These tools, which were created by the Secretariat of Modernisation (borrowing in part from the private sector), have proven to be a significant resource.

Enlarging the variety of stakeholders that participate and reaching out to under-represented groups

Inclusive policy making requires governments to create channels that allow stakeholders to discuss challenges and find solutions.

Analysis of the frequency with which ministries use channels to inform, consult or engage stakeholders, shows that the full potential of social media and other tools is not being exploited. According to ministry estimates, only 29% of stakeholders have always or often used social media or participate in online consultations on the central government's website. Rather, stakeholders tend to rely on the traditional approach of participating in public meetings (54% always or often). Stakeholders in the provinces seem to prefer social media as well as informal consultations (often used by 33% of stakeholders).

Overall, Figure 6.6 and Figure 6.7 do not highlight a preferred approach among stakeholders to engaging with provincial governments or line ministries. Accordingly, the provinces and ministries of Argentina could continue to diversify their participation approaches in order to include stakeholders that are reluctant to participate in a hackathon, for example. To this end, Table 6.4 provides a (non-exhaustive) overview of additional stakeholder participation practices that differ in their intended use, size of audience to be targeted and their organising entity.

Figure 6.6. Approaches to stakeholder participation in line ministries, 2017
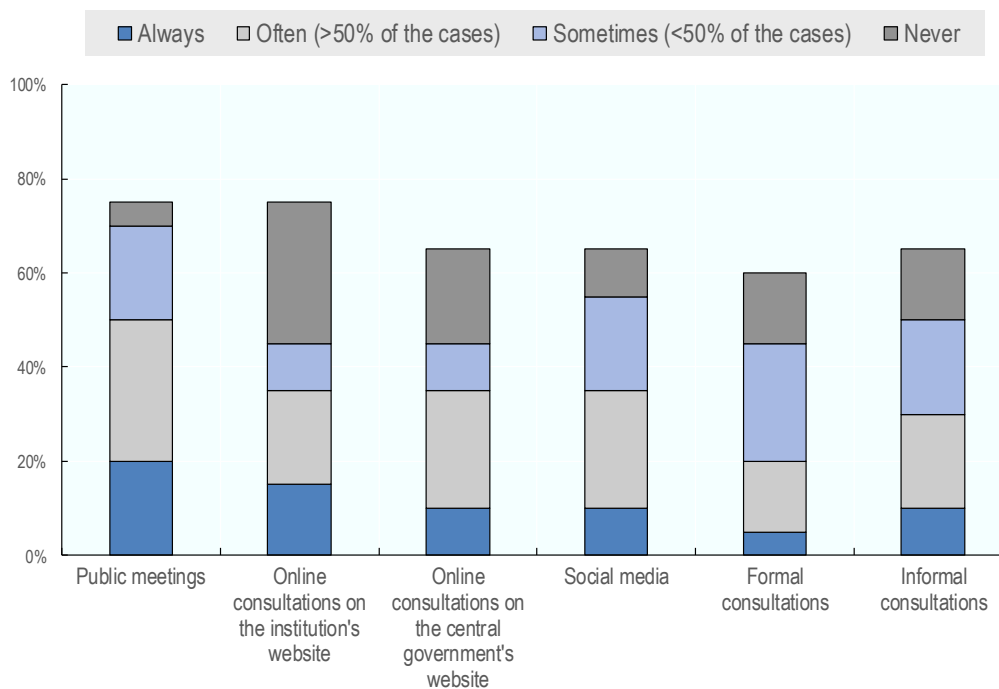
Note: With which frequency have stakeholders used the following approaches to participate in the policy cycle in 2017? The missing percentage of options reflects the number of respondents who answered "I do not know".
Source: Responses to OECD (2018), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

Figure 6.7. Approaches to stakeholder participation in provinces, 2017
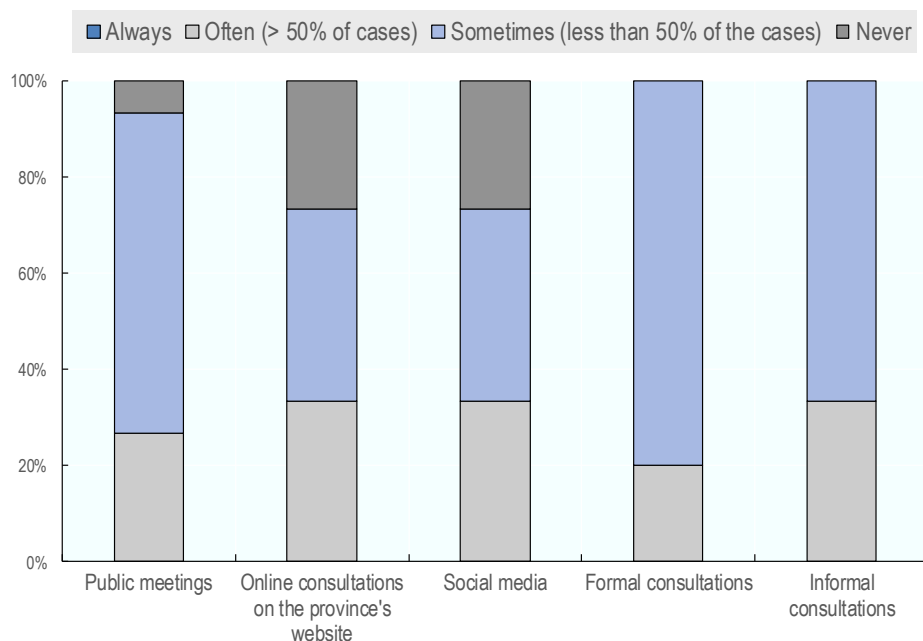
Note: With which frequency have stakeholders used the following approaches to participate in the policy cycle in 2017?
Source: Responses to OECD (2018), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

Table 6.4. Overview of stakeholder participation practices

Name of the initiative	Goal	Nature of topics discussed	Organiser	Duration/number of participants
21st Century Townhall Meeting	Advise decision makers through the use of modern technology	Mainly local issues (e.g. communal development)	Municipalities, agencies	1 day/ 500-5 000 people
Appreciative Inquiry	Initiate change processes, based on previous successes	Change processes in organisations and society	Enterprises, municipalities, agencies	Flexible
CitizenForum	Strengthen democratic competencies, initiate debate in society	Discussions on regional, national and transnational issues	Private foundations (to date)	Various weeks/300-10 000 people
Participatory budgeting	Citizens participate in budget decisions	Setting of priorities for expenditures and consolidation of local and communal budgets	Local politicians, local government	Various months (up to 10 000 people)
CitizenPanel	Advise decision makers	Feedback for politicians and service providers, long-term change in public perception	Local politicians, local government, other stakeholders	3-4 years (up to 4 surveys each year)/ 500-2 500 people
Citizens' Council	Influence debates in society, advise decision makers	Communal development and local topics	Local politicians, local government, clubs, enterprises	2-day meetings in various months/ small groups of 8-12 people
Deliberative Polling	Information transfer, deliberation	Wide range of topics, ranging from local to transnational issues	Political decision makers	Various weeks/300-500 people

European Citizens' Consultation	Information transfer, influence debates in society	Future of Europe, local and pan-European questions	Agencies and political decision makers	Various months/ groups of 25-150 people totalling up to 1 800 people
Consensus Conference	Exchange among experts and laypersons	Controversial topics of public interest, local to transnational questions	Agencies	3 days (+2 preparation weekends) /10-30 people
National Issues Forum	Information transfer, acquisition of competencies	Different topics linked to public organisation of local to national relevance	Municipalities, schools, universities and other educational institutions	1-2 days/10-20 people
Open Space Conference	Brainstorm and develop new ideas	Potentially any topic which requires a new or creative idea	Enterprises, clubs, agencies, communal agencies, educational institutions, church, etc.	1-3 days/ flexible (10-2 000 people)
Planning for Reality	Reorganise common spaces	Projects in urban planning	Local politicians, local government, similar institutions	Various months/ flexible
Planning Cell	Integrate citizens' knowledge into planning decisions	Problems of local and regional planning (urban planning, infrastructure)	Local politicians, local government, similar institutions	2-4 days (flexible, max. 25 people per planning cell)
Scenario technique	Balance different future scenarios	Anticipation of future developments and issuing recommendations on different topics (local to transnational)	Enterprises, clubs, institutions, local government, educational institutions, church ,etc.	1-3 days/flexible (25-250 people, max. 30 people per group)
World Café	Use of collective intelligence	Potentially any topic which requires a new or creative idea	Enterprises, clubs, institutions, local government, educational institutions, church etc.	Flexible (3 hours to 2 days)/flexible (12-1 200 people)
Conference of the Future	Develop common perspectives, which are accepted by all stakeholders	Long-term strategies and goals for organisations and society	Enterprises, municipalities, institutions	2-3 days/ (ideally, a group of 64 people)
Future workshop	Develop creative approaches to solving complex challenges, and common perspectives on the future	Long-term changes and ways to influence processes and projects	Municipalities, institutions, organisations, clubs, etc.	2-3 days/ flexible (max. 25 people per group)

Source: based on Bertelsmann Foundation (2012), *Politik beleben, Bürger beteiligen: Charakteristika neuer Beteiligungsmodelle* [Reviving politics, involving citizens: Characteristics of new participation models], Bertelsmann Foundation, Gütersloh, Germany.

Argentina's third OGP Action Plan is rooted in sound stakeholder participation.

According to interviews conducted with various representatives of civil society, the SGM made strategic use of the process of co-creation of the third OGP Action Plan to establish closer contact with other ministries and provincial representatives, and also to ensure more frequent and institutionalised interactions with CSOs. As discussed in Chapter 4 on Implementation, the OGP requires its participants to design their biennial Action Plans in an inclusive manner and to create spaces of engagement for a wide range of stakeholders.

Argentina's process of creating the third OGP Action Plan was characterised by remarkable efforts to incorporate input from stakeholders in all parts of the country, not just the capital. The plan is based on the concept of "An Open State for the 21st century" in which the "government […] is at the service of its people" (Secretariat of Modernisation, 2017). In accordance with this vision, 54 civil society organisations and 28 state agencies participated in the co-creation process for third OGP Action Plan. During the co-creation of commitments for the provinces, 90 CSOs participated in roundtable discussions. Overall, their feedback on the process obtained during the first fact-finding mission was positive; moreover, CSOs urged the government to continue this outreach exercise for subsequent strategic documents and plans.

The inclusive approach used to design the third OGP Action Plan is rooted, among others, in feedback received on Argentina's second OGP Action Plan. A core element of the recommendations provided by the OGP's Independent Reporting Mechanism (IRM) was the need to ensure permanent consultation. The IRM advised the Government of Argentina to "institutionalise a permanent mechanism of co-ordination between the state and civil society, focused on the monitoring of the implementation of the commitments" (OGP, 2017). This advice was taken up by the government and resulted in the creation of the National Roundtable of Open Government.

Stakeholder participation is a key axis of the OGP Action Plan.

As with all countries that participate in the OGP, the biennial Action Plan in Argentina exerts a significant influence on the national open government agenda. The strong focus on stakeholder participation evident in the third Action Plan is reflected in the number of commitments devoted to this principle (Table 6.5). As noted throughout the Review, the inclusion of ten commitments in the OGP Action Plan under the responsibility of a number of different institutions poses challenges for overall co-ordination and implementation. Indeed, the Secretariat of Modernisation acknowledged during the fact-finding mission that various commitments, including those on stakeholder participation, have not yet been implemented. The institutions, moreover, admitted that completion of the activities and commitments is questionable within the two-year framework of the OGP Action Plan. The Secretariat's decision to restrict the number of commitments in the forthcoming 2019-2021 Action Plan could thus lead to a higher implementation rate.

Table 6.5. Commitments related to stakeholder participation in Argentina's 3rd OGP Action Plan

Name of the commitment	Lead implementing institution	Main objective as stated in the OGP Action Plan
#21 Improve the mechanism for the popular Initiatives	Secretariat for Political and Institutional Affairs; Ministry of Interior, Public Works and Housing	To promote the amendment of the existing legislation that regulates the popular initiative mechanism.
#22 Training programmes on open government practices	Secretariat of Municipal Affairs; Ministry of Interior, Public Works and Housing	To train local governments to pilot open government practices
#23 Participatory development of a National Plan for Equal Opportunities	National Women's Institute	To use participatory tools to prepare a Plan for Equal Opportunities (PEO) with a focus on gender.
#24 Promotion of mechanisms incorporating civil society into the auditing cycle	General Audit Office	To intensify the link between the General Audit Office and civil society by implementing citizen participation mechanisms during the audit design stage and following report approval.
#25 Spaces for training and debate linked to the electoral process in Argentina	National Directorate for Electoral Matters; Ministry of Interior, Public Works and Housing	High levels of misinformation persist about the electoral process among young people aged 16-17 who, since the enactment of Law No. 26774 in 2012,

		are allowed to vote. This intensifies the lack of motivation among citizens at large to participate in the electoral process as poll officials, monitors or observers.
#26 Citizen consultation to generate statistical education data	Ministry of Education and Sports	To consult with civil society organisations (CSOs) engaged in education issues about data fields assessed by the SINIDE (Comprehensive Digital Educational Information System), including rurality, disabilities and teachers' academic background, to analyse whether they meet the CSO's needs, or whether they should include new measurement variables and, if so, work jointly on an education work table.
#27 Strengthening of the "Commitment to Education", as a space for citizen participation	Ministry of Education and Sports	To contribute to quality and inclusive education through citizens' participation in public policy making and monitoring; and to promote actions leading to appropriation of the space for citizens and dynamic intra- and inter-roundtable communication.
#28 Citizen participation in the cultural policies cycle of the Bicentennial Houses of History and Culture Programme	National Directorate for Cultural Innovation, Ministry of Culture	To promote citizen participation in the cultural public policy cycle and in the construction of state interventions in cultural expressions.
#29 Perceptions and representations from people with disabilities regarding service institutions	National Rehabilitation service – a decentralised institution under the Ministry of Health	To encourage dialogue to define priorities and disability public policy making, bringing together people with disabilities, their families and organisations in order to ensure compliance with the Convention.
#30 Roundtable on Habitat Policies	Undersecretariat for Habitat and Human Development; Secretariat of Housing and Habitat; Ministry of Interior, Public Works and Housing	To institutionalise and consolidate the Round Table on Habitat Policies; to create a workspace to analyse and make proposals on national public policies and contribute to the evaluation design.

Source: Secretariat of Modernisation (2017), *III Open Government National Plan of the Republic of Argentina 2017-2019*, Buenos Aires, www.opengovpartnership.org/sites/default/files/Argentina_Action-Plan_2017-2019_EN.pdf.

The government is working to ensure a continuous dialogue with stakeholders.

The OECD Recommendation stipulates that adherents should "grant all stakeholders equal and fair opportunities to be informed and consulted (…) and actively engage them in all phases of the policy cycle". The following section provides a (non-exhaustive) overview of groups of society that the Government of Argentina seeks to involve in the policy cycle.

According to OECD data gathered, ministries and Secretariats in Argentina engage with stakeholders on a regular basis. Unsurprisingly, ministries engage most frequently with CSOs. In fact, 79% of ministries do so on a regular basis (Figure 6.8), with 46% of ministries engaging regularly with media representatives and journalists, and 58% engaging with academic institutions. These figures are comparably high *vis-a-vis* engagement with stakeholders in the ministries of OECD countries (Figure 6.9 and Figure 6.10). As building trust requires continuous engagement between ministries and stakeholders, Argentinian ministries should continue their efforts to reach out to all parts of society.

Figure 6.8. Frequency of ministerial engagement with stakeholders
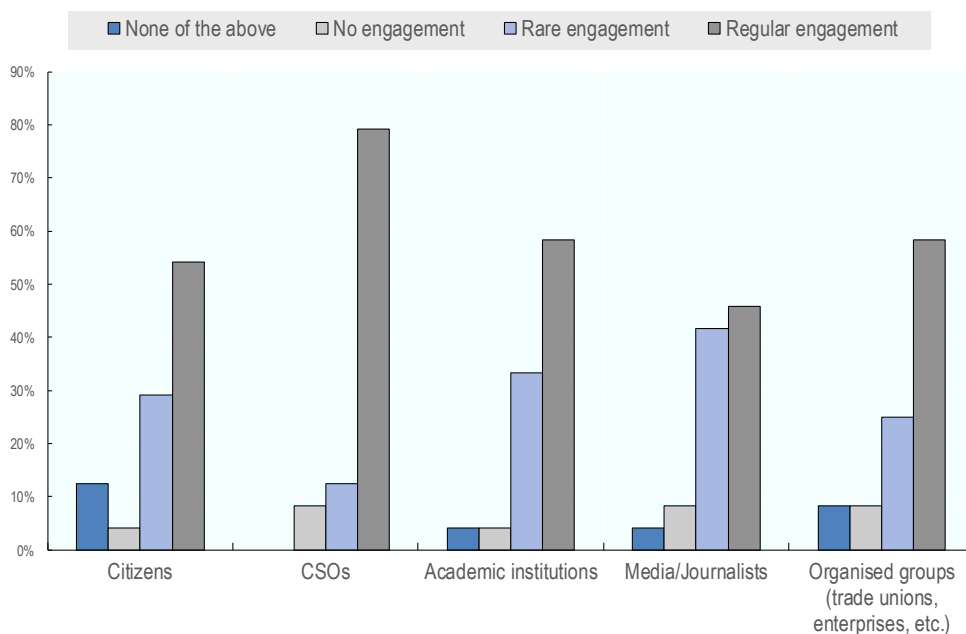
Source: Responses to OECD (2018), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

Figure 6.9. Participation with different actors throughout the policy cycle in finance ministries
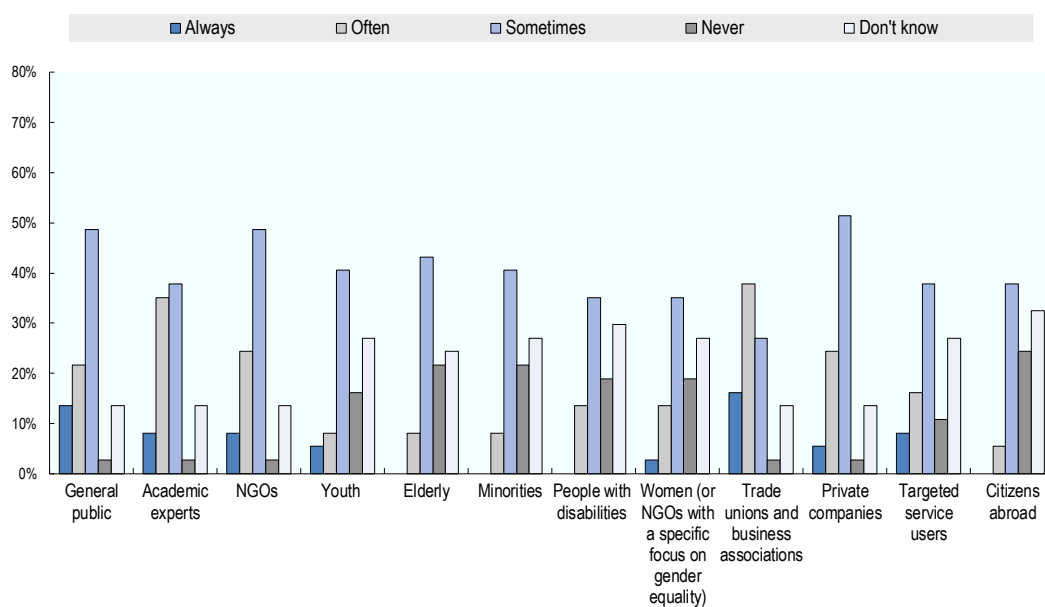
Note: Data based on 37 countries' finance ministries (OECD 31).
Source: Country responses to OECD (2015), *2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle*, OECD, Paris.

Figure 6.10. Participation with different actors throughout the policy cycle in health ministries
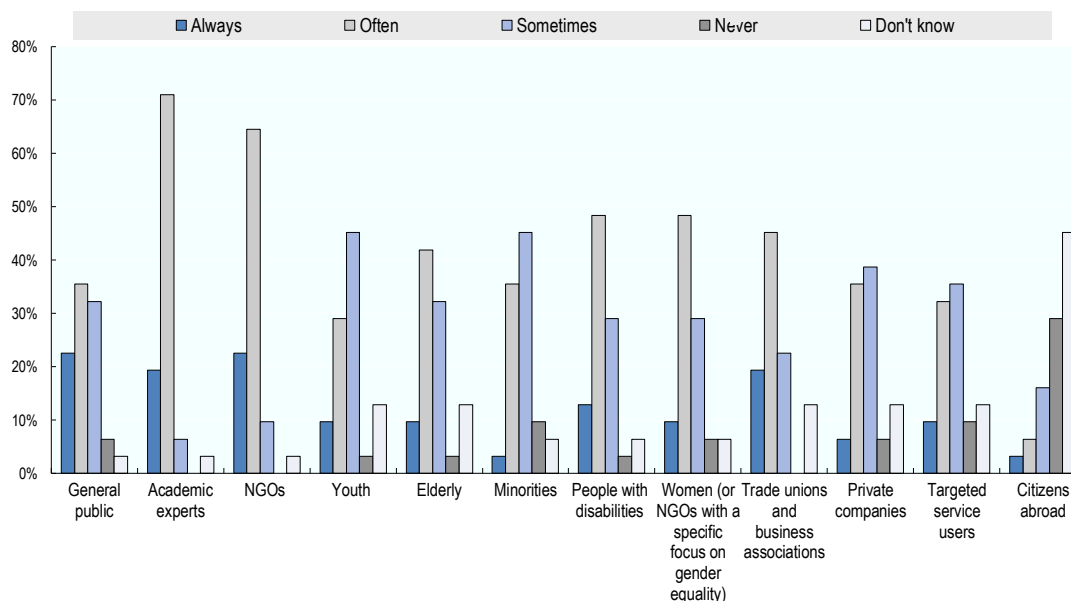
Source: Country responses to OECD (2015), *2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle*, OECD, Paris.

Moving beyond the usual suspects: Amplifying the variety of stakeholders that participate and reaching out to underrepresented groups

As stipulated by Provision 8 of the OECD Recommendation, all stakeholders should be granted an equal and fair opportunity to be informed and consulted, and should be actively engaged in all phases of the policy cycle. When assessing the measures used to engage with stakeholders, the diversity of groups that are targeted by provinces and ministries stand out. In fact, 53% of provinces have developed initiatives that involve elderly people, 67% target women and 53% focus on minorities. While these initiatives are an important step forward, half of all 20 participating ministries still do not implement measures to ensure the involvement of these groups (Figure 6.11). In the case of the provinces, 33% of line ministries lack targeted measures to reach out to specific groups of society.

Figure 6.11. Specific measures implemented by ministries to ensure the targeted participation of the following groups
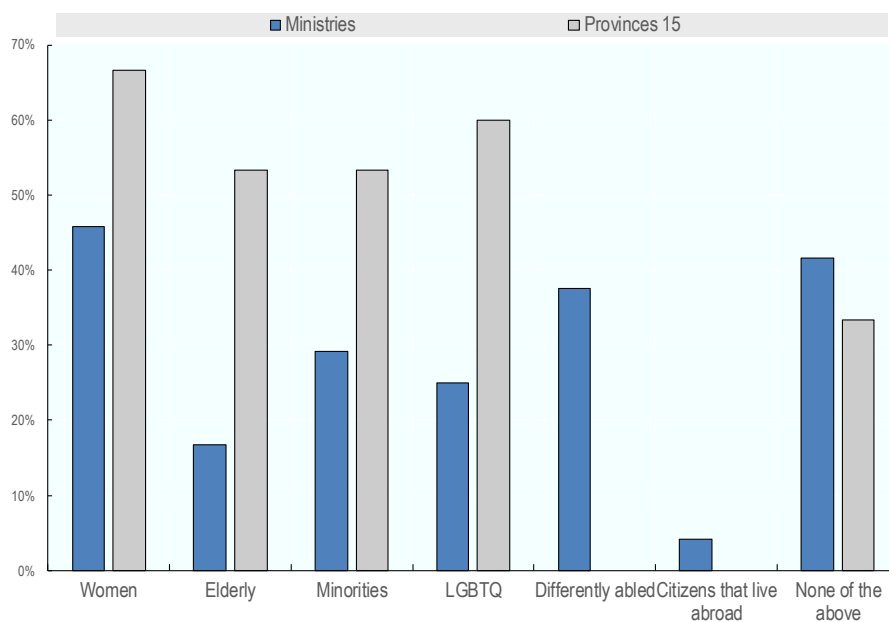
Note: Data for differently abled people are not available for the provinces.
Source: OECD (2018), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

The five provinces and ten institutions that have not yet established measures to engage the above-mentioned groups of society could profit from the benefits of stakeholder participation to create more open and inclusive policies. To this end, the following section examines concrete approaches to granting all stakeholders equal and fair opportunities to be informed and consulted, and to actively engage with them.

Argentina, as an adherent to the OECD Recommendation, should continue reaching out to vulnerable, underrepresented or marginalised groups in society

Having analysed the institutional framework to design and implement effective initiatives on stakeholder participation, the following section takes stock of the various efforts underway to reach out to and engage stakeholders in the policy-making process in Argentina. The majority of initiatives have been initiated by the third OGP Action Plan and in most cases remain commitments rather than implemented initiatives. Detaching these initiatives from the OGP process would allow the national government and the provinces to create a vision that goes beyond an isolated project that needs to be fully implemented within the two-year framework. Both the national and provincial governments have established a number of initiatives that target specific stakeholders, such as indigenous populations. A noteworthy example of such an initiative is found in the Province of San Juan (*Servicio Informativo Gobierno de San Juan*, 2017) in Costa Rica (Box 6.11.).

Box 6.11. Costa Rica's consultation mechanism for Indigenous Communities

The Government of Costa Rica was the first in the Latin America region to establish an official consultation mechanism for indigenous communities to encourage more inclusive participation in the policy-making process. The mechanism is the result of a two-year co-creation process between the government and 22 Indigenous territories, and builds on recommendations from the Special Rapporteur on Indigenous Communities of the United Nations. In total, more than 120 activities were organised that reached more than 5 000 indigenous people.

The consultation mechanism establishes a set of guidelines for government institutions on how to effectively consult indigenous communities and better address their needs. It establishes an eight-step procedure to carry out a consultation:

1. The request for consultation
4. Request revision and approval
5. Preparation and initial agreements
6. Information exchange
7. Internal evaluation carried out by the Indigenous community
8. Dialogue, negotiation and agreement
9. Completion of the process
10. Monitoring, evaluation and compliance with the agreement.

The mechanism also creates the *Unidad Técnica de Consulta Indígena* within the Ministry of Justice and Peace, which has the objective of overseeing and managing consultations. Moreover, each Indigenous territory appoints a representative to ensure dialogue involves all of the community.

The Government of Costa Rica recognises the importance of developing open spaces for dialogue between government officials and indigenous communities. The local government of San Juan, for example, has carried out a third roundtable with local communities to identify their priorities and concerns and build a long-term platform for dialogue. It addresses several themes ranging from territorial development to health, education, security and infrastructure among others. Indeed, practices promoting more inclusive consultation mechanisms not only support the opening up of government, but also the uptake and implementation of ambitious reforms.

Source: Presidency of Costa Rica (2018), *Costa Rica firma Mecanismo General de Consulta a Pueblos Indígenas* [Costa Rica signs General Consultation Mechanism for Indigenous Peoples], San José, https://presidencia.go.cr/ministerio/viceministerio-de-la-presidencia-asuntos-politicos-y-dialogo-ciudadano/2018/03/costa-rica-firma-mecanismo-general-de-consulta-a-pueblos-indigenas (accessed 31 August 2018).

In addition to indigenous communities, the OECD Recommendation foresees active engagement with individuals regardless of their gender and age. In November 2017, the Congress of Argentina passed a law which obliges future lists of parties' candidates to reflect full gender parity. While this change in legislation favours the inclusion of women and is line with the OECD Recommendation of the Council on Gender Equality in Public Life (OECD, 2016a), the composition of the Cabinet remains far from gender parity.

Gender parity in politics is of course only one initiative to enhance gender equality overall. Nevertheless, it remains a prerequisite for a more equal society that grants all genders fair opportunities to determine the country's policies, as advocated for by the OECD Recommendation on Open Government. The government acknowledges these challenges and the National Institute of Women (*Instituto Nacional de las Mujeres*) developed a National Plan for Equal Opportunities and Rights (*Plan Nacional de Igualdad de Oportunidades y Derechos*) 2018-2020 (Ministry of Health and Social Development, 2018). Its priority areas were identified with civil society organisations, trade unions and members of the Federal Women's Council (*Consejo Federal de las Mujeres*).

The *Guía Joven* developed by the National Institute on Youth represents a good practice for more structured provision of information and engagement with youngsters in Argentina. It offers an overview of all services directed towards young people that the different ministries have to offer. The well-structured guide lists activities or public services by ministry that are open to participation or use by young people. For each activity, the guide provides a general description, the targeted audience (e.g. concrete age group), benefits, necessary documents, how to obtain the service and sources/contacts for further information (Presidency of Argentina, n.d.a.). Overall, the National Institute on Youth has reached 1.465 million young people and 1 779 organisations that work on youth-related topics, according to information provided for the OECD Survey on Open Government in Argentina.

Open and inclusive policy making also requires active outreach to differently abled people. According to a census conducted by the National Institute of Statistics and Censuses in 2010, the number of citizens with disabilities and permanent impairments accounts for 13% of the Argentinian population (National Institute of Statistics in Secretariat of Modernisation, 2017). In an effort to design and implement more responsive policies and service provisions, the SGM included a commitment on "Perceptions and representations of people with disabilities about service-providing institutions" in the third OGP Action Plan. Led by the National Rehabilitation Service, a decentralised institution that reports to the Ministry of Health, the government seeks "to encourage dialogue to define priorities and disability public policy making, bring together people with disabilities, their families and organisations in order to ensure compliance with the Convention [on the Rights of Persons with Disability]" (Secretariat of Modernisation, 2017). To this end, the National Rehabilitation Service committed to implement four measures within the biennial timeframe of the OGP Action Plan:

- Present an action plan and achieve consensus through four virtual conferences held over three months.

- During these conferences, develop information-gathering instruments and training for actors-facilitators. These instruments will then be applied to gather information about the perceptions and representations of differently abled people, their families, institutions and professionals, as outlined by the previously agreed upon Action Plan strategy.

- Present the information gathered as well as the evaluation of the Action Plan strategy.

- Unveil campaigns that seek to disseminate, promote and raise awareness of the issue surveyed through the above instruments (Secretariat of Modernisation, 2017).

Box 6.12. OECD's work on youth engagement

OECD's work on youth engagement and empowerment provides a holistic assessment of the opportunities for youth to participate in public life and the performance of governments in delivering youth-responsive policy outcomes. Acknowledging the heterogeneity of their demands, OECD findings suggest that young men and women often find it difficult to make their voices heard. Youth are vulnerable to global challenges including the consequences of climate change, raising inequality and high public debt; moreover, in some countries, today's generation of young people may be the first in decades to be worse off than their parents. Despite being the most educated and connected generation of all times, many young people find it increasingly difficult to transit from education to the labour market, from the parental home to renting their own apartment, and from the care of their parents to becoming active citizens. As a consequence, young people in many OECD and non-OECD countries express less trust in government and public institutions than their parents.

Against this background, the OECD *Youth Stocktaking Report* is the first report of its kind to take stock of young people's engagement in policy making and civic/political life, and to examine the governance tools applied by governments to mainstream their concerns across ministerial portfolios. Across the 36 OECD member countries, the report presents hands-on practices and lessons learned in the area of national integrated youth policies, institutional capacities and co-ordination, mainstreaming tools, youth engagement and representation practices, and youth-responsive legal frameworks.

In the Middle East and North Africa (MENA) region, the OECD is currently providing support to Jordan, Morocco and Tunisia to strengthen youth engagement in public life, with the financial support of the MENA Transition Fund of the G7 Deauville Partnership. Based on peer-reviewed Country Reviews, the OECD has provided technical assistance to conduct mock elections in Jordan and to support the creation of local youth councils in Tunisia, among others. The project features a regional dialogue component which allows stakeholders from governments, youth associations, youth workers, academia and international partners across the region to exchange good practices.

Source: OECD (n.d.), "Promoting Youth Inclusion and Empowerment" (website), www.oecd.org/mena/governance/promoting-youth-inclusion-and-empowerment.htm (accessed 19 September 2018).

Inclusive policy making requires governments to create a forum in which the concerned stakeholders can express themselves and report on their perception of prevailing challenges and approaches on how to tackle them. The initiative by the National Rehabilitation Service provides a good example of how to consult concerned people and design more responsive policies that have a positive impact. The government also launched another initiative targeting young and elderly people and citizens without a computer at home (Box 6.13).

Box 6.13. Argentina's Digital Country Plan

The Government of Argentina has launched an initiative to strengthen the social bond in society through use of an online platform. As part of the country's Digital Country Plan (*Plan País Digital*), the government created Digital Points (*Puntos Digitales*) which seek to modernise municipalities and enhance the digital inclusion of citizens. The government also created a platform in an effort to connect people (including those that do not possess a computer at home), enhance digital literacy and enable access to ICTs. To this end, the government has equipped municipalities across the country with meeting places open to everyone, including elderly and young people. These Digital Points offer a place to learn, participate and spend leisure time by watching movies and television. To date, 353 Digital Points have been established in 23 provinces of the country.

According to the Secretariat of Modernisation, the aims of the Digital Points include:

- *Digital inclusion* – promote equal opportunities in access to connectivity and new information and communication technologies (ICTs), in order to enhance digital inclusion and contribute to the development of people and their communities.

- Expression – create a space for expression, the production of knowledge and the expansion of rights through free and open access to connectivity and new ICTs.

- *Knowledge* –make each Digital Point a space for literacy, digital updating and job training, both for the individual and community, in order to facilitate access to culture and knowledge.

- *Participation*: – provide a place for meeting and participation for community production, in order to promote social inclusion, improve and facilitate the productive activities of the population, and contribute to the development of people and their communities.

- Entertainment – promote Digital Points as spaces for digital entertainment, recreation and leisure, through equal opportunities in access, use and appropriation of new technologies.

Source: Secretariat of Modernisation (n.d.), *Punto Digital* [Digital Points] (website), https://puntodigital.paisdigital.modernizacion.gob.ar (accessed 8 January 2019).

Widening the focus from mushrooming online platforms to physical spaces for interaction is a crucial endeavour in order to avoid restricting open government to people with specific technical expertise and an interest in innovation. While the frequently used hackathons and Open Innovation initiatives are cutting edge approaches in comparison to those of some other countries, they might not speak to elderly people. Offering all members of society regardless of age – including those that do not have the technical knowledge or only limited accessibility to the Internet – the possibility to be informed and part of open government initiatives is vital in order to increase awareness and understanding of how open government reforms can have a positive impact on people's lives.

Potential exists to diversity civil society engagement in open government reforms in Argentina

According to information received during interviews conducted with civil society, the number of organisations that are actively engaged in the open government agenda in

Argentina remains limited. Both representatives from the government as well as civil society acknowledged that only a few organisations have taken up a leading role in the open government agenda. Government interaction reaches beyond "the usual suspects" in only a few cases, but the government has acknowledged this shortcoming and shown commitment to improving the ecosystem for civil society. As argued in the following section, an open government strategy with a strong stakeholder participation component could help to create a favourable environment for CSOs and other stakeholders alike.

Conceiving stakeholder participation as an integral part of a National Open Government Strategy: Towards an overarching document on stakeholder participation

In order to work towards harmonisation and better alignment of stakeholder participation practices, Argentina could consider developing a guiding document related to stakeholder participation.

The analysis of ministries' and provinces' stakeholder participation initiatives shows great commitment to stakeholder engagement in important policy areas. A number of initiatives that target women, youth or differently abled people have been launched in order to make policy making more inclusive. While these efforts are to be welcomed they remain scattered, however, and could be assembled into an overarching or guiding document. Central governments in OECD countries have created umbrella documents on stakeholder participation in 46% of cases (OECD, 2016). Such guiding documents take a variety of forms that address the challenge over the short, medium and long term:

- *Short term*: examples include whole-of-government citizen participation guidelines, such as those developed by the Government of the United Kingdom (Box 6.14).

- *Medium term*: examples include the extensive references to and provisions on citizen participation in the newly developed National Open Government Strategy, as recommended in Chapter 2.

- *Long term*: examples include the dedicated law on citizen participation developed by the Government of Colombia (Box 6.15).

Each of the proposed documents or laws comes with advantages and disadvantages. They also differ with respect to the timeframe of implementation, impact on policy making, and ease of developing and passing such a document or law. Whereas the development of the proposed guidelines document on citizen participation is less time-consuming, a fully fletched dedicated law on citizen participation would require a longer timeframe for elaboration and implementation.

Regardless of its approach, such a document, strategy or law could be a powerful tool for the Secretariat of Modernisation to reach out to all ministries and make a stronger case for the benefits that stakeholders can yield throughout the policy cycle. The very positive co-creation process of the third OGP Action Plan and the favourable co-operation with CSOs (although limited in diversity) could constitute a model for the elaboration phase of such an overarching document or law. Such an approach could also contribute to ensuring buy-in from all stakeholders during implementation.

Box 6.14. Towards more strategic engagement: England's Civil Society Strategy

In August 2018, the United Kingdom's Cabinet Office launched the Civil Society Strategy: Building a Future that Works for Everyone, the scope of which is limited to England. The self-declared purpose of the Strategy is to "act as the convenor of the emerging coalition of people and organisations which, together, have the answers to the challenges of our times. This means leading the debate about the future social model our country needs, co-ordinating investment, tracking data on what works, and most of all, ensuring people themselves are at the heart of the system we are building together". Special attention is dedicated to the role of young people in implementing the vision of the Strategy. As advocated for by the OECD's concept of an open state, the Strategy addresses the role of businesses, which shall operate in a responsible manner and, in particular, engage with communities to a greater extent in local planning to foster economic growth, prosperity and employment.

The Strategy was developed in co-operation with the public using the online platform GOV.UK, which offered the possibility for group discussions and feedback. Participation was high, with 513 responses sent through the platform in addition to over 90 feedback responses received via email or post. The Strategy focuses on five pillars: people, places, the social sector, the private sector and the public sector.

Measuring the impact of the Strategy is a self-proclaimed aim of the government, nevertheless no methodology has yet been determined. According to the Strategy, the "government will explore options to develop an empirical and practical knowledge base for evaluating the financial, physical, natural and social capital of communities" and report back biennially on the ambition and commitments of the Strategy.

Source: UK Cabinet Office (2018), *Civil Society Strategy: Building a Future that Works for Everyone,* London, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/732765/Civil_Society_Strategy_-_building_a_future_that_works_for_everyone.pdf.

Stakeholder participation could be a core element in the National Open Government Strategy.

The Government of Argentina could include extensive provisions on stakeholder participation in the recommended National Open Government Strategy (NOGS). A strong commitment in this regard would send a strong signal to policy makers to acknowledge stakeholder participation as a core element of open government. The provisions could outline why participation is important and draw on participation initiatives that have been implemented by ministries in different policy areas, but not under the umbrella of open government reforms. Overall, the Strategy should reflect a whole-of-government commitment not only to open government but also to stakeholder participation. Elements in the NOGS could, moreover, outline ways to translate civil society's input into more effective and inclusive policies, among others. Eventually, the Strategy could help to reach out to more CSOs, including those in close contact with line ministries in their respective policy areas (environment, health, etc.), but that are not yet part of the open government agenda of Argentina.

Embedding participation in a dedicated law on citizen participation

In order to further improve the sustainability of stakeholder participation reforms in Argentina, the government could consider developing a law dedicated to citizen participation. As reported by the Colombian representative who assisted with the OECD Review process, citizens in Colombia found themselves overwhelmed by the variety of participation opportunities. The Government of Colombia had created so many different participation mechanisms, at different levels of government, that citizens wishing to participate were unsure which mechanism was most appropriate for the initiative of interest to them. According to the representative of Colombia, the recently introduced law for the promotion and protection of the right to democratic participation (Box 6.15) helped to streamline the various participation channels and approaches. As in Colombia, the wealth of initiatives developed by the Government of Argentina over the past years has opened up a number of opportunities for citizens to participate. Co-creating a law on citizen participation could therefore help citizens to determine which of the participation channels is most suitable for their needs.

Box 6.15. The Colombian law for the promotion and protection of the right to democratic participation

The objective of Law 1757 from 2015 is to promote, protect and ensure the different modalities and mechanisms of the citizens' right to participate in the political, administrative, economic, social and cultural spheres in Colombia. Article 2 stipulates that any development plan must include specific measures aimed at promoting participation of all people in decisions that affect them and support the different forms of organisation of society. Similarly, the management plans of public institutions should make explicit the ways in which they will facilitate and promote the participation of citizens in their areas of responsibility.

The law also created the National Council for Citizen Participation, which will advise the national government on the definition, development, design, monitoring and evaluation of public policy on citizen participation in Colombia. The Council is made up of the following representatives: the Minister of the Interior and the National Planning Department from the National Government, an elected governor from the Federation of Departments (states or provinces), an elected mayor from the Municipal Federation, members of victims' associations, a representative of the National Council of Associations or Territorial Councils for Planning, the community confederation, the Colombian University Association, the Colombian Confederation of Civil Society Organisations, citizen oversight associations, trade associations, trade unions, peasant associations, ethnic groups, women's organisations, the National Youth Council, college students, disability organisations and local administrative bodies. The heterogeneous composition of the Council ensures that several groups of society are represented and guarantees that all voices are heard.

This same law on citizen participation in Colombia defines participatory budget practices as a process to ensure equitable, rational, efficient, effective and transparent allocation of public resources, in order to strengthen the relationship between the state and civil society. It also acts as a mechanism by which regional and local governments promote the development of programmes and plans for citizen participation in the definition of their budget, as well as in the monitoring and control of public resource management.

Source: Presidency of the Republic of Colombia (2015), "Law 1757 from 2015" (website), wp.presidencia.gov.co/sitios/normativa/leyes/Documents/LEY%201757%20DEL%2006%20DE%20JULIO%20DE%202015.pdfwp.presidencia.gov.co/sitios/normativa/leyes/Documents/LEY%201757%20DEL%2006%20DE%20JULIO%20DE%202015.pdf (accessed March 2016).

Recommendations

Using public communication as a lever for open government

- Strengthen the Secretariat of Modernisation's role as the co-ordinating actor of open government communication in collaboration with the Secretary of Public Communication in the Office of the Chief of Cabinet of Ministers.

- Build on successful two-way communication channels to integrate insights from stakeholders and strengthen their buy-in. Social media channels, the creation of opportunities for face-to-face meetings, such as through Argentina Abierta or public meetings, offer such opportunities and could be used with a higher frequency.

- Consider convening regular meetings with Open Government Contact Points and all communication officers of the government to strengthen their involvement in communication about open government initiatives, and to share good practices as well as lessons learned.

- Include communication objectives and activities for open government in the Secretariat of Modernisation's overall communication plan.

- Involve all ministries and provinces in the implementation of the Secretariat of Modernisation's communication plan, in order to ensure that the messages communicated by all actors involved in open government initiatives are harmonised.

- Encourage other ministries and provinces to increase communication on their own open government initiatives.

- Support ministries and provinces in adopting two-way communication channels.

- Provide ministries and provinces with specific guidance (i.e. a manual on how to develop communication messages) and offer platforms for them to do so (i.e. enabling them to participate in open government-related events such as *Argentina Abierta*).

Making use of the benefits of stakeholder participation

- Continue providing technical support for the implementation of citizen and stakeholder participation initiatives to line ministries and provinces.

- Make strategic use of the initial contact established through the OGP process to foster line ministries' and provinces' citizen and stakeholder participation initiatives, including beyond the OGP process.

- Continue the dissemination of existing toolkits related to open government principles.

Harmonising and aligning scattered good practices towards an integrated approach for stakeholder participation

- Use the recommended National Open Government Steering Committee for more regular and institutionalised interaction between stakeholders and representatives from the government.

- Give CSOs the opportunity to select members that represent their positions in the Committee (possibly through a rotation system, as discussed in Chapter 4 on Implementation).

- Broaden the Committee's representativeness by including the private sector, unions, academia, etc.

- Involve citizens and all stakeholders in the monitoring and evaluation of open government initiatives in order to enable those involved in the process to assess whether and to what extent the process has (or has not) been successful in achieving its goals (see Chapter 5 on Monitoring and Evaluation).

Enlarging the variety of stakeholders that participate and reaching out to under-represented groups

- Widen the focus from online platforms to physical spaces of interaction in order to include stakeholders without advanced digital literacy.

Conceiving stakeholder participation as an integral part of the National Open Government Strategy: Towards an overarching document on stakeholder participation

- Consider developing an overarching document on stakeholder participation in order to work towards harmonisation and better alignment of stakeholder participation practices. The guiding document could take a variety of forms that address the challenge in the short, medium and long term:
  - *Short term*: whole-of-government citizen participation guidelines
  - *Medium term*: including extensive reference and provisions on citizen participation in a newly developed National Open Government Strategy
  - *Long term*: a dedicated law on citizen participation.
- Use the co-creation process of the third OGP process and the established contacts with CSOs as a basis for the elaboration of such an overarching document.

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Chapter 7. Moving towards an open state in Argentina

This chapter discusses the growing collaboration between branches of power and levels of government in Argentina around the promotion of open government principles. It finds that open government initiatives have started to flourish across the entire Argentinian state and identifies a number of good practices from provinces that could inspire other countries. It discusses the key role of COFEMOD, includes case studies that embody the concepts of an open parliament and open justice, and explores the role of ombudsman institutions in fostering the move towards an open state. Recommendations focus – inter alia – on how a National Open Government Strategy and a National Open Government Steering Committee could complement and strengthen work being done by the branches of power and subnational governments.

Introduction

Countries around the world are moving progressively from the open government concept towards that of an open state.

For many years, the global open government movement has focused mainly on strategies and initiatives developed and implemented by the executive branch of the state (OECD, 2018; 2016a). These days, however, countries across the world have started to acknowledge that open government initiatives should not be pursued by the executive branch in isolation. Citizens expect the same level of transparency, accountability and integrity from all branches of the state and levels of government.

In order to meet this expectation, an increasing number of governments have started engaging with actors outside the executive branch through Open Government Partnership (OGP) processes, building commitments that involve multiple institutions from different levels of government or branches of power. Furthermore, some countries have designed independent "open judiciary", "open parliament" and "open sub-national government" strategies and related initiatives (OECD, 2016a).

Latin American countries have been particularly active in this regard. According to the results of the OECD Survey on Open Government and Citizen Participation in the Policy Cycle (2015), almost 70% of countries from Latin America and the Caribbean are already pursuing open parliament initiatives and 60% are implementing open government initiatives at the subnational level.

In 2015-16, the OECD conducted an Open Government Review of Costa Rica (OECD, 2016b). Entitled "Towards an Open State", the Review found that Costa Rica has become one of the first countries in the world to promote the open government principles of transparency, integrity, accountability and citizen participation across all branches of the state. In 2016, the President of the Republic of Costa Rica and the presidents of the other branches signed the first-ever Declaration for the Creation of an Open State. Other LAC countries have also been quite active: Colombia, for instance, has signed an Open State Declaration and is the first country worldwide to elaborate an Open State Policy.

The OECD developed the "open state" concept in 2015 and has been actively supporting countries in their open state agendas ever since. Reflecting this trend, the OECD Recommendation (OECD, 2017) advises countries to move progressively from the concept of open government towards that of an open state. In the Recommendation an open state is defined as the moment:

"When all public institutions of the executive, parliament and the judiciary, independent public institutions, and all levels of government join forces and collaborate with civil society, academia, the media and the private sector to design and implement a reform agenda to make public governance more transparent, accountable and participatory."

This first-ever global definition of an open state is reflected in the OECD Open State Approach (Figure 7.1).

Figure 7.1. The OECD Open State Approach
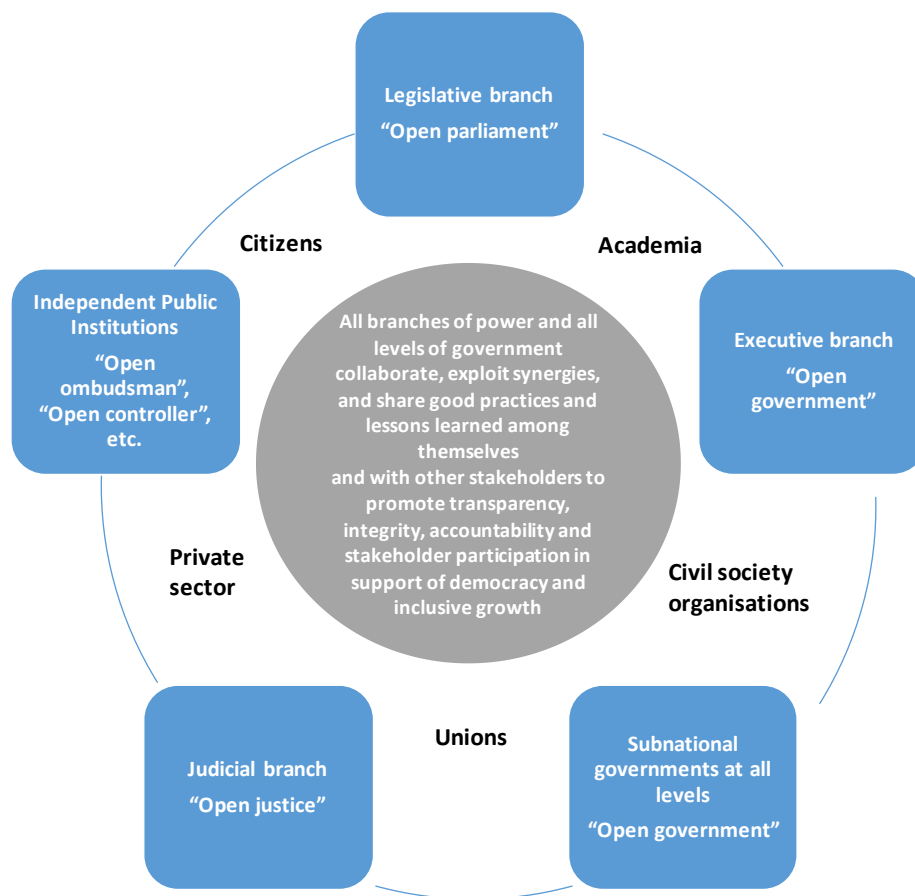
Source: Author's own elaboration.

In their efforts to create an open state, branches of power and levels of government can collaborate in different ways.

While it is clear that the different branches of the state are and should be independent from each other, in an open state approach an entire society jointly develops a common understanding of and commitment to more openness. While each actor can and should independently implement its agenda to promote open government principles, it is only by joining forces and through collaboration that an open state approach can develop its full potential. An integrated open state approach, hence, includes collaboration in different dimensions:

- horizontally between branches of power and independent public institutions (e.g. between the judiciary and the parliament)

- *vertically* between levels of government (e.g. between the national government and provinces)

- *internally* between institutions that are part of the same branch of government (e.g. all line ministries, and the different chambers of the legislature).

However, collaboration across branches of power and levels of government can be challenging. Stumbling blocks may include:

- Different administrative cultures within the branches of power and within different levels of government may impede the use of similar terminologies, methodologies and approaches (OECD, 2016a).

- There may be a lack of tradition to co-ordinate and collaborate between the different branches of power, which are used to interacting under a setting of "checks and balances".

- The lack of a supporting legal or administrative framework might represent a feeling of insecurity in such co-operative endeavours.

Despite existing obstacles, different branches and levels of government can interact in several ways. These range from mutual recognition – in which the different institutions recognise each other's efforts and push their own agendas, to a joined strategy, in which decisions are shared and initiatives are made in constant synergy (Figure 7.2).

Figure 7.2. Stages of collaboration of an open state approach

Mutual recognition: initiatives are made in isolation, but followed and acknowledged by the other actors.

Expertise exchange: opportunities exist for peer-learning and sharing of experiences and solutions.

Ad-hoc collaboration: specific tasks are performed by different actors, when formally requested to do so.

Co-ordinated initiatives: institutions commit to perform together to deliver specific outputs.

Co-ordinated strategy: decisions are shared and initiatives are made with intense and constant collaboration.

Source: Author's own elaboration.

The creation of an open state in a federal country such as Argentina.

In accordance with Argentina's National Constitution (Argentine Republic, 1994), the provinces retain all powers that they have not delegated to the national government. For instance, in regard to the application of national laws and regulations, norms dictated by the National Congress (e.g. the national Access to Information Law, see Chapter 3 on the Legal Framework) can invite provinces to voluntarily adhere through their local legislative powers. Provinces can also choose to dictate their own norm.

While the limitations of interference between branches of power are clear, both constitutionally and legally, there are no rules in Argentina that prohibit co-operation, collaboration or co-ordination between the various branches of power and the different levels of government. On the contrary, co-operation and co-ordination (such as Federal Agreements in Argentina, as discussed below) are the mechanisms to which a federal state

can resort when it aims to promote national public policies across levels of government and branches of the state.

In order to be able assess the environment surrounding the open state at national level in Argentina and to identify existing good practices of collaboration, the OECD sent out a questionnaire to all Argentinian provinces, the different branches of power and to independent public institutions (see Chapter 1 on the Context). The questionnaire asked for information about each actor's independent strategies and initiatives to foster open government principles as well as their disposition to co-ordinate and collaborate between branches of power and levels of government.

This chapter assesses Argentina against provision 10 of the OECD Recommendation of the Council on Open Government. It first analyses horizontal co-ordination between branches of power and independent state institutions at national level. It then looks at the vertical co-ordination of open government initiatives between the national government and provinces. It concludes with an assessment of the vertical relationship between the national government and municipalities. Finally, the chapter provides recommendations to create a joint commitment by all actors with a view to moving towards an open state and converting the principles of open government into the guiding principles of the entire country.

Box 7.1. Provision 10 of the OECD Recommendation of the Council on Open Government

"Promote a progressive move from the concept of open government toward that of open state, while recognising the respective roles, prerogatives and overall independence of all concerned parties."

OECD (2017), *Recommendation of the Council on Open Government*, OECD, Paris, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438 (accessed 30 November 2018).

Enhancing co-ordination and collaboration in the promotion of open government principles at national level

The enabling environment for an open state at national level in Argentina has become more solid.

In recent years, all branches of power and independent public institutions in Argentina have started elaborating and implementing open government initiatives. Those that responded to the OECD Survey (2018) indicated that they had a definition of open government in place and all have either an office or a person in charge of their open government agendas.

According to the results of the Survey, all branches of power and independent public institutions also have their own Open Government Strategy. It should be noted, though, that most actors when answering this question were referring to their commitments within the framework of the third National OGP Action Plan or different scattered initiatives that they are in the process of implementing (rather than an actual Strategy). However, despite the lack of comprehensive strategies, the different institutions implement a wide variety of initiatives to foster open government principles (Figure 7.3). All of them, for instance, work on initiatives to implement the Access to Information Law and to foster digital government. Most of them also implement open data initiatives.

Figure 7.3. Open government initiatives that institutions implement or have implemented over the last two years
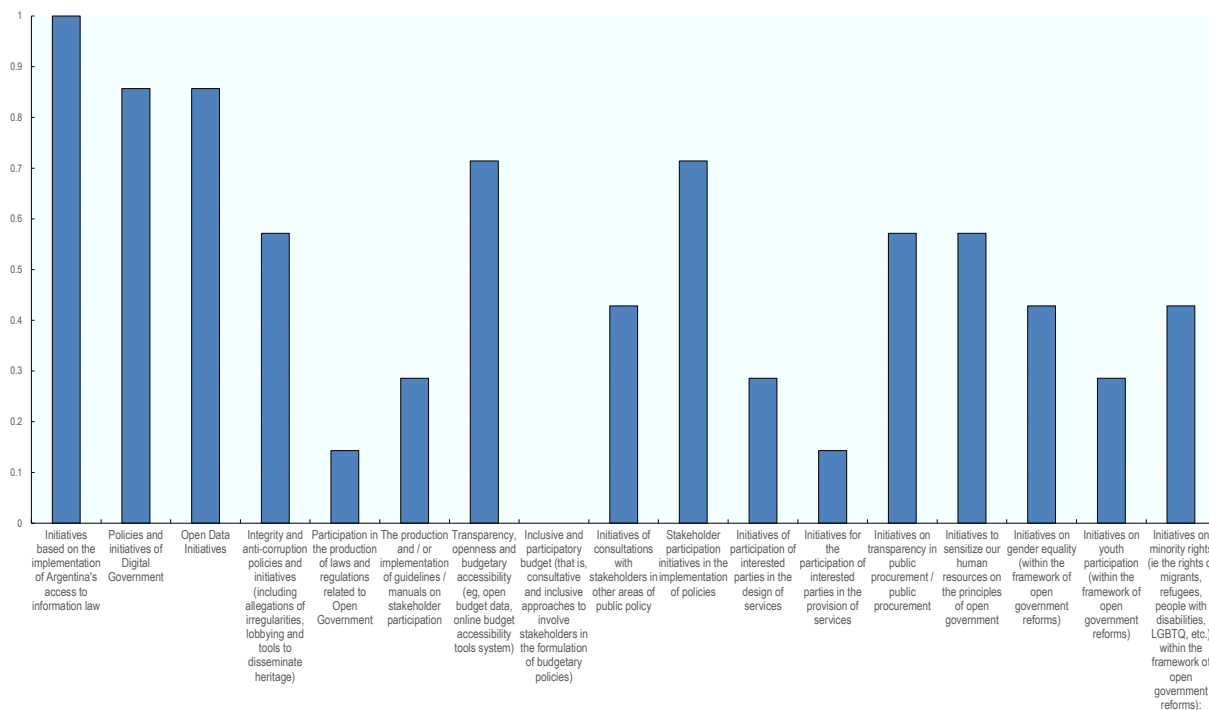
Note: There were no limits to the number of existing initiatives that institutions could identify.
Source: Responses to OECD (2018), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

The main objective that institutions pursue through the implementation of open government initiatives is "improving the transparency of the institution" (71% indicated this as their most important priority), followed by "improving the capacity of the institution to respond to the needs of citizens and businesses" (indicated by the remaining 29%) (Table 7.1). Interestingly, no institution indicated "generate economic growth".

Survey results also show that institutions face different challenges in the implementation of their open government agendas. The Auditor General saw the lack of mechanisms to co-operate with the other branches of power as its main challenge, while the Chamber of Deputies identified this as its second most important challenge, and indicated "lack of trust of citizens in the institution" as its most important challenge. The Ombudsman saw "lack of financial resources" as particularly challenging, while the *Procuraduría* highlighted the "lack of incentives for public servants to promote open government principles". The Council of Magistrates and the Senate noted in their responses that they did not face any particular challenges. The wide range of challenges points to the existence of different institutional realities across branches. Policy dialogue and exchanges of ideas between institutions could help them address some of these challenges.

Table 7.1. Improving transparency is the main objectives cited by most institutions in the implementation of open government initiatives

	Improve the transparency of the institution	Improve the responsibility of the institution	Improve the effectiveness of the institution	Improve the efficiency of the institutions	Improve the institution's capacity to respond to citizens' and businesses' needs	Improve citizen participation in policy formulation	Prevent and fight corruption	Increase citizens' trust in the institution	Generate economic growth
Auditor General (Independent Public Institution)	**1**	-	-	-	-	3	-	2	-
Chamber of Deputies (Legislature)	**1**	-	-	2	-	3	-	-	-
Council of Magistrates (Judiciary)	**1**	-	-	-	-	-	2	3	-
Ombudsman (Independent Public Institutions)	3	-	2	-	**1**	-	-	-	-
Penitentiary Attorney	-	-	-	2	**1**	3	-	-	-
Senate (Legislature)	**1**	-	-	-	2	-	-	3	-
Supreme Court of the Nation (Judiciary)	**1**	3	-	-	-	-	-	2	-

Note: Institutions were asked the following question: "What are the main objectives that you pursue in the implementation of initiatives to promote the principles of open government? Please rank the three most important ones in order of priority (with "1" being the most important priority). In the table, "1" indicates the most important objective. The Council of Magistrates did not indicate a weight for the different objectives.
Source: Responses to OECD (2018), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

The involvement of institutions in the OGP process has raised the profile of their work on open government principles.

In a significant number of countries in Latin America and the Caribbean, the OGP process has been a catalyst for the executive branch to engage with the other branches of power, independent state institutions and local levels of government. Countries have started involving a wide variety of actors in the design of their OGP Action Plans – though it should be noted that most of them did so only in the second or third Action Plan cycles. Others have designed commitments that promote collaboration between different branches and levels of government. Some have even included independent commitments made by other state actors/branches in their OGP Action Plans. Interesting examples of holistic approaches to open government that involve all branches of power and different levels of government can be found across Latin America (Box 7.2).

Box 7.2. Towards an open state in OGP Action Plans in Latin America

Evidence gathered by the OECD suggests that countries in Latin America and the Caribbean (LAC) are among the most active worldwide in involving their parliaments, judiciaries and subnational governments in the design of their OGP Action Plan. Interesting examples of OGP Action Plan commitments with an open state vision can be found in different countries (this list is of course not exhaustive):

- Costa Rica's second OGP Action Plan includes specific commitments that include collaborative actions between the government and other branches of government, including support for the dissemination and implementation of the recommendations of the Transparency Index of the Ombudsman's Office, and the government's collaboration in the dissemination of the Citizen Participation Policy of the judiciary. The country's third Action Plan (2017-2019) includes commitments assumed by all branches of powers, in alignment with the country's Open State Agreement, signed on 21 March 2017.

- Guatemala's third National Action Plan (2016-2018) includes public institutions of the executive body, the Congress of the Republic, the Comptroller General of Accounts, the University of San Carlos of Guatemala, the Superintendency of Tax Administration and organisations of civil society, among others.

- The third OGP Action Plan of Paraguay includes, for the first time, goals of entities outside the executive branch, such as the Comptroller General of the Republic.

Source: Government of Paraguay (2016), *Plan de Acción 2016-2018* [Action Plan 2016-2018], Open Government Partnership, www.opengovpartnership.org/sites/default/files/Paraguay_NAP_3_0.pdf.

As mentioned in Chapter 2 on the Policy Framework, the OGP process has also been an important platform to foster co-ordination between the branches of power and levels of government in Argentina. While participation in the country's first two National Action Plans (NAPs) was limited mostly to the national executive branch (with the exception of one commitment made by the University of Buenos Aires), it is to the credit of the Undersecretariat for Open Government and Public Innovation (UOG) in the then Ministry of Modernisation (MoM) that institutions from all branches of power, and a significant number of independent public institutions and provinces joined the process for the third NAP. In fact, the third NAP includes a number of commitments made by actors outside of the executive branch (Table 7.2).

According to the Survey results, all institutions except for the Supreme Court (which did not participate in the OGP process) found the OGP process useful. The fact that the process allowed them to promote and raise awareness about open government principles within their own institutions was of particular value (Figure 7.4). The participants also appreciated the possibility to make connections and exchange experiences with actors with whom they would not usually interact and that it gave them the opportunity to promote their work across the entire state.

Table 7.2. Open state commitments at national level in Argentina's third OGP Action Plan

Commitment	Lead institution(s)	Other state actors involved
Transparency of information in judge selection processes	National Judicial Council (Judiciary)	
Second stage of "datos.jus.gov.ar" portal	Open Justice Programme, Ministry of Justice and Human Rights	Subnational Judiciary, Subnational Public Prosecutor's Offices, National Judicial Council, Judicial Council for the City of Buenos Aires.
Transparency of data in the Argentine National Congress	Argentine Chamber of Deputies and Argentine Senate	
Innovation laboratory for the enforcement of rights and external control authorities	Procuración Penitenciaria de la Nación and Defensoría del Pueblo de la Nación	
Proactive publication of reports and audits of the General Comptroller's Office	General Comptroller's Office	

Note: Provincial commitments in the third NAP are listed further below.
Source: Government of Argentina (2017), *III Open Government National Plan of the Argentine Republic*, Buenos Aires, www.opengovpartnership.org/sites/default/files/Argentina_Action-Plan_2017-2019_EN.pdf.

The Government Secretariat of Modernisation must now help institutions sustain the momentum for open government over the medium and long term. The process of designing the fourth OGP Action Plan could be an opportunity to reach out to a small number of actors from the national level, including the Supreme Court, that have not yet been involved in the country's open government agenda. According to information received from the government, the fourth NAP will, however, include a significantly lower number of commitments (the current plan has 44 commitments, see Chapter 2 on the Policy Framework). It might therefore be advisable to limit participation outside the executive branch to actors that have not already been involved and to continue engaging with actors that have already participated through other means, as discussed further below.

Figure 7.4. The usefulness of institutions' involvement in the OGP process
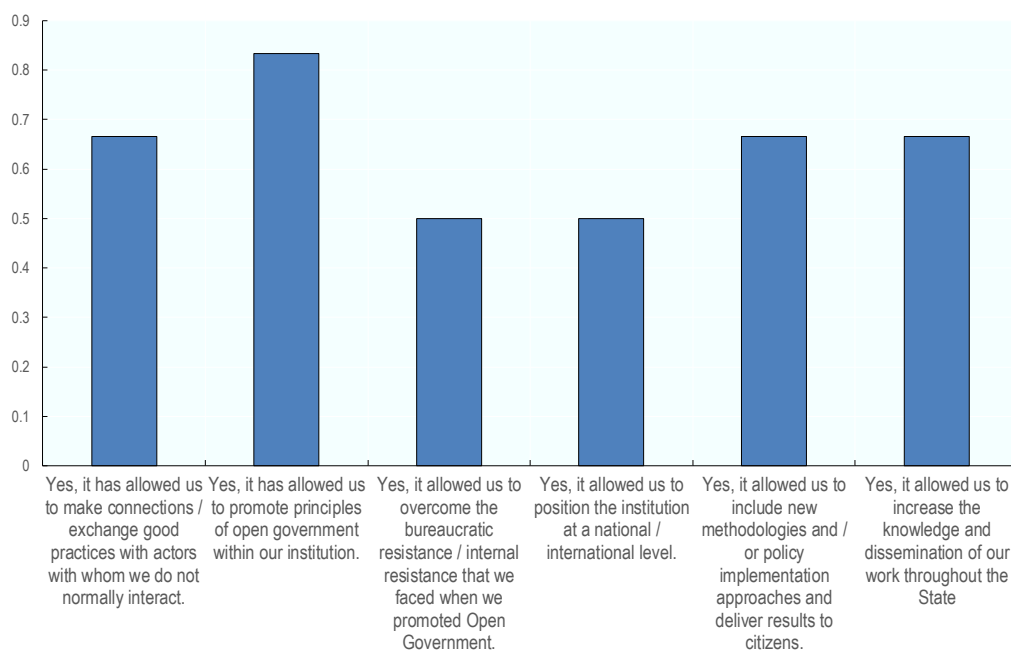
Regular open state meetings and the creation of Contact Points may benefit the open state agenda.

According to the results of the OECD Survey, all branches of power and independent public institutions have a general predisposition to collaborate and co-ordinate open government strategies and initiatives. All the institutions that participated in the OECD Survey, except for the Supreme Court, reported that they had collaborated with the then Ministry of Modernisation. All institutions, for instance, received orientation/guidance from the then MoM and most have participated in the Ministry's capacity-building events and exchanged good practices. Survey results and interviews conducted during the fact-finding mission also confirmed that institutions would happily receive additional capacity-building support.

Currently, exchange between branches of power often relies on the informal networks created through the involvement of actors in the OGP process. Only a small number of formal spaces exist in which the branches co-ordinate their policies in the field of open government, such as the Roundtable on Access to Information (see Chapter 3 on the Legal Framework). As anticipated in Chapter 4 on Implementation, in order to create a space that allows for more permanent exchange of good practices and experiences between all branches of power, Argentina could consider organising regular open state meetings within the framework of the National Open Government Steering Committee (CNGA). These meetings would provide an opportunity to harmonise approaches and ensure a more fluid and institutionalised exchange of good practices and experiences.

The SGM could chair and convene these open state meetings. Invited representatives could include the Supreme Court of Justice and the Council of Magistrates, as well as both chambers of the legislative branch and representatives from independent public institutions

such as the Ombudsman, the Comptroller and the National Penitentiary Procurator. As discussed further below, the participation of provinces could be managed through the Open Government Commission of the Federal Council for Modernisation and Innovation in Public Management. In order to give the necessary impetus to the open state agenda, Argentina could consider inviting institutions at the highest level. Costa Rica's open state meetings provide an interesting example that Argentina could consider following (Box 7.3).

Box 7.3. Costa Rica's National Open Government Commission moving towards an open state composition

The National Open Government Commission is Costa Rica's multi-stakeholder forum with responsibility for following up on the commitments made by the country in the OGP Action Plan and leading the broader open government agenda. The Commission is composed of members of the executive branch (Ministries of Communication, Finance, Science, Technology and Telecommunications and Planning), civil society (ACCESA Foundation and Costa Rica Integra), academia (National Commission of Rectors) and representatives from the private sector (Costa Rican Union of Chambers and Associations of the Private Business Sector). Ordinary sessions are held once a month, with the possibility of convening an extraordinary session when convenient. Since August 2015 there have been 39 sessions of the Commission.

In 2017, all branches of power signed a Framework Agreement (2017) to promote an open state in Costa Rica. A series of specific actions were then initiated to incorporate other powers into discussions, so as to ensure that the principles of open government were applied to all public institutions of the Costa Rican state. For instance, the National Commission has modified its founding decree to create the National Open State Commission, which will involve representatives of all branches and local governments. This decree is expected to be enacted in February 2019.

In the intervening time, representatives of the Legislative Branch, the Judicial Branch, the Supreme Electoral Tribunal, and the Municipal Promotion and Advisory Institute have been invited as non-voting members with a voice to participate in all sessions of the National Open Government Commission.

Source: Author's own elaboration based on information provided by the Government of Costa Rica.

In order to facilitate the sharing of practices and experiences, those in charge of the open government agendas of all branches of power and interested independent public institutions could also become part of the Network of Open Government Contact Points, which could be initiated and animated by the SGM, as proposed in Chapter 4 on Implementation. Open Government Contact Points from all branches could then be invited to participate in specific sub-commissions of the CNGA. The inclusion of all branches of power and independent public institutions would foster a diversity of approach and enrich the exchange of experiences.

Argentina would benefit from designing a National Open Government Strategy.

Chapter 2 on the Policy Framework recommends the design and implementation of a National Open Government Strategy. In the event that the government decides to move towards such a strategic whole-of-government framework for open government, it could

consider involving all branches of power and independent public institutions in its development, in order to ensure that it reflects a shared vision and a common understanding of what open government entails (and does not entail).

In this context, an Open Government Strategy can become an important catalyst for a truly holistic open state approach. Although different levels of government and different branches of power may of course continue/start implementing their own independent strategies for open justice and open parliament, and so on, as discussed in detail in section 2.5, a National Open Government Strategy can open the floor for joint efforts or parallel but coherent actions that contribute to a common vision and shared objectives. The Strategy could also be designed in a flexible way to allow the other branches of power and independent public institutions to adhere to it (or parts of it) through high-level declarations or agreements.

As a first step of cross-branch collaboration, Argentina could elaborate an Open State Declaration, following the examples of Costa Rica and Colombia (see Box 7.4). Given the upcoming presidential elections in Argentina in 2019, a joint Declaration could be an initial step towards deeper collaboration which could then be pursued by the next government. Another interesting examples is provided by Paraguay, where civil society organisations asked presidential candidates to sign a Declaration of Commitment to move towards enhanced openness prior to the 2018 elections.

Box 7.4. Costa Rica's Open State Declaration

On 25 November 2015, the President of the Republic of Costa Rica and the presidents of the three powers of the Republic of Costa Rica (the executive, the legislative Assembly and the Supreme Court) and the Supreme Electoral Tribunal signed a joint declaration committing Costa Rica to moving towards an open state. The declaration states that each branch will elaborate a plan consisting of priority actions to "promote a policy of openness, transparency, accountability, participation and innovation in favour of the citizens", which will be included in institutional strategic plans and evaluated annually. The powers also agreed to strengthen and develop existing mechanisms of citizen participation to contribute to a closer relationship between civil society and the government, and to provide access to public information through the use of new technologies.

Costa Rica was the first country in the world to sign such a declaration bringing together all the powers of the state. The declaration has significant potential to guide the country's future open state agenda, but needs to build on its accumulated goodwill with concrete actions. These will include involving sub-national and local governments, decentralised public institutions, independent state institutions, the business sector, media, academia and civil society to join forces to build an open state in Costa Rica.

Source: OECD (2016a), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264268104-en.

Case study: Open Justice in Argentina

The Council of Magistrates has become an active promoter of Open Justice in Argentina.

Open justice in its broadest sense, refers to "the extension of the philosophy and principles of open government to the field of justice and therefore adapted to the characteristic contextual framework of justice, using innovation and the benefits of information and communication technologies as everyday tools" (Jiménez, 2014). Open judiciary has become the modern answer to bringing citizens closer to the judicial system, an area where traditionally there has been a gap between citizens and day-to-day justice practitioners (OECD, 2016). In order to take advantage of open government principles, a number of countries around the world such as Costa Rica have started designing ambitious open justice strategies (Box 7.5).

Box 7.5. Open Justice in Costa Rica

In terms of openness and participation, Costa Rica's judiciary is one of the most advanced worldwide. It is among the first judicial branches to create its own open judiciary and citizen participation strategy. The judiciary is further involved in the country's Open Government Partnership process and the presidents of the Supreme Court and the Supreme Electoral Tribunal have signed Costa Rica's Declaration for the Establishment of an Open State. The Costa Rican judiciary has also started including open government principles in its daily activities. In so doing, it has the following stated objectives:

- to bring the judiciary closer to citizens through the use of electronic services

- to promote the exchange of digital information among different institutions to avoid unnecessary procedures and/or simplify procedures for citizens

- to make justice accessible for the most vulnerable

- to encourage transparency in managing justice

- to publish open data through public portals

- to save the economic resources of citizens and the judicial branch.

The Costa Rican judiciary is also one of the only judicial branches in the world to have designed its own citizen participation policy – the Policy for Citizen Participation in Judicial Power (*Política de Participación Ciudadana en el Poder Judicial*). The judiciary defines citizen participation as "a democratic process which guarantees responsible, active and sustainable contribution of citizens in the design, decision making and implementation of the policies of the judiciary, in a way that responds to the realities of the population, the common good and compliance with the aims of the judiciary".

Source: OECD (2016b), *Open Government in Costa Rica*, OECD Public Governance Reviews, OECD Publishing, Paris, https://doi.org/10.1787/9789264265424-en.

In Argentina, the Council of Magistrates (*Consejo de la Magistratura*) is the organ of the judicial branch in charge of appointing judges, presenting charges against them, and making decision regarding their suspension or deposition. The Council has become an active player in promoting a more open, transparent and accountable judicial branch. It has

an office responsible for the promotion of open government principles (*Unidad de Consejo Abierto y Participación Ciudadana*) and has elaborated its own progressive definition of Open Justice:

"Open Justice is an emerging paradigm of public management that corresponds to a model of democracy which aspires to the construction of a system of administration of justice that is more accessible, receptive and inclusive of citizens. This innovative concept of justice encompasses the principles of transparency, participation and collaboration mentioned above".

The Council of Magistrates is currently pursuing the following initiatives of relevance to open government principles:

- consolidating the implementation of the Law on Access to Public Information

- strengthening the filing system for sworn statements of Magistrates and Officials

- participating in the third OGP Action Plan

- designing and developing a website on transparency and citizen participation

- renovating and redesigning the official institutional website of the Judiciary

- publishing the results of corruption audits.

The Council is also actively reaching out to other key actors that form part of the open government ecosystem in Argentina. For instance, it has concluded a Framework and Specific Co-operation Agreement with the Council of Magistrates of the Autonomous City of Buenos Aires to regulate topics of common interest in matters of open government, access to information, open data and access to justice, and collaborated in the co-ordination of joint activities. Colombia provides another interesting example of how the OGP process may be used to foster trust between institutions from the judicial and executive branches (Box 7.6).

Box 7.6. Promoting open justice in Colombia

In 2015, Colombia presented its Second OGP Action Plan for the period of 2015-17. Goal 16 of the plan introduced a novel commitment, pledging Colombia to ensure "transparency and accountability in the Council of State for better justice service".

Together with the Supreme Court and the Constitutional Court, the Council of State (*Consejo del Estado*) is one of the most powerful legislative organs in Colombia. Consequently, its actions are sufficiently powerful to produce effects that spill over to other institutions in the country. Through the Action Plan the Council created the Commission of Transparency and Accountability, the purpose of which is "to provide better justice service to the internal and external users through a management of quality in terms of effectiveness, efficiency and transparency".

This ambitious aim is accompanied by concrete approaches including publishing rulings and making the choice of judicial candidates available to the public to address accusations of partisanship. The Council also aims to implement the Interamerican Code of Judicial Ethics and to draft and publish a document entitled "Accountability of the Judicial Branch". In summary, the multifaceted commitments of the Council of State constitute an example of concrete initiatives to enforce transparency and accountability, which will contribute to building citizens' trust in the legitimacy of the state's judicial branch.

Source: OGP (2015b), *Colombia's 2015-2016 OGP Action Plan*, Open Government Partnership, www.opengovpartnership.org/country/colombia/action-plan.

These initiatives are noteworthy and should be pursued. A truly holistic approach to an open state would also involve the judicial branches at the provincial level more actively in the open justice agenda. The initiatives undertaken by tribunals 10 and 13 of the Autonomous City of Buenos Aires provide interesting examples on which Argentina could build (Box 7.7).

Box 7.7. Open Government initiatives of the Tribunals 10 and 13 of the City of Buenos Aires

The tribunals (*Juzgados*) number 10 and 13 of the City of Buenos Aires are implementing a series of open government initiatives that aim to restore trust in the justice system and its institutions.

Tribunal number 10

Tribunal 10 has established a working group that aims to use new technologies, create a culture of open data, and promote a higher degree of engagement with citizens. The main initiatives carried out by the working group include:

- The creation of a Twitter Account of the tribunal which publishes information on the activities of the institution (e.g. agenda of audiences), and introduces staff (i.e. photos, CVs and biographies).

- An online archive that contains all resolutions and sentences of the tribunal in an editable and open format has been created. The archive also includes statistics on the number, type and duration of audiences held.

- More than 90% of the records and dossiers of the tribunal have been digitalised.

- The tribunal uses **videoconferences** for certain types of audiences, for instance, when there is a disabled person involved. This system presents advantages when connecting with prisons, as it reduces the costs and security risks linked to the displacement of prisoners.

- The tribunal is making efforts to use **clear language** that is more accessible to citizens and other stakeholders. In this regard, it led a process to co-create with citizens a new version of the text used for notifications.

Tribunal number 13

Tribunal 13 has been carrying out initiatives focused on the following three elements:

- **Clear and accessible language**: the t*ribunal* has developed a manual (*Manual de Lenguaje Claro*) that contains guidelines for its officials to standardise the way in which they write their texts, in order to make them more accessible to stakeholders that have no legal background. The *tribunal* has also invited citizens to take part in these initiatives via innovative methods; for instance, legal texts are published online and citizens are invited to make corrections and suggestions of style that could eventually be incorporated into the manual. Finally, the t*ribunal* is developing videos that are published in social media channels in order to explain, for instance, the meaning of legal terms, procedures, or the functioning of the justice system as a whole.

- **Open data and accountability**: the *tribunal* digitalises its resolutions and publishes them online. The *tribunal* has also created its own Twitter account that includes the following information:

    – Agenda: weekly schedules of audiences.

    – Holidays: who is the acting judge and during what period.

    – Biographies: background and CVs of the officials working in the tribunal.

    – Statistics: total number of audiences held in the tribunal, number of resolutions dictated by type and subject matter, etc.

- **Innovation and use of new technologies**: the tribunal is making use of new technologies by, for instance, notifying electronically the parties involved (e.g. the accused receives the notification to appear at trial via Whatsapp) or holding audiences via videoconference.

Source: Interviews held with officials from tribunals and 13 of the City of Buenos Aires and *https://guiajudicial.jusbaires.gob.ar/.*

The Ministry of Justice is promoting openness in the judicial branch through the Justicia 2020 initiative.

Argentina's national Ministry of Justice and Human Rights also promotes the adoption of open justice initiatives in the judicial branch. One of these initiatives is Justicia 2020 which

was launched in 2016 through a state policy. The goals of Justicia 2020 are linked to open government principles, as the programme aims to create a justice system that is closer to people's needs and is more transparent. As part of Justicia 2020, the Ministry has also established its own Justicia Abierta initiative, which aims to implement "open government policies in the justice system to improve transparency and citizen participation" (Ministry of Justice, n.d.). The initiative, however, focuses mainly on the ministry's Open Data portal (http://datos.jus.gob.ar).

Case study: Open Parliament in Argentina

According to data from *Latinobarometer* (Corporación Latinobarómetro, 2018), trust in parliaments across Latin America, including in Argentina, has decreased in recent years. In 2018, on average only 21% of surveyed citizens trusted their parliamentary institutions. While this number is slightly higher in Argentina (26%), it still remains relatively low. Open parliament initiatives can be a means to counter this prevailing level of mistrust and foster engagement with citizens and stakeholders. According to Topouria (2016), the transparency and accessibility of Parliament constitute a foundation for encouraging citizen participation in the legislative process and for enhancing the democratic performance of the state.

As discussed in the OECD *Report on Open Government* (2016a), "greater openness of the legislative process enables citizens to engage more effectively in the policy-making process by providing citizens with access to information about the laws and policies under consideration, as well as with opportunities to influence legislative deliberations and more actively participate in the political debate". Taking advantage of advances in ICTs, an increasing number of parliaments across the world are adopting new tools to open their legislative data and increase citizen participation in the legislative process (OGP, n.d.). Interesting examples of open parliament initiatives can be found in France, Chile and Paraguay (Box 7.8).

Box 7.8. Open parliament initiatives in France, Chile and Paraguay

France

France adopted the National Action Plan on Parliamentary Openness within the framework of the Open Government Partnership (OGP) programme in July 2015. The French National Assembly committed itself to strengthening the transparency of the legislative process and increasing the involvement of citizens in the work of the National Assembly. It is important to point out that the National Assembly voluntarily engaged with the government in this process.

Furthermore, in July 2017 the Presidency of the National Assembly launched "Rendez-vous des reforms 2017-2022", a process designed to "modernise the Assembly by making it more transparent, more efficient and more open in its operation". The resulting second Parliamentary Action Plan includes 17 commitments which are clustered under four axes:

1. **The Comprehensive Approach to Reforming the National Assembly**: "For a New National Assembly: The 2017-2022 Reform Meetings" aims to comprehensively modernise the functioning of the National Assembly through the application of an open, participatory and transparent methodology.

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2. **Transparency and openness**: Reporting on the functioning of the National Assembly is a fundamental principle that builds trust between citizens and their elected representatives. Commitments essential to the re-establishment of strong links between the institution and civil society are presented, including the open source publication of the National Assembly's source codes or the publication of new datasets on the open data platform.

3. **Citizen participation**: This section presents four commitments that aim to enable citizens to participate more actively in the functioning of the National Assembly, whether at work or using the data it produces and disseminates (open data) via the development of citizen consultations, for example.

4. **Better publicising parliamentary work**: Different institutional actors are responsible for bringing parliamentary work to the attention of citizens. Members of Parliament and the National Assembly must also exploit the possibilities offered by digital technology to communicate their actions by offering training in the use of new technologies or by diversifying the institution's digital communication.

Chile

In Chile, the "Open Congress" website (http://congresoabierto.cl) allows citizens to get in touch with members of Congress and to consult laws and regulations currently being discussed in Parliament. The website is designed in a user-friendly way and also includes contact details of, and initiatives taken by, all members of Congress, as well as studies and a glossary of most commonly used terms. Citizens can search for draft laws, representatives of Congress or any other information. The website offers users an overview of the daily topics of discussion in the Chamber of Deputies (Cámara de Diputados) and the Senate (Senado) with more information on discussion or speeches. The Chilean Congress has further developed an Open Data portal, which records includes data on the processing of bills, information about parliamentarians and laws already published. The format of the data allows free use without barriers or restrictions such as copyright, licenses or other control mechanisms.

Paraguay

Paraguay's Congress has taken its first steps towards increased openness with the "Alliance for an Open Parliament", an initiative created in 2016 by Members of Parliament, the administration of Parliament and various civil society organisations to foster "a new relationship between citizens and the Legislative Branch" (Legislative Assembly of Paraguay, 2017a). Its main objective is to "install the Open Parliament Alliance in Paraguay as platform of collaboration between civil society organisations, legislators and citizens in general in order to jointly promote a co-ordinated approach to openness in legislative institutions through the signing of a declaration that signals the commitment to develop a national Open Parliament agenda and that includes the creation of specific action plans through all available participation and dialogue mechanisms" (Legislative Assembly, 2017). The high-level Open Parliament Declaration was signed by Members of Parliament and civil society, and includes the commitment to "summon the other Powers of the State to install a joint working table where strategies are analysed and implemented" (Legislative Assembly of Paraguay, 2017b).

In 2016, a first Open Parliament Action Plan was elaborated. The Plan was drafted jointly with civil society organisations and includes a number of commitments to which the

Congress (both Chambers together), the Senate, the Chamber of Deputies and civil society organisations have adhered. In addition, an "Open Parliament Commission" was created in Congress within the framework of the Open Parliament initiative. The Commission includes members of both chambers and has great potential to guide the country's overall open state process over the next few years.

Source: Congress of Chile (n.d.), "Congreso Abierto", http://congresoabierto.cl (accessed 28 September 2016); Government of France (n.d.), *Gouvernement et Parlement ouverts: la France renouvelle son engagement pour une action publique transparente et collaborative* [Open Government and Parliament: France Renews its Commitment to Transparent and Collaborative Public Action], Paris; OECD (2018), *Paraguay: Pursuing National Development through Integrated Public Governance*, OECD Public Governance Reviews, OECD Publishing, Paris, https://doi.org/10.1787/9789264301856-en.

Argentina's Parliament – the Congress of the Argentine Nation – is divided into the Senate and the Chamber of Deputies. Both chambers responded to the OECD Survey and each provided an insight into their processes to become more open, transparent and accountable. Both chambers have, for instance, elaborated a definition of open parliament and have established offices responsible for their open parliament efforts. For the first time, both Chambers have also assumed a joint commitment to promote openness of data for the Argentine National Congress as part of Argentina's third OGP Action Plan (see above). A variety of further strategies and initiatives in both Chambers also make reference to open government principles. For example, the Institutional Strategic Plan 2018-2022 of the Chamber of Deputies includes strategic objectives to promote open government principles. In addition, the Chamber of Deputies has approved a participatory planning procedure to promote transparency, accountability and citizen participation.

While the progress made by both chambers is laudable, for the time being, the open parliament agendas of both chambers focus mainly on the opening of data and leave out other open government principles. The chambers could thus consider elaborating a joint open parliament action plan, together with civil society, as has been done in Paraguay (Box 7.8). Such an action plan could be based on the proposed National Open Government Strategy.

In the future it will also be important to involve parliaments from the subnational level in an effort to become a truly open state. In this regard, existing good practices such as the open parliament initiative in Mendoza could be promoted more widely (Box 7.9).

Box 7.9. The *Legislatura Abierta* website in Mendoza

Within the framework of the project *Legislatura Abierta*, which aims to promote open government in the legislative processes of the province, the *Legislatura de Mendoza* carries out the following **initiatives**:

- *Oficinas de Atención al Ciudadano***:** These offices offer personalised attention to citizens in order to respond to their queries, suggestions and/or complaints concerning the activities of the *Legislatura*. They also serve as contact points between citizens and the respective offices in charge of each area, as they communicate concerns raised by citizens in relation to the different legislative and administrative processes in the province.

- *Oficinas Territoriales***:** These offices promote and organise activities that aim to facilitate the direct participation of citizens in legislative processes. They take care

of all necessary logistics to generate physical spaces where senators can engage with citizens across the province.

- *Legislatura Joven***:** This initiative promotes forums, workshops, talks, debates and discussions, in order to raise awareness and facilitate youth participation in the legislative processes. As a result of the activities organised in 2016, three main lines of action where identified (rights, integrity and opportunities) to be taken into account in the elaboration of the future *Ley de Juventudes*.

- *Escuela de Gobierno y Capacitación***:** This institution facilitates training to civil servants in order to improve the quality of services provided to citizens and increase transparency in government processes.

- Oficina *de Presupesto y Hacienda***:** This office promotes the participation of citizens in the processes of elaboration, approval, management, modification and control of public finances. Since 2016, budgetary reports are being published periodically including records of expenditure, income and results generated by the activities of the *Legislatura* in the province.

- *Website* *www.legislaturabierta.gob.ar***:** This platform contains the latest news about legislation in the province and includes a section designed to engage with citizens, as it allows them to submit opinions for publication in order to generate debate.

Source: Legislative Branch of Mendoza (n.d.), *Legislatura Mendoza*, www.legislaturamendoza.gov.ar.

Case study: Strengthening the contribution of Independent Public Institutions to an open state

Independent institutions are in a privileged position to support a country's open government agenda.

While current open government efforts have mainly been led by the executive branch in co-operation with civil society, independent state institutions also could be strategic partners in reform efforts. In fact, independent institutions, such as anti-corruption agencies, ombudsman institutions or supreme audit institutions, have a wealth of information about the (mal)functioning of the public administration, while equally playing an important role in holding the government to account. This expertise could inform open government reforms; moreover, the oversight functions of these institutions could include monitoring and evaluating their implementation. In addition, these institutions often have privileged relationship with citizens and civil society which could be harnessed to promote a more inclusive process.

Among these institutions, the ombudsman interacts particularly closely with citizens, guarding their rights and acting as a mediator with the public administration. By implementing open government principles into its own functioning and feeding back citizens' concerns into the policy cycle, the institution is in a unique position to promote open government principles.

Only a small number of ombudsman institutions around the world contribute to their country's open government agendas.

In 2018, the OECD realised the first-ever Report on *The Role of Ombudsman Institutions in Open Government* (OECD, 2018b) assessed the policies and practices of 94 ombudsman institutions from 65 countries and territories. Institutions participated from the 35 OECD countries and 6 Latin American countries, including the Argentinian Ombudsman.

The report found that a large majority (90%) of ombudsman institutions (OIs) have contributed to their countries' public governance reform agenda in one capacity or another. In fact, most institutions contributed to public administration reform (75%) and legislative reform (73%) with far fewer indicating that they had been involved in anti-corruption efforts (38%) and open government initiatives (34%) (OECD, 2018b). This is in spite of the fact that OIs consider improving the accountability and transparency of the public sector to be among their most important contributions to public governance reform.

The 2018 OECD Report found that while an open government culture is part of the DNA of ombudsman institutions (OIs), they could use open government principles and practices more strategically to fulfil their mandate, increase trust in their institution and become a role model for other actors of the public sector. Indeed, transparency and integrity practices are widespread among OIs.

Box 7.10. Ombudsman institutions' strategies on open government principles

The Public Service Ombudsman for Wales (United Kingdom) developed an Outreach Strategy and Work Programme 2016/17 with the following objectives: 1) awareness (about the institution), 2) engagement (through two-way communication) and 3) accessibility (of services for all). The strategy puts particular focus on engaging key actors, such as voluntary/advocacy groups and organisations, as well as marginalised groups (e.g. the lesbian, gay, bisexual and transgender [LGBT] community, people with disabilities and people in deprived areas), and proposes a variety of tools, both digital (websites, social media, blogs) and non-digital (conferences, meetings, roadshows, training, focus groups, press, advertising, organisational literature). The strategy also includes indicators to measure success.

The Western Australia Ombudsman has an awareness and accessibility programme that aims to strengthen awareness of the institution and access to its services. It also includes a focus on engaging stakeholders, in particular regional and Aboriginal Western Australians, children and young people, and people in prisons and detention centres. The institution engages stakeholders based on a framework that includes the following steps:

- Identify the type of information (including data) and stakeholder consultation that is required.

- Identify the relevant stakeholders.

- Develop a stakeholder consultation strategy that aims to maximise information gathering according to the different stakeholders involved.

- Identify the timeline for the consultation process.

- Plan the consultation in view of the available resources and budget.

> Other OIs have included open government principles within their overall strategies. The European Ombudsman's strategy "Towards 2019", for example, encourages an internal culture of transparency and states that their "mission is to serve democracy by working with the institutions of the European Union to create a more effective, accountable, transparent and ethical administration."
>
> *Source*: OECD (2018b), "The role of ombudsman institutions in open government", *OECD Working Paper on Public Governance*, No. 29, OECD Publishing, Paris, www.oecd.org/gov/the-role-of-ombudsman-institutions-in-open-government.pdf.

The Argentinian Ombudsman could develop its own strategic policy to foster open government principles, based on contributing to the National Strategy.

The office in charge of open government within the Argentinian Ombudsman institution is the area of "Identity and Citizenship". The office has 15 permanent employees and reports directly to the Assistant Secretary-General of the institution. According to the results of the OECD Report *The Role of Ombudsman Institutions in Open Government*, the Argentinian Ombudsman provides a positive example. The institution is among the 13% of OIs that have participated in a co-ordination mechanism on open government,[1] the 26% of institutions that affirm playing a role in overseeing open government commitments in their country, and the 15% of institutions participating in the open government agenda.

Indeed, the Ombudsman of Argentina is part of Argentina's third OGP Action Plan for 2017-2019 through commitment 32, which foresees "the establishment of an innovation laboratory for those organisations responsible for safeguarding rights and in charge of external scrutiny" (jointly with the National Penitentiary Procurator). In order to further its involvement in the country's open government agenda and to be an actor for an open state, the Argentinian Ombudsman considered lack of expertise and capacity, as well as resistance to change and the culture of secrecy, as challenges that needed to be overcome (responses to the 2017 OECD Ombudsman Survey).

While the Ombudsman – aside from its involvement in the OGP process – has designed and implemented a number of additional open government initiatives (e.g. relating to the implementation of the ATI Law), it does not have a strategy currently in place to promote open government principles within its own institution. Depending on the model Argentina chooses for an eventual Open Government Strategy (see Chapter 2 on the Policy Framework), the Ombudsman could develop its own Open Ombudsman Strategy or incorporate open government objectives into the institution's strategic plan.

The Argentinian Ombudsman has recognised its strategic role in Argentina's open government reform agenda through participating in the OGP process and proactively promoting access to information. To strengthen this involvement, it could further participate in the open state meetings of Argentina's National Open Government Steering Committee. In so doing, the institution could use its expertise to promote an open government culture within the public administration and society at large.

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[1] In fact, the Ombudsman participated in the process that led to the design of the third OGP Action Plan of Argentina. For the time being, it is not a member of the OGP Roundtable (presented in Chapter 4 on Implementation).

The Argentinian Ombudsman could continue promoting open government principles within the institution.

In its responses to the OECD Ombudsman Survey, the Argentinian Ombudsman considered the lack of human resources, the lack of a comprehensive strategy for the implementation of open government principles, and the lack of expertise and capacity as the main challenges to furthering its open government agenda internally.

The majority of institutions around the world adhere to a code of conduct or ethics, require asset and/or conflict of interest declarations from part or all of their staff, and publish key information about the institution, such as the vision and the financial audit report, as well as recommendations and findings. In this vein, the Argentinian Ombudsman publishes its annual report and has integrity policies in place.

The Argentinian Ombudsman has also started including sessions on open government into (induction) training for staff. In fact, in 2018 six days of training on open government were organised that were attended by all the staff of the agency. This training was provided by the then Ministry of Modernisation together with civil society within the framework of the commitment, assumed by the ombudsman together with the Penitentiary Procurator, in the third NAP. Likewise, the ombudsman's IT staff was trained on open data in courses provided by the then Ministry of Modernisation.

Improving the multi-level governance of open government in Argentina

Provinces have started consolidating their legal, policy and institutional frameworks for open government.

The results of the OECD Provinces Survey show that open government principles are well entrenched in many provinces of Argentina, most of which have at least a basic understanding of open government. The Constitutions of 80% of provinces refer to open government principles, and the majority of provinces also have some kind of legislation on access to information in place (see Chapter 3 on the Legal Framework). Moreover, approximately 73% of provinces have either a ministry or an office in charge of their open government agenda. In most cases, the name of this office actually includes the words "open government", which is indicative of a belief in the benefits of a cross-cutting open government agenda. For instance, in the Province of Buenos Aires, the Provincial Office of Evaluation and Open Government, which is part of the Undersecretariat of Co-ordination of Management in the Office of the Chief of Cabinet of Ministers, leads the open government agenda. Similarly, the Province of Jujuy has a Provincial Directorate of Transparency and Open Government, which is part of the Secretariat of Communication and Open Government, and in turn depends on the General Secretariat of the Government. Figure 7.5 provides an overview of the main responsibilities of these leading ministries/offices in those provinces where they exist. It shows that all ministries/offices design open government initiatives and co-ordinate and monitor their implementation, while only a small number assign financial resources.

Figure 7.5. Responsibilities of the Ministry/co-ordinating office of the open government agenda in provinces
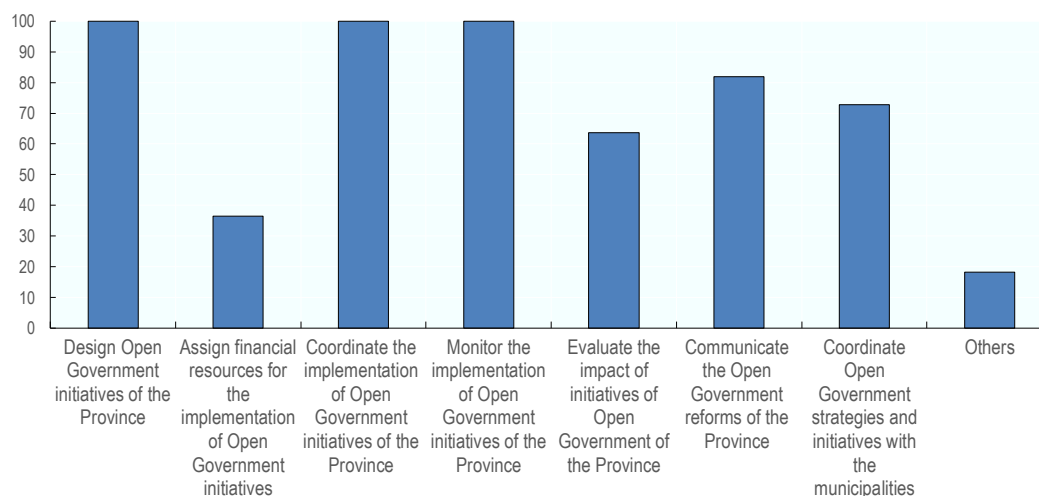
Note: The figure only shows the answers provided by the 11 Provinces which indicated that they had a co-ordinating office for open government.
Source: Responses to OECD (2018), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

As discussed in Chapter 2 on the Policy Framework, 80% of provinces have their own definition of open government, some of which demonstrate an advanced understanding of open government principles. The province of Salta, for instance, uses the concept of open state and defines it "as a model of governance, which seeks to transform the relationship between government and society, to create and strengthen participatory democracy". In the government of the province of Salta, "the practice of open government is proposed as a transversal public policy to improve the management of government actions, based on five principles: transparency, access to public information, citizen ethics, technological innovation and citizen participation". The government of the Autonomous City of Buenos Aires understands open government as "a new way of governing that makes use of technology and citizen participation to develop a more direct, efficient and transparent democracy. Open government is transparency, innovation, citizen participation, collaboration and accountability".

On the basis of these definitions, all provinces have gained experience in experimenting with open government initiatives. Open data initiatives are particularly high on the agenda, followed by initiatives to foster digital government and transparency, as well as initiatives to sensitize human resources on open government principles (Figure 7.6).

Figure 7.6. Percentage of provinces that are implementing different kinds of open government initiatives
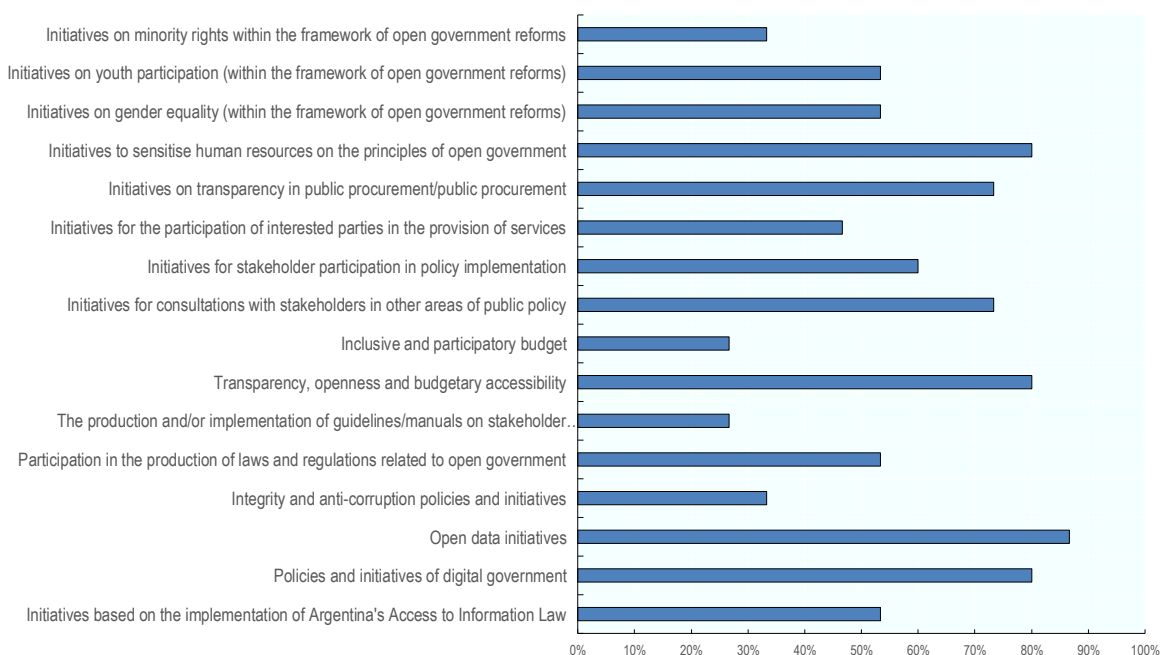
For most provinces, the most important objective pursued through the implementation of open government initiatives is "improving the transparency of the public sector". A significant number of provinces also mentioned "improving the accountability of the public sector" and "enhancing citizen participation in the formulation of public policies" (Table 7.3). The strong focus on improving transparency can be seen as an indication that many provinces are still in the early stages of development of their open government agendas. In many cases, it is only once the bases are solidly established that institutions start moving towards objectives such as the generation of economic growth.

Table 7.3. Improving transparency is provinces' main objective in the implementation of open government initiatives

	Improve the transparency of the public sector	Improve the accountability of the public sector	Improve the effectiveness of the public sector	Improve the efficiency of the public sector	Improve the public sector's capacity to respond to citizens' and businesses' needs	Improve citizen participation in policy formulation	Prevent and fight corruption	Increase citizens' trust in the public sector of the province	Generate economic growth	Others
Formosa	-	-	-	1	2	-	-	-	3	-
Entre Rios	1	-	2	-	-	3	-	-	-	-
Chaco	-	-	-	-	1	2	-	3	-	-
Buenos Aires	1	2	-	-	-	-	-	3	-	-
Mendoza	1	-	2	-	-	-	-	-	3	-
Salta	1	2	-	-	-	3	-	-	-	-
Río Negro	1	2	-	-	3	-	-	-	-	-
Neuquén	-	3	-	-	1	-	-	2	-	-
Santa Fe	1	-	-	-	-	2	-	3	-	-
Catamarca	1	2	-	-	-	3	-	-	-	-
Corrientes	-	2	-	-	-	3	-	-	-	1
Jujuy	1	2	-	-	-	-	3	-	-	-
Misiones	1	-	-	-	-	2	3	-	-	-
Ciudad Autónoma de Buenos Aires	-	1	-	-	2	3	-	-	-	-
Córdoba	1	-	-	-	-	3	-	2	-	-

Note: Provinces were asked the following question: "What are the main objectives that you pursue in the implementation of initiatives to promote the principles of open government? Please rank the three most important ones in order of priority". In the table, "1" indicates the most important objective.
Source: Responses to OECD (2018), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

When it comes to the main challenges they are facing, most provinces cited "lack of trust of citizens in the institutions" (60%). This was followed by "lack of institutional mechanisms to collaborate with NGOs and the private sector", "low levels of participation when citizens are invited to participate by the government" and "lack of human resources in the co-ordinating entity (46% for each of these challenges) (Figure 7.7). These numbers indicate that provinces need to continue efforts to gain their citizens' confidence. Open government reforms that aim to involve citizens in a meaningful way, as discussed in Chapter 6 on Citizen and Stakeholder Participation, can address some of these challenges.

Figure 7.7. Main challenges provinces face in the implementation of open government initiatives
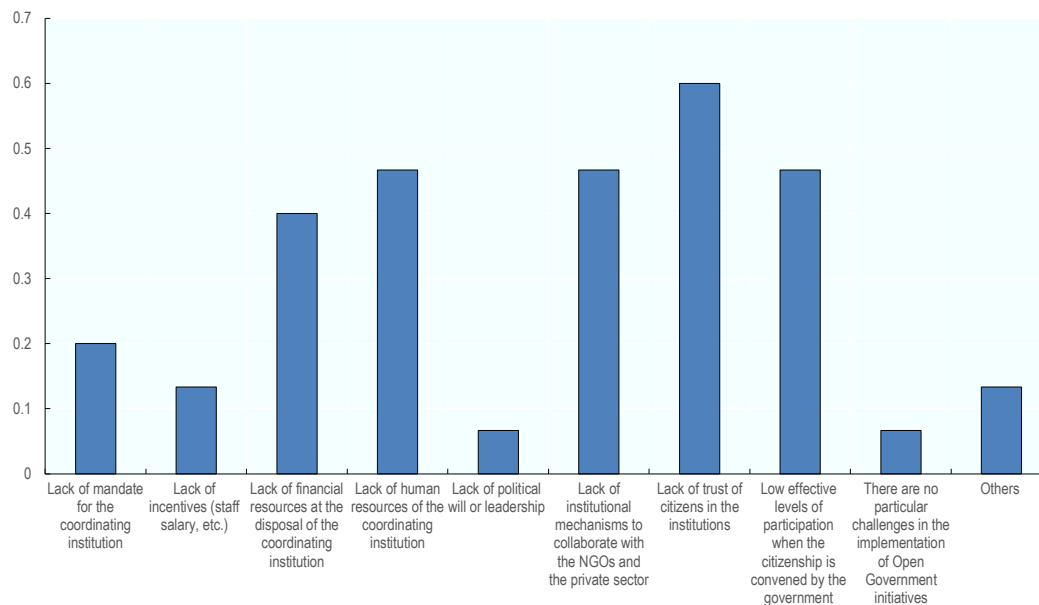
Note: Provinces were asked the following question: "What are the main challenges in the implementation of open government policies in your province (please select three challenges)?"
Source: Responses to OECD (2018), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

The OGP process has been a tool to foster trust between the national government and the provinces.

As mentioned above, many countries have used the OGP process as a tool to foster collaboration and co-ordination between national and subnational governments (see also Table 7.4 below). Argentina's first two OGP Action Plans did not involve the provinces. However, thanks to significant outreach efforts on the part of the national government, the third Action Plan includes for the first time commitments from 11 provinces (Table 7.4). In preparation of the NAP, roundtables were held in each of these provinces. The then MoM's UOG provided advice and support to provinces that expressed an interest in participating in the process (Government of Argentina, 2017).

Table 7.4. Subnational commitments in Argentina's third OGP Action Plan

Commitment	Province
Promotion and strengthening of open government policies in municipalities of the province	Province of Buenos Aires
Open observatory of urban works: accountability and citizen participation	City of Buenos Aires
Platform to link CSOs and the Provincial Government	Chaco
Strengthening open government policies: boosting citizen participation in Chubut	Chubut
Institutionalisation of open government policies in the province of Córdoba	Córdoba
Collaborative network between civil society organisations and the state	Corrientes
Extension of the information access ecosystem in municipalities	Jujuy
Strengthening of data openness policies in municipalities of the Province of Mendoza	Mendoza
Participatory platform for citizen protection	Neuquén
Participatory elaboration of a bill to create an Open Government Provincial Law	Salta
Openness of information of the Judiciary	Santa Fe

Source: Government of Argentina (2017), *III Open Government National Plan of the Argentine Republic*, Buenos Aires, www.opengovpartnership.org/sites/default/files/Argentina_Action-Plan_2017-2019_EN.pdf.

All provinces that participated found the OGP process useful, mostly because it allowed them to position themselves nationally and at the international level (72% indicated this) and because it allowed them to promote open government principles within the province (63% indicated this) Figure 7.8).

Figure 7.8. Provinces' perceptions on the usefulness of their involvement in the OGP process
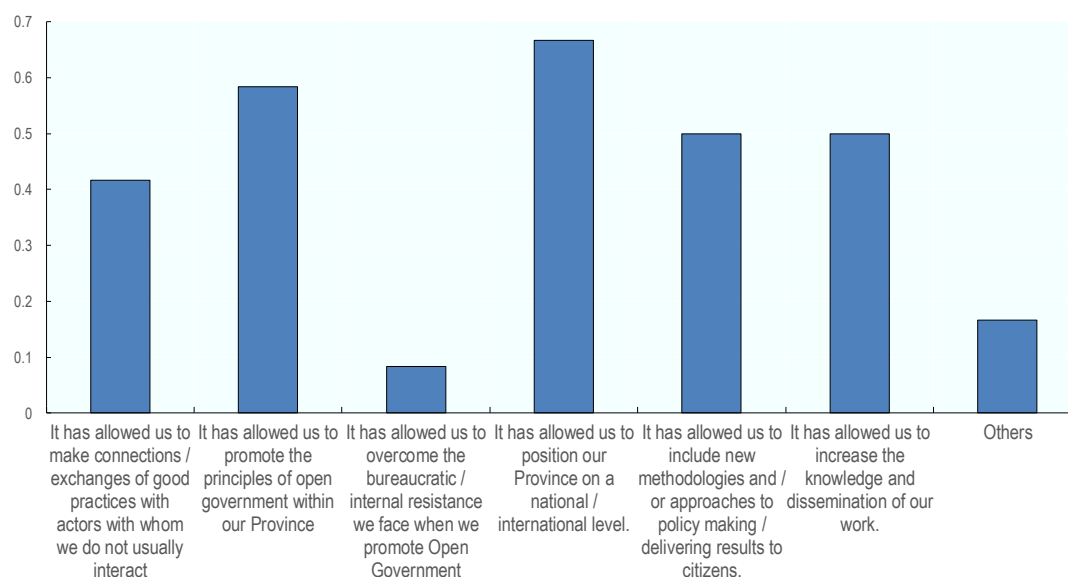
Note: Provinces were asked the following question: "Has the OGP process been useful for your province (please chose as many options as applicable)?" The figure only presents the answers given by the 12 provinces that indicated that they had been involved in the OGP process.
Source: Responses to OECD (2018), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

The involvement of such a high number of provinces is a good practice; however, this might not be replicable in the future. According to information received from the national government, Argentina's next NAP will include a significantly lower number of commitments. Such reduced breadth may not allow for a large number of participating subnational entities. The national government will therefore need to find alternative ways

to reach out to and work with provinces on their open government agendas (e.g. by providing support in the development of provinces' own Open Government Strategies and Action Plans). Provinces that participated in the third Plan could also share their experiences with their counterparts within the framework of COFEMOD and its Open .Government Commission (see Box 7.11).

Box 7.11. Colombia's third OGP Action Plan reaches out to subnational governments

Colombia joined the Open Government Partnership (OGP) in 2011 and presented its third biannual OGP Action Plan in 2017. The Plan, entitled *Colombia – Hacia un Estado Abierto 2017-2019*, includes a strong focus on the departmental level, and contains 25 commitments sub-divided according to the different branches of power and levels of government.

Seven of the commitments focus specifically on subnational governments. Particularly noteworthy are commitment 20: *Design and implement the policy on open government at the department level,* and commitment 23: *Promote and strengthen the processes of accountability in the 20 locations of the capital district.* This inclusion of an significant number of departments in the process represents a good practice which will be continued in future OGP Action Plans.

Source: Government of Colombia (2017), *Colombia – Hacia un Estado Abierto: Tercer Plan de Acción Nacional 2017-2019*, Bogota, www.opengovpartnership.org/documents/colombia-action-plan-2017-2019 (accessed 10 December 2018).

Some initiatives developed by provinces can be considered good practices and could be shared more widely

The Survey and the fact-finding mission to the provinces of Mendoza and Santa Fe and to the Autonomous City of Buenos Aires enabled the OECD to identify existing good practices at subnational level in Argentina. While an in-depth analysis of these good practices would go beyond the scope of this Review, the present document highlights a number of particularly interesting initiatives that could inspire subnational governments across Argentina and at the international level.

For instance, the province of Santa Fe has a longstanding tradition of citizen and stakeholder participation and has frequently involved stakeholders in its planning exercises. Practices that stand out include Santa Fe's *SantaLab*, a collaboration interface that brings together innovative citizen initiatives, and *Santa Fe Responde*, the virtual channel of the government (Box 7.12). Those good practices have the potential to inspire other provinces (and subnational government around the world). In recognition of this potential, the province of Santa Fe has designed a manual that allows interested actors to replicate and adapt the *SantaLab* experience to their own context.

Box 7.12. SantaLab: a good international open and innovative government practice

Santalab is the public, open and citizen innovation laboratory of the province of Santa Fe in Argentina. It was created as part of the province's policy to foster public innovation and open government, and creates virtual and physical spaces where citizens, public institutions from all branches of power and companies can meet and work together.

Santalab defines three lines of innovation:

- **Civic** hacking consists of initiatives to foster transparency, open data, digital participation, 21st century democracy and collaborative laws, among others.

- **Digital culture** comprises initiatives that promote digital inclusion, the right to innovate, access to free software and free culture, among others.

- **Sustainable development** consists of engagement with citizens and activists on issues such as environmental sustainability, recycling, urban mobility and sustainable communities based on social cohesion.

To implement initiatives in these fields, Santalab focuses on two areas of work:

- **Gob.Lab** develops innovation capacities and implements citizen agendas for the three lines of action at the provincial and municipal levels of government.

- **Co.Lab** develops methodologies and platforms for the co-creation of public solutions in collaboration with citizens. These can be directly implemented by citizens without the intervention of other government areas.

Santalab carries out three different types of activities, each of which is adapted to a different audience:

- Outreach **activities** aim to raise awareness and broaden the public innovation community.

- **Training and co-creation activities** consist of open and free workshops aimed at a smaller number of participants with a predisposition to get involved.

- Long and complex **prototyping activities** foster citizen innovation.

Santalab has also developed a set of guidelines entitled "The Santalab Method: How to Promote Public Innovation Based on Citizen Creativity"; these explain the laboratory model to enable other governments and organisations to implement similar policies.

Source: Province of Santa Fe (n.d.), *Laboratorios de Innovación Ciudadana* [Citizen Innovation Laboratories], www.santafe.gob.ar/index.php/web/content/view/full/203591/(subtema)/93686 (accessed 10 December 2018).

The OECD team also had the opportunity to organise interviews with public officials, civil society organisations and academia from the province of Mendoza. The province has made great strides in promoting its open government agenda in recent years, incorporating a commitment into Argentina's third NAP and hosting the *Argentina Abierta* conference in 2018 (see Box 7.13 below). One particularly noteworthy initiative is the transparency portal launched by Mendoza's Institute of Games and Casinos, one of the first such institutes in the world to actively promote open government principles.

Box 7.13. Open government initiatives of the Instituto Provincial de Juegos y Casinos of the Province of Mendoza

The **Instituto Provincial de Juegos y Casinos** of Mendoza is a decentralised autonomous entity within the Ministry of Finance of the province. It is responsible for the administration, exploitation and control of the lottery of Mendoza and all official games of the province.

In 2016, the *Unidad Técnica de Mercado y Juegos* was entrusted with the design, development and management of an open government website. As a consequence, the **transparency portal SAPIA** (*Sistema de Acceso Público a Información General de los Juegos de Azar*) was launched in October 2016. The portal aims to give citizens access to all information related to the exploitation of games (casinos, lottery and horse racing) in the province of Mendoza.

SAPIA is the first portal of its kind in the world. It makes available open data of the gaming industry, including contributions to the provincial and national state, taxes paid by the operators, benefits and other information that may be of interest (call for tenders, taxes, etc.). The portal also functions as a platform where citizens can interact with the authorities through direct consultations and the submission of complaints.

The main objectives of SAPIA are to:

- foster citizen participation

- create more transparent policy-making and decision-making processes

- promote higher quality standards

- facilitate access to and encourage the use of new technologies.

Source: Province of Mendoza (n.d.), Mendoza Gobierno, www.juegosycasinos.mendoza.gov.ar (accessed 10 December 2018).

The Autonomous City of Buenos Aires (CABA), which was also visited as part of the Review process, has a long tradition of working on open government principles. It is one of the continent's pioneering cities in this field, having already adopted one of the first Acts on Access to Public Information of Latin America in 1998. As a participant in the OGP Local Programme (see below), the City has been a leading actor in the promotion of open government data. Initiatives worth mentioning include the "BA Elige" platform, which allows citizens to decide on how to allocate part of the City's budget, and the "BAObras portal", which provides data about all public works undertaken in the City (Box 7.14).

Box 7.14. The Autonomous City of Buenos Aires' BAObras portal and BAElige platform

Buenos Aires Obras

BAObras is an online platform created as part of the Open Government Ecosystem of the City of Buenos Aires to provide information about tenders and works, their progress, budgets and the people in charge of them. It functions as a portal to increase transparency in the administration through real-time monitoring of works carried out by the government. It provides updated and structured data in accordance with international transparency

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standards as well as integrated reporting with clear and organised updates. The portal also includes a participatory process for the building of indicators. In addition, citizens can see photos and videos of progress made for each public work. The information is updated every four months.

BA Elige

The *BA Elige* initiative, launched in March 2017, was created as a result of a collaborative process between the Government of the City of Buenos Aires (GCBA) and the Madrid City Council. *BA Elige* is an open and accessible space where anyone can propose and choose ideas that could help improve neighbourhoods, *comunas* (communes) and the City of Buenos Aires as a whole. Chosen projects are incorporated into the initial draft of the Budget Law of the following year.

Each year, the GCBA assigns an annual budget (USD 500 million in 2018 and USD 600 million in 2019) to carry out the projects chosen collectively through the BA Elige platform.

Source: www.buenosaires.gob.ar/baobras; https://baelige.buenosaires.gob.ar.

The Autonomous City of Buenos Aires as a participant in the OGP Local Programme

In 2016, the OGP developed a "Local Programme" in recognition of the fact that "many open government innovations and reforms are happening at the local level where governments can engage more directly with citizens, and many crucial public services are delivered" (OGP, n.d.b). The eligibility criteria and methodology for the Action Plan are the same for a national and subnational government. Partners in the Local Programme now include 20 subnational governments, among which are cities, provinces and regions such as Paris (France), Madrid (Spain), Sao Paulo (Brazil) and Ontario (Canada). In order to participate in the programme, subnational government have to comply with the same eligibility criteria as national governments (Box 7.15).

Box 7.15. The eligibility criteria of the Open Government Partnership

The Open Government Partnership (OGP) is an initiative that aims to bring "together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive and accountable". Launched in 2011 by 8 member countries, the OGP has 71 national members (as of September 2018).

In order to be eligible to join the OGP, a government must meet the following criteria: 1) ensure fiscal transparency through the timely publication of essential budget documents; 2) have an access-to-information law that guarantees the public's right to information and access to government data; 3) have rules that require public disclosure of income and assets for elected and senior public officials; and 4) ensure openness to citizen participation and engagement in policy making and governance, including basic protections for civil liberties.

Source: OGP (n.d.b), *OGP Local Program – About*, Open Government Partnership, www.opengovpartnership.org/local; OGP (2016), *Open Government Partnership – Brochure*, Open Government Partnership, www.opengovpartnership.org/sites/default/files/091116_OGP_Booklet_digital.pdf.

The Autonomous City of Buenos Aires (CABA) is the only Argentinian subnational government that participates in OGP's Local Programme. The CABA is currently in the process of implementing its second OGP Action Plan. The Plan demonstrates that CABA has an advanced understanding of the potential of open government principles to contribute to wider policy objectives. Specifically, the Plan seeks to (Autonomous City of Buenos Aires, 2018):

- leverage the local dimension to find solutions to problems that can help improve the quality of citizens' lives

- enhance the community's capacity to function as a driving force of innovation

- apply sharing economy logic – the best ideas can be scattered throughout a community

- rethink processes to focus on the user's experience

- apply technology to find creative solutions.

The Plan includes five main commitments all of which are linked to specific Sustainable Development Goals and include a variety of concrete sub-commitments. The five commitments are: openness and innovation for an open government, a human-scale city, gender equality, transport and mobility, and housing: an indicators system (Ibid.).

Independent Open Government Steering Committees could also be created in each province

In their answers to the OECD Survey, most provinces indicated that they have created a Committee/Roundtable to co-ordinate open government strategies and initiatives. However, in most cases their responses actually referred to *ad hoc* working meetings between actors. In order to provide a formalised space for co-ordination, provinces could consider creating more permanent Provincial Open Government Steering Committees. These Committees could bring together all relevant ministries/offices from the provincial government, local civil society leaders, the private sector and academia.

Most provinces have an active civil society community. However, evidence suggests that local CSOs are often not involved in the provincial open government agenda, and interviews during the peer-driven OECD fact-finding missions confirmed that provincial governments face challenges in reaching out to local civil society leaders. In many cases, the participation of civil society is limited to the larger universities or civil society organisations with stronger capacities. It also often depends on existing links between the provincial open government co-ordinators and civil society leaders. The creation of Provincial Open Government Steering Committees could help to structure civil society engagement and foster trust.

In an effort to promote an open state, provincial committees could also include the other branches of power, independent public institutions and municipalities. The Survey results showed a tendency towards increased collaboration between branches of power at provincial level in Argentina. For instance, 40% of provincial governments collaborate with their provincial judiciaries, 46% with the provincial legislature and 60% collaborate with independent public institutions. Once created, the provincial committees could also be used as an interface for interacting with the national government and municipalities

The creation of an Open Government Commission in COFEMOD represented an important step towards more effective vertical co-ordination

Countries have created different mechanisms to co-ordinate open government strategies and initiatives across various levels of government. Some have taken the step of creating formal spaces that involve representatives from the different levels. Spain's newly created Open Government Forum provides an interesting example of a whole-of-state co-ordination effort (Box 7.16).

Box 7.16. The Spanish Open Government Forum (Foro de Gobierno Abierto)

In February 2018, the Government of Spain launched the Open Government Forum, the first open dialogue between all levels of government and civil society on transparency, participation and accountability.

The **Plenary** meets once or twice a year. It brings together public administrations from all levels and civil society including:

- representatives of the General State Administration (AGE), all the Autonomous Communities and Cities (CC. AA.) and the Spanish Federation of Municipalities and Provinces (FEMP)

- representatives of the Royal Academy of Moral and Political Sciences, university professors, non-profit associations and foundations, the Council of Consumers and Users, and entities of the third sector.

The **Permanent Commission** is the executive organ of the Forum. It comprises the following members of the Plenary:

- the First and Second Vice Presidents

- six members representing the public administration (including subnational governments) and six vocal representatives of civil society

- other members of the Plenary that are not part of the Permanent Commission, as well as experts or advisors in matters to be discussed.

The **working groups** are spaces for reflection where information is grouped, knowledge is generated and different points of view are contrasted on specific topics of open government. Experts or advisors on the topics to be discussed may be invited to the meetings, as well as any member of the Plenary. There are currently three working groups:

- Participation and collaboration

- Transparency and accountability

- Training and awareness.

Source: Government of Spain (n.d.), *Foro de Gobierno Abierto* [Open Government Forum], Madrid, http://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/ForoGA.html (accessed 10 December 2018).

As mentioned above, vertical co-ordination of transversal public policies in Argentina has historically been managed through the creation of Federal Councils. Currently, the most important Council for the vertical co-ordination of open government initiatives is the Federal Council for Modernisation and Innovation in Public Management (*Consejo*

Federal de Modernización e Innovación en la Gestión Pública de la República Argentina, COFEMOD) which is co-ordinated by the Government Secretariat of Modernisation. One of the Council's six technical Commissions focuses on Open Government and Innovation (the "Open Government Commission").

The agenda of COFEMOD is structured around the Federal State Modernisation Commitments (see Chapter 2 on the Policy Framework), the third commitment of which focuses on open government. In particular, it proposes:

- to promote the publication of information on public management, encouraging its reuse by society

- to develop an action plan for open government policies in each province, guided by the processes of the Open Government Partnership (OGP)

- to promote the homogenisation of public information to achieve interoperability of information between jurisdictions

- to develop innovation capabilities and encourage the realisation of devices for the resolution of public problems through the use of agile methodologies and civic technology.

While the third commitment is progressive, the OECD considers that – rather than designing action plans in each province – provinces could develop more complete policy frameworks for their open government agendas. Provinces could, for instance, adhere to a National Open Government Strategy and develop their own Provincial Strategies, as discussed in Chapter 2 on the Policy Framework.

Each Commission of COFEMOD establishes its own work agenda and can organise its own meetings whenever it wishes. The main objective of the Open Government Commission, created in 2017, is to co-ordinate initiatives that promote the adoption of open government agendas by subnational administrations. Currently, the representatives of the provinces of Córdoba and Santa Fe chair the Commission.

Responses from provinces to the OECD Survey highlighted the general usefulness of the exchange of good practices taking place within the framework of COFEMOD, both from one province to another and between provinces and the national government. However, some provinces were concerned that the Open Government Commission focused on the promotion of a national agenda that involves the provinces, rather than on tangible results in the open government agendas of the provinces themselves. Moreover, some provinces argued that COFEMOD's working commissions need their own human resources in order to support the implementation of proposals. Others considered that membership of the Commission would be beneficial to representatives of civil society and the private sector.

If fully used, the Commission has the potential to become the primary space for the vertical co-ordination of open government strategies and initiatives, and also provides an excellent entry point for tailor-made capacity-building support. In the development of a possible National Open Government Strategy, the Commission would serve to discuss a shared vision for open government in the entire country. The resulting Strategy could include a section that lists priority topics of the provinces and that is elaborated within the framework of COFEMOD. Provinces could then adhere to the Strategy, selecting specific priorities that they deem essential to advancing their agendas. The national government could then facilitate resources for specific projects that are linked to the achievement of overall objectives of the Strategy.

A National Open Government Steering Committee would provide an opportunity to foster co-ordination between the national and provincial agendas

The proposed National Open Government Steering Committee (CNGA) would function as the central space for the co-ordination of the national open government agenda. To promote a truly holistic open state approach, however, it would be important to ensure that the CNGA's agenda is fully co-ordinated with the work being done by the Open Government Commission of COFEMOD, which defines the subnational agenda. The Government Secretariat of Modernisation, which participates in COFEMOD meetings, would also be the leading actor of the CNGA and, as such, would have the task of aligning agendas and making sure that efforts by both parties converge in the same direction.

Another way to ensure complementarity would be to give seats in the open state meetings of the National Committee to the two provinces that chair the Commission of COFEMOD (Figure 7.9). These provinces would then be responsible for reporting to their provincial counterparts.

Figure 7.9. Possible composition of the open state meetings of the National Open Government Steering Committee

Source: Author's own elaboration.

The provincial representatives in the Open Government Commission of COFEMOD, the Federal Council of Transparency (which was created to co-ordinate the country's access to information agenda (see Chapter 3 on the Legal Framework)), and the Federal Roundtables on Citizen Participation (*Mesas Federales de Participación Ciudadana*) (see Chapter 5 on Citizen and Stakeholder Participation) are often the same. In order to avoid unnecessary cost and duplication, it will therefore be important to ensure a fluid exchange of information

between the different existing spaces of co-ordination. In the medium term, Argentina could also consider integrating the existing spaces and creating one single Commission under the umbrella of the country's open government and open state agenda. Figure 7.10 provides an overview of existing spaces of co-ordination between the national government and the provinces.

Figure 7.10. Unifying the existing spaces of co-ordination between the national government and provinces
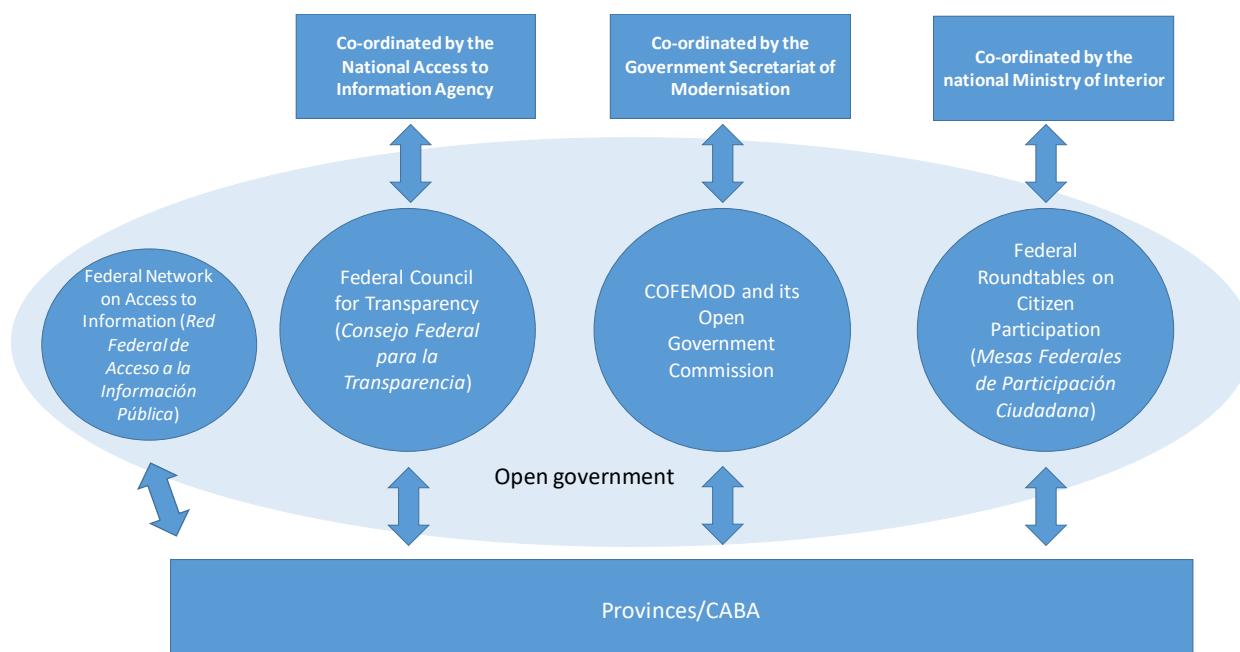
Source: Author's own elaboration.

Taking into account the recommendations made in Chapter 4 on Implementation, the institutional framework for an open state in Argentina might then resemble the structure presented in Figure 7.11.

Figure 7.11. Suggested institutional framework for an open state in Argentina
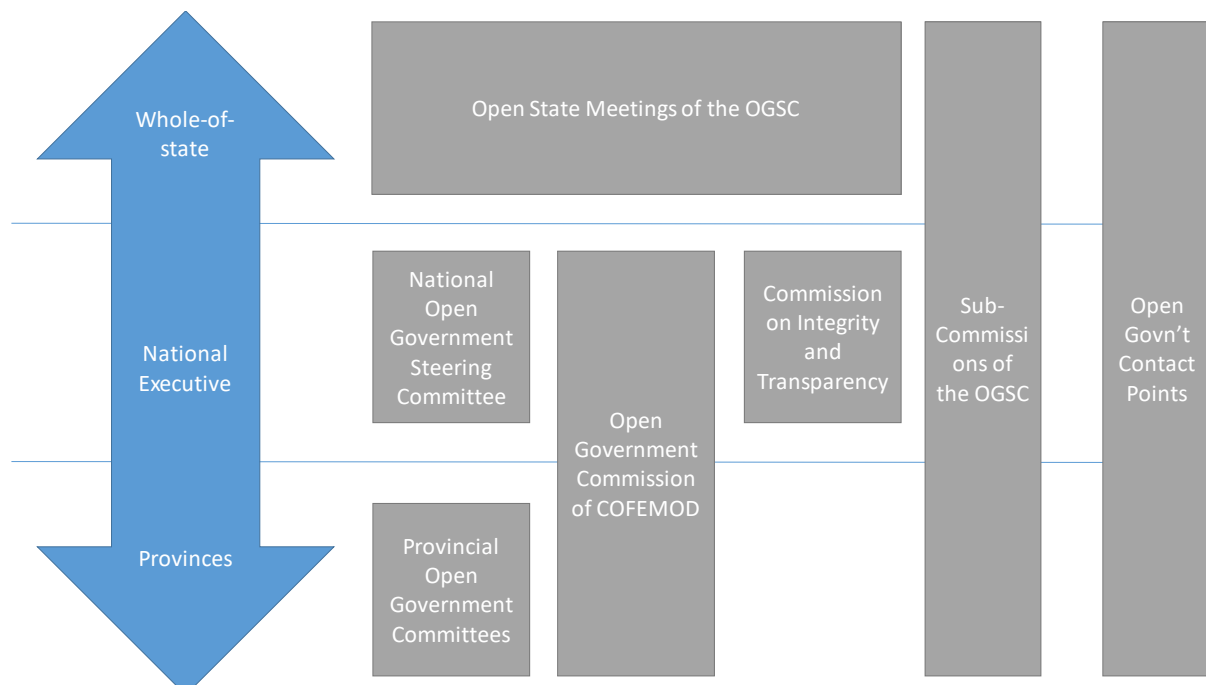
Source: Author's own elaboration.

The national government could reinforce support to provinces, while respecting the differences in maturity of their open government reform agendas.

Evidence gathered during the second fact-finding mission shows that exchanges between the national government and provinces have become more fluid in recent years. The OECD Survey asked provinces whether they had collaborated with the then Ministry of Modernisation in the elaboration and implementation of open government initiatives beyond their participation in the OGP Action Plan. According to the responses, most provinces participated in seminars organised by the then MoM and many received guidance through toolkits and other means (Figure 7.12). For instance, provinces report having received support to start their open data initiatives from the then MoM through the *Andino* platform, and many participated in courses offered by the INAP (see also Chapter 4 on Implementation).

Figure 7.12. All provinces collaborated with the then Ministry of Modernisation on the elaboration and implementation of their own open government strategies and initiatives
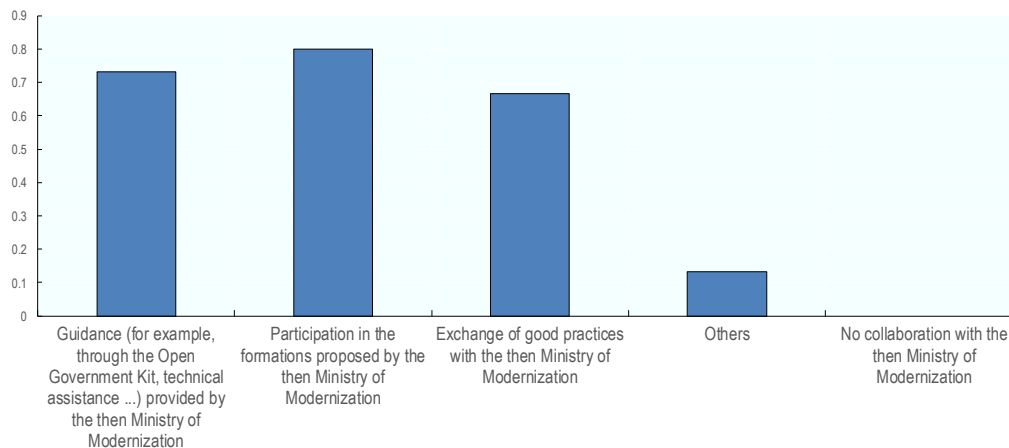
Note: Provinces were asked the following question: "In the elaboration and implementation of your own strategies and initiatives (beyond the OGP Action Plan) to promote open government, do you collaborate with the Ministry of Modernisation of the National Government (more than one response is possible)?"
Source: Responses to OECD (2018), *OECD Surveys on Open Government in Argentina*, OECD, Paris.

Despite this progress, all provinces but one also saw potential to improve co-operation between them and with the SGM through additional technical support and knowledge transfers. Given the great diversity in terms of administrative capacity and resources of provinces, the national government will need to take a flexible approach to the multi-level governance of open government. While some challenges are shared, each province also faces specific challenges and their maturity in terms of modernisation differs. In order to address this, the national government could continue using existing spaces such as *Argentina Abierta* (Box 7.17) and the Open Government Commission of COFEMOD for back-to-back capacity-building sessions in specific priority areas for provinces.

Box 7.17. The annual *Argentina Abierta* conference as a venue for dialogue and exchange of ideas

Argentina Abierta is an innovative conference convened by the national Government Secretariat of Modernisation that aims to foster the exchange of good practices and encourage discussion on issues related to transparency, accountability, new technologies, public innovation and open data. The conference brings together students, journalists, public officials, entrepreneurs and civil society organisations. The Federal Council for Modernisation and Innovation in Public Management (COFEMOD) participates actively in the meetings.

Over the years, *Argentina Abierta* has won national and international recognition as a platform to foster collaboration across branches of power and levels of government, and it has allowed the national government to involve new actors in the open government agenda.

- The first *Argentina Abierta* conference took place in September 2016 at the Tecnópolis site, located in the province of Buenos Aires, and had more than 1 500 attendees. The conference focused on making visible and sharing initiatives on information disclosure, civic technologies, public innovation and experiences

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centred on building a more open, transparent and collaborative government. More than 100 national and foreign speakers participated in the meeting, and 26 panels and 6 training workshops were open to the public in a "Data Camp", organised with the Open Knowledge Foundation.

- The second edition of *Argentina Abierta* was held in June 2017 and organised by the government of the province of Córdoba together with the team of the Undersecretary of Public Innovation and Open Government of the then Ministry of Modernisation. More than 500 people from all over the country attended the conference, and around 80 national and foreign speakers led discussions and presentations in the City of Arts of the Provincial University of Córdoba.

- The third edition of *Argentina Abierta* was held in Mendoza in May 2018, and was attended by a significant number of representatives of the provinces, municipalities, national and international speakers, academia and civil society. The event included a space for Hall Talks and a Lab Space, which applied the methodology of open innovation laboratories.

Source: Government of Argentina (2018)*, Background Report of the OECD Open Government Review of Argentina*, unpublished working paper.

Fostering the involvement of municipalities in the move towards an open state

The national government should pursue efforts to foster collaboration with municipalities

Municipalities are at the heart of open government and for most people they account for the majority of direct contact they have with the state administration. The services that municipalities and cities deliver are those that have the strongest impact on peoples' lives (e.g. public transportation, waste management, etc.). As such, it is unsurprising that many of the most outstanding open government initiatives have occurred at the municipal level (see Box 7.18).

Box 7.18. Opening up municipalities in the province of Biscay, Spain

The provincial Council of Biscay in Spain has developed an innovative open government approach that groups together all the province's municipalities and grants citizens a decisive role in improving local policies and contributing to the quality of services in the region. Based on the concept that "a modern institution has to be close and accessible to its citizens", the council commits itself to "continue working on spaces of co-operation and social participation in order to be able to be systematically accountable, transparent and efficient."

As part of this approach, the provincial Council of Biscay developed an easy-to-use website (http://zabaltzen.balmaseda.net/es/portada) and a smartphone application, called "*Udala zabaltzen*" [Opening Municipalities], which allow citizens to report flaws in infrastructure, such as potholes or sanitation facilities in need of improvement. The website and app allows citizens to provide a detailed description of the reported problem, and the information is then swiftly transfered to the office responsible. Each reported issue is

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updated as soon as the problem is resolved. This transparent approach opens the provincial council, the municipality and the office in charge to public scrutiny.

Source: BiscayTik (n. d.), "Diputación Foral de Bizkaia" [Provincial Council of Bizkaia], www.bizkaia.eus/home2/archivos/DPTO1/goazen2030/Bizkaia2030_CAST.pdf (accessed 10 April 2018).

In Argentina, the national government has started creating a variety of initiatives to promote open government at the municipal level. For instance, the Ecosystem of Innovation programme, led by the Government Secretariat of Modernisation, seeks to streamline and consolidate municipal public policies in order to build innovation capacities in local governments (Box 7.19). The programme provides resources, tools and training to each of the participating municipalities.

Box 7.19. The Ministry of Modernisation's Ecosystems of Innovative Cities and Innovative Provinces (*Ecosistemas de Ciudades Innovadoras and Ecosistema de Provincias Innovadoras*)

The Ecosystem of Innovation programme, led by the then Ministry of Modernisation, seeks to streamline, consolidate and streamline municipal public policies. The aim is to build innovation capacities in local governments in Argentina, in order to create a state of the 21st century. The programme is a practical one that provides resources, tools and training in each of the participating municipalities. The objective is to provide participating officials with knowledge of management methodologies, as well as trends and skills that will allow them to execute and implement initiatives once they return to their cities. The programme further aims to create a dynamic network of "public innovators" to foster the exchange of experiences and good practices.

The initiative offers practical training through courses and workshops organised in co-ordination with the *País Digital* Secretariat. Regional forums are held in different regions and consist of an intensive day of training in innovation, agility and digital technologies. Overall, 1 390 municipal officials from 140 different cities have been trained and 15 municipalities have been selected to carry out more intensive training with a focus on applying new methodologies to solve a pressing challenge in each municipality.

The Ecosystem of Provinces programme provides training to provincial public officials on matters of public innovation. The programme seeks not only to train participating officials, but also to develop skills and knowledge so that they can replicate what they have learned within their own teams and the municipalities within their provinces.

Source: Government of Argentina (2018), *Background Report of the OECD Open Government Review of Argentina*, unpublished working paper.

As discussed in Chapter 6 on Citizen and Stakeholder Participation, the Government Secretariat of Modernisation also created the programme *País Digital* (Digital Country) to co-ordinate digital government initiatives with provinces and municipalities. This programme provides provincial and municipal administrations with support in areas such as website creation, digital platforms and open data. Moreover, the Ministry of the Interior's Secretariat for Municipal Affairs has a Municipal Training Department that gives courses on open government to municipal governments.

Such national government efforts are positive and should be pursued. They should also be well-coordinated with efforts being undertaken in provinces with their respective

municipalities. Municipalities would also benefit from a more integrated and holistic national government approach to open government at the municipal level. In this regard, the proposed whole-of-government National Open Government Strategy could be a tool to provide municipalities with a common implementation framework.

The Autonomous City of Buenos Aires could continue fostering city-to-city exchange.

The Autonomous City of Buenos Aires' open government agenda is in many respects more advanced than the agendas of cities in the rest of the country, as noted in different sections of this chapter and the rest of the Review (see, for instance, Chapter 6 on Citizen and Stakeholder Participation). The City of Buenos Aires is as influential promoter of open government reforms at the central level as well as a source of inspiration for provinces and municipalities alike. The City has created a Collaborating Centre of Cities (*Centro de Colaboración entre Ciudades*) which serves as a platform for exchanges, meetings and workshops. The Centre also offers a course on open government. City-to-city exchanges could be further enhanced through the proposed Network of Open Government Contact Points, which could actively involve municipalities and cities and organise meetings on specific issues of concern to them.

Box 7.20. Institutional Index of Municipal Open Government: exploratory analysis of the principal cities in the Northeast of Brazil

The **Institutional Index of Municipal Open Government (IIGAM-Brazil)** is founded on an exploratory analysis of progress made in the implementation of open government initiatives in nine capitals in the Northeast of Brazil.

The index includes:

- qualitative and quantitative research techniques

- descriptive and exploratory research from secondary data published on the websites of the governments of the Brazilian Northeast capitals.

- qualitative inferences from socio-economic indicators.

It examines progress across *three dimensions*: transparency, citizen participation and public collaboration.

The index measures the performance of local governments based on correlations with other socio-economic data. The results obtained are designed to be used to foster debate on progress made and challenges faced during the implementation of open government initiatives at the subnational level in Brazil.

Source: Dias, T. and A. Rodrigues Gracia (2017), *Document Índice Institucional de Gobierno Abierto Municipal: análisis exploratorio de las principales ciudades del Nordeste del Brasil* [Institutional Index of Municipal Open Government: exploratory analysis of the principal cities in the Northeast of Brazil], presented at the VIII Congreso Internacional en Gobierno, Administración y Políticas Públicas GIGAPP held in Madrid from 25 to 28 September 2017.

Recommendations

Enhancing co-ordination and collaboration in the promotion of open government principles at national level

- Organise regular open state meetings of the National Open Government Steering Committee (CNGA) involving all branches and independent public institutions in order to harmonise approaches and ensure a more fluid and institutionalised exchange of good practices and experiences.

- Invite the people in charge of the open government agendas in all branches of power and in independent public institutions to participate in the Network of Open Government Contact Points, in order to facilitate the sharing of practices and experiences (see Chapter 4 on Implementation).

- Invite Open Government Contact Points from all branches and from independent public institutions to participate in specific thematic sub-commissions of the CNGA.

- Involve all branches of power and independent public institutions in the elaboration of a National Open Government Strategy (NOGS), to ensure that it reflects a shared vision, common objectives and a common understanding of what open government entails (see Chapter 2 on the Policy Framework).

- Consider designing the strategy in a flexible way to allow all branches and independent public institutions to adhere to it through high-level declarations and to develop independent strategies tailored to their specific institutions' needs while contributing to a common vision (see Chapter 2 on the Policy Framework for different options to include other branches within the strategy).

Improving the multi-level governance of open government in Argentina

- Make strategic use of the Open Government Commission of COFEMOD as the primary space for vertical co-ordination of open government reforms.

- Use the Commission to discuss a shared vision, share objectives and, possibly, common initiatives when designing a National Open Government Strategy.

  – Consider allowing provinces to adhere to the strategy and to develop their own Provincial Open Government Strategies that contribute to the overall objectives of the NOGS.

- Ensure that the National Open Government Steering Committee's agenda is fully co-ordinated and aligned with the work being done by the Open Government Commission of COFEMOD.

  – Consider giving permanent seats in the open state meetings of the National Committee to the two provinces that chair the Commission of COFEMOD.

- Ensure a fluid exchange between the Open Government Commission of COFEMOD, the Federal Council of Transparency and the Federal Roundtables on Citizen Participation.

- Continue supporting provinces in the development of their own open government agendas that contribute to the achievement of jointly defined national open government objectives.

- Provide additional capacity-building support to provincial governments through the use of spaces such as *Argentina Abierta* and the Open Government Commission of COFEMOD.

- Create Provincial Open Government Steering Committees that bring together all relevant actors from the provincial government with local civil society leaders, the private sector and academia, as well as the other branches of power and independent public institutions.

Fostering the involvement of municipalities in the move towards an open state

- Foster a more integrated and holistic national government approach to open government at municipal level, including by involving municipalities in the design and implementation of the whole-of-government National Open Government Strategy.

- Ensure that national government efforts to foster open government at municipal level are well co-ordinated with efforts being undertaken by provinces with their respective municipalities.

- Pursue efforts to foster collaboration with municipalities through tools such as the "Ecosystem of Innovation" and the *País Digital*.

- Enhance city-to-city exchanges through the proposed Network of Open Government Contact Points.

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Chapter 8. Towards a conducive environment for digital and open government reforms in Argentina

This chapter links common findings of the Open Government and Digital Government Reviews and highlights results that are relevant for both digital and open government reforms in Argentina. In particular, the chapter focuses on ways that digital government tools can be conducive to open government reforms and vice versa. It examines the institutional framework for digital and open government in Argentina, stress the necessity to align overarching strategies, and highlights the benefits that innovation-driven initiatives can yield for the digital government and open government agendas.

The OECD Secretariat conducted this Open Government Review and an additional Digital Government Review in 2018 at the request of the Government of Argentina (GoA). These Reviews add to the broader work carried out by the Secretariat, at the request of the Argentinian government, which includes additional reports such as the Regulatory Policy and Integrity Reviews of Argentina. The aforementioned policy areas are mutually reinforcing and can work in support of democracy and inclusive growth.

In terms of open government and digital government, the OECD (2014) defines **digital government** as "the use of digital technologies, as an integrated part of governments' modernisation strategies, to create public value. It relies on a digital government ecosystem comprised of government actors, non-governmental organisations, businesses, citizens' associations and individuals which supports the production of and access to data, public services and content through interactions with the government". **Open government**, in turn, is defined as "a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth" (OECD, 2017).

Digital government tools enable open government reforms

Member countries of the OECD and beyond have acknowledged the importance of open and digital government and have mandated the OECD Secretariat to develop standing Recommendations on both areas.

In 2014, the OECD Council passed the Recommendation on Digital Government Strategies to which, in addition to OECD countries, Colombia,[1] Costa Rica,[2] Egypt, Kazakhstan, Morocco, Romania and the Russian Federation have adhered (as of January 2019). In March 2017, Argentina made a request to join this number, thereby demonstrating the country's willingness to follow and implement the principles of the Recommendation, and learn from OECD best practices towards the creation of greater public value and benefits for its citizens. In February 2019, the OECD approved Argentina's request.

In 2017, the Council passed the OECD Recommendation on Open Government. To date (February 2019), all 36 members of the OECD, as well as Argentina and Morocco, have adhered to the Recommendation. In 2018, the GoA began work on the Open Government Review and the Digital Government Review in parallel, with both reviews being launched in 2019.

This chapter links the common findings of the Open Government and Digital Government Reviews and highlights results that are relevant for both digital and open government reforms in Argentina. In particular, the chapter focuses on ways in which digital government tools can be conducive to open government reforms and *vice versa*. It also examines the institutional framework for digital and open government in Argentina, emphasises the importance of aligning overarching strategies, and highlights the benefits that innovation-driven initiatives can yield for the digital government and open government agendas.

Both Recommendations recognise the importance of open and digital government. The Open Government Recommendation, for example, underlines the significant opportunities that digital government tools can yield. Provision 9 in particular stipulates that adherents should: "promote innovative ways to effectively engage with stakeholders to source ideas and co-create solutions and seize the opportunities provided by digital government tools, including through the use of open government data, to support the achievement of the objectives of open government strategies and initiatives" (OECD, 2017).

Provision 7 emphasises the benefits of open government data.[3] Adhering countries commit to "proactively make available clear, complete, timely, reliable and relevant public sector data and information that is free of cost, available in an open and non-proprietary machine-readable format, easy to find, understand, use and reuse, and disseminated through a multi-channel approach, to be prioritised in consultation with stakeholders" (OECD, 2017b). This adds to Provision 3 of the OECD Recommendation on Digital Government Strategies, which stresses the need to create a data-driven culture in the public sector to incentivise public value creation, and enhance public service design and delivery (OECD, 2014).

The above-mentioned provisions reflect the ways in which digital technologies are transforming how the public sector operates and engages with citizens and businesses, as well as the ways that information and data are produced, exchanged and reused (OECD, 2016).
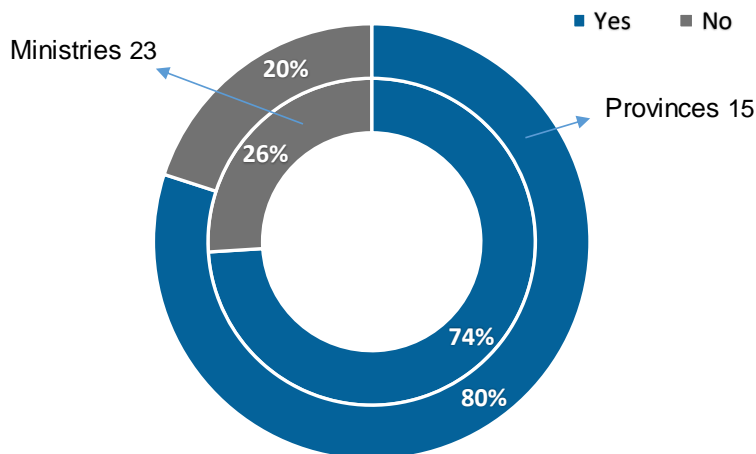
The OECD Report *Open Government: The Global Context and the Way Forward* (2016) found that "technological development has moreover contributed to a number of open government goals, including greater access to valuable open government data (OGD) and acceleration of the development of more convenient, user-friendly and citizen-driven public services". Governments and citizens can now interact remotely in real time, using two-way communication channels, such as social media (see Chapter 6 on Citizen and Stakeholder Participation), and use government digital platforms to access public services and personal documents, and perform formal transactions.

Argentina makes strategic use of digital government tools to interact with its citizens and better deliver public services.

In recent years, Argentina has created easy-to-use and accessible web-based and mobile platforms to interact with and deliver public services to its citizens. One example, which is described in more detail in Chapter 6 on Citizen and Stakeholder Participation, is the Platform of Public Consultation (*Plataforma de Consulta Pública*). According to the Government of Argentina, the Platform is intended to be the principal portal for digital consultation of citizens in any form. As discussed in Chapter 6, the effort to unify participation channels represents an important step in providing citizens with certainty regarding how to participate in open government.

Initially created to receive input for the Open Government Partnership (OGP) Action Plan process, the consultation platform offers ministries the possibility to ask citizens for their input on ministries' respective policy areas. The platform is based on the open-source online platform DemocracyOS, and stakeholders interested in participating can access an easy-to-understand manual that outlines the different steps involved. According to information provided by the Government Secretariat of Modernisation (SGM), 25 consultations with more than 2 000 participants have been held to date. In addition, the government has created a Public Consultation Guide that outlines the benefits of public consultations, and normative guidelines that support citizen participation and provide recommendations on how to successfully conduct consultations.

Regardless of these noteworthy efforts to consolidate digital citizen participation and publicise the best practices and benefits of digital consultation, not all ministries and provinces seem to make use of information and communications technologies (ICTs) to promote open government principles. Almost three-quarters (74%) of line ministries and 80% of provinces use ICTs strategically to promote transparency, integrity, accountability and stakeholder participation (Figure 8.1).

Figure 8.1. Using ICTs to promote open government principles

Online platforms such as Argentina's Platform of Public Consultation or (mobile) applications can contribute to better informed decision-making and provide opportunities for more dynamic forms of collaboration between public institutions and their constituencies (OECD, 2016). Online platforms help to hold public institutions accountable, especially in policy areas such as public procurement and transparency in the public sector. They moreover allow better monitoring of public expenditures and the progress of public works. In Chile, the government has developed an online system through which citizens, civil society organisations (CSOs) and journalists can obtain information on lobbying. The system also helps to hold the government accountable (Box 8.1). In addition, the government has set up a one-stop shop that offers a single entry point for citizens and provides services to citizens and businesses.

Box 8.1. Transparency of lobbying information in Chile and the one-stop shop

The "Info *Lobby*" online portal

*"*Info Lobby*"* is an online portal managed by the Transparency Council (Consejo para la Transparencia) that allows citizens to obtain information about lobbying in Chile. The Council acts as the co-ordination body overseeing implementation of the Transparency Law and, in particular, promotes transparency, monitors compliance and guarantees the right of access to information. The Council is also responsible for making all lobbying registries for institutions publicly accessible through a user-friendly website. Accordingly, all institutions covered by lobbying regulation have to send relevant information to the Council, which then publishes it via the online portal. This includes all lobbying-related information – which is organised according to several criteria (paid/unpaid lobbyist, lobbyist client, institution, public officials ranking and subject matter) – as well as information about public officials' travels and donations, which must also be disclosed in line with Lobbying Law No. 20.730.

ChileAtiende: Providing citizen access to public sector information

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ChileAtiende offers a national multi-channel one-stop shop for citizens to carry out their business with government. It consists of a national network of more than 200 offices, a national call centre and a digital platform (web and social networks), as well as ChileAtiende vans able to cover remote rural areas and help citizens access multiple services and benefits without contacting different government offices. Previously, citizens obliged to complete a state procedure had to identify the correct institution, establish where its offices were located, and then make direct contact to determine the requirements involved in accessing the service. This was costly in terms of time and money. In 2014, an external consultancy evaluated he project was evaluated in 2014. Their conclusions indicated that the service had saved Chilean citizens up to 2 165 193 hours and CLP 10 600 million (Chilean pesos) or USD 14.9 million between 2012 and 2014.

Source: Info Lobby (2014), Lobbying Law No. 20.730 of 2014, www.infolobby.cl (accessed 14 January 2019); OECD (n.d.a), "Digital government strategies: Good practices Chile: ChileAtiende", Digital Dovernment Toolkit, http://www.oecd.org/gov/chile-chileatiende.pdf (accessed 21 October 2016).

The surge in usage of smartphones and mobile applications, as probably the most widely used ICTs, has led governments across OECD member and partner countries to develop applications that allow for two-way interaction with their citizens and improve public service delivery. For instance, as of October 2018, 1.5 million users had registered on the digital public service delivery platform *Mi Argentina*, and the SGM had reported 165,000 downloads of *Mi Argentina*'s mobile application. By using *Mi Argentina's* platforms, citizens can access provided services such as advanced booking (*turnos*) for document certification (*apostillamiento*), vaccination appointments and online certification from the National Administration of Social Services (*Administración Nacional de la Seguridad Social,* ANSES) (OECD, 2018). Another interesting initiative that facilitates the interaction between citizens and the government is BA147. This application was created by the Secretariat of Citizen Administration and Service (*Secretaría de Atención y Gestión Ciudadana)* of the City of Buenos Aires (see Box 8.2 below).

Box 8.2. BA147 – the City of Buenos Aires App to interact with citizens

The City of Buenos Aires has created a mobile application, called BA147, which allows citizens to directly contact the City administration. With the help of the App, citizens can issue requests, reports and complaints regarding a range of topics, including maintenance of streets and sidewalks, cleaning and waste collection, security-related issues or transport. If a citizen, for example, spots an abandoned car in the street or a pothole that should be fixed, the person can upload a picture of the issue to be solved and the location, together with a comment. In addition, citizens are able to view all requests made for their neighbourhood, add to their priority or receive an update on the status of the repair. Once the requested issue has been addressed, the citizen will receive an email containing a satisfaction survey to improve future requests.

Source: City of Buenos Aires (n.d.), BA147, Realizá solicitudes para el Gobierno de la Ciudad de Buenos Aires [Make requests for the Government of the City of Buenos Aires], http://www.buenosaires.gob.ar/aplicacionesmoviles/ba-147 (accessed 15 January 2019).

While these applications can help to develop and implement more effective policies and improve the performance of the public sector, their adoption rate is contingent on the government's response to requests. If government responsiveness does not meet citizen's

expectations, the adoption rate might lower and, more importantly, trust in the government might erode. For example, if citizens submit a request to repair a street (e.g. through the BA147 App in Buenos Aires) and the City does not address the problem, disenchantment with the public institution might increase.

Open government principles can support digital government strategies

The 2014 OECD Recommendation on Digital Government Strategies contains various references to the open government principles of transparency, accountability, integrity and stakeholder participation (see Box 8.3 below).

Box 8.3. References to open government principles in the 2014 OECD Recommendation on Digital Government Strategies

Adherents to the 2014 OECD Recommendation on Digital Government Strategies Recommendation commit to develop and implement digital government strategies which:

1. "Ensure greater transparency, openness and inclusiveness of government processes and operations by:

   i. adopting open and inclusive processes, accessibility, transparency and accountability among the main goals of national digital government strategies;

   ii. updating accountability and transparency regulations recognising different contexts and expectations brought about by digital technologies and technology-driven approaches;

2. Encourage engagement and participation of public, private and civil society stakeholders in policy making and public service design and delivery, through:

   i. addressing issues of citizens' rights, organisation and resource allocation, adoption of new rules and standards, use of communication tools and development of institutional capacities to help facilitate engagement of all age groups and population segments, in particular through the clarification of the formal responsibilities and procedures (e.g. adoption of guidelines clarifying roles and procedures for establishing and managing official government accounts on social media, norms of data sharing);"

Source: OECD (2014), Recommendation of the Council on Digital Government Strategies, OECD, Paris, https://www.oecd.org/gov/digital-government/recommendation-on-digital-government-strategies.htm.

Open government principles, especially citizen and stakeholder participation, can work as catalysts for digital government strategies and initiatives. Among the biggest challenges for public service delivery in the public sector is the transition from technology-centred design and delivery of services to an alternative that is user-driven and responsive to citizens' needs. Governments need to enact a paradigm change that re-centres services around the citizen and enables a user-driven approach to service design and delivery (OECD, 2016). The success and impact of digital government initiatives will greatly depend on the value such initiatives have for citizens.

Stakeholders' engagement can contribute to enhancing the quality and usefulness of digital platforms and public services. Engaging citizens earlier and in an iterative fashion can help

to crowdsource their knowledge and first-hand expertise to enhance the benefits of these platforms.

In order for open government principles to be conducive for digital government reforms and *vice versa,* the respective agendas need to be steered and co-ordinated by institutions close to political decision-making power. The following section examines the institutional framework for digital and open government in Argentina, the need to align overarching strategies and the benefits that innovation-driven initiatives can produce for the respective agendas.

Anchoring digital government and open government in the same Secretariat provides opportunities for co-operation.

In September 2018, the President re-organised the GoA, transforming the then Ministry of Modernisation into the Government Secretariat of Modernisation (SGM). As a result of this reform, the SGM is now located in the Chief of Cabinet of Ministers Office, an office at the centre of government[4] led by the President's Chief of Staff, as discussed in more detail in Chapter 4 on the Implementation of Open Government Initiatives. Within the SGM, the Undersecretariat for Public Innovation and Open Government (UOG) is the entity in charge of the country's open government agenda. Digital government reforms are led by the Secretariat for Digital Government and Innovation Technology (Figure 8.2), while the Secretariat of Administrative Modernisation has headed efforts to create a paperless government.

Figure 8.2. The new structure of the Government Secretariat of Modernisation
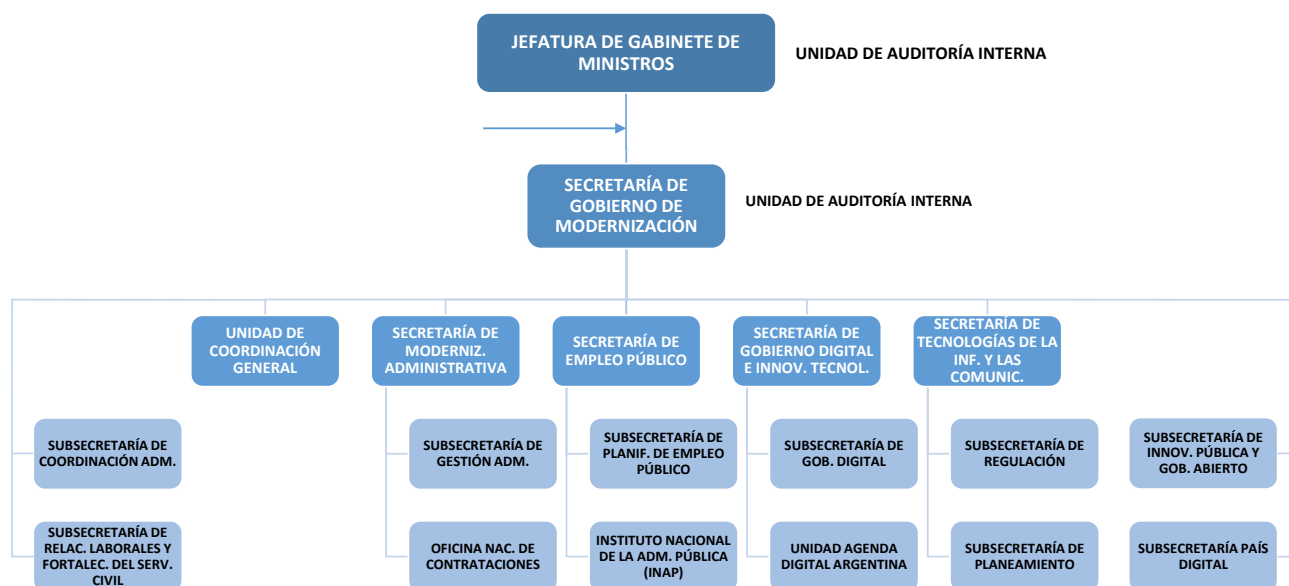
Note: This figure only presents a part of the full organigram of the Chief of Cabinet of Ministers Office.
Source: Government of Argentina (2018b), Mapa del Estado [Map of the State], https://mapadelestado.jefatura.gob.ar/organigramas/jgm.pdf (accessed 11 December 2018).

The institutional reshuffling did not alter the close co-operation between the different teams in charge of digital government and innovation technology, as well as public innovation and open government, respectively. During interviews conducted for the Reviews, government representatives stressed that the agendas of the different areas are well aligned.

In fact, many team members worked together in the administration of the City of Buenos Aires before joining the government in 2015.

In order for digital and open government reforms to have a positive impact on citizens' lives, they need to be implemented at all levels of government, which in turn requires effective co-ordination. As argued in Chapter 7 on the Open State, provinces and municipalities require additional guidance and assistance from the central government in this regard. Interviews with policy makers at provincial level revealed that the SGM is a well-respected institution that has inspired and made possible initiatives at the subnational level. Similar findings hold true for line ministries where the SGM has established strong co-operation with representatives through informal Points of Contact for open government and open data.

In order to facilitate continued close alignment between the two bodies, they could consider inviting a representative from the digital government team in order to be informed about forthcoming initiatives to be discussed by the National Open Government Steering Committee. This would help both bodies align their agendas and demonstrate the integrated approach of reforms on digital and open government.

Alignment of digital and open government strategies would help establish a common narrative.

Argentina's digital government agenda is guided by the Digital Agenda, while membership of the OGP has guided the majority of work on open government over the last two years. The vision and key pillars of Argentina's Digital Agenda were approved under Presidential Decree 996/2018 on 5 November 2018 (Government of Argentina, 2018). The *Digital Government Review of Argentina* finds that "the Digital Agenda puts in place a high-level vision for where the country wants to be. Beyond that vision, the Agenda is generally project-based (e.g. digital signature, single window) and principle-based (e.g. openness, co-creation). While this is a major step in achieving digital transformation, opportunities exist to set strategic goals with related objectives in order to provide an articulated roadmap for digital government that everyone in government can rally behind and work towards" (OECD, 2019). The Review therefore recommends the elaboration of a Digital Government Strategy.

Argentina's third OGP Action Plan (2017-2019) contains commitments related to open data (e.g. the Ministry of Justice and Human Rights committed to upgrade the datos.jus.gob.ar platform) (Government of Argentina, 2017). As discussed in Chapter 2 on the Policy Framework, Argentina could move towards a comprehensive National Open Government Strategy. This would help to improve policy coherence across government and streamline different initiatives. Along similar lines, the *Digital Government Review* finds that a standalone Digital Government Strategy would contribute to more mature digital government policies and services. When elaborating these Strategies together with civil society and other stakeholders, it will be important to ensure close co-operation between the two Under-secretariats. As argued in this chapter, digital government initiatives can contribute to an enabling environment and implementation for open government and *vice versa*. A continuous exchange and co-operation in the developing phase of the strategies is thus important to avoid duplications. Additionally, the strategies should contain provisions that outline how open government principles can contribute to implementing the digital government strategy and the inverse. Together, both strategies can contribute to enacting cultural change across the administration.

Implementation of open government principles can engage citizens in the design of public services and lead to greater data re-use.

The findings of the *OECD Digital Government Review of Argentina* underline the need to better engage with citizens in the design and delivery of public services and data re-use.

On the one hand, there are clear achievements in terms of digital public service delivery in the country. *Argentina.gob.ar* and *Mi Argentina* have brought further integration in terms of how the Argentinian public sector presents itself to its citizens, with a focus on a government-as one-entity approach. More importantly, *Mi Argentina* is a valuable platform for digital public service delivery, as it streamlines the government-citizen relationship and simplifies the citizens' experience when interacting with government. Both platforms fall under the responsibility of the SGM's National Direction of Public Services.

However, challenges remain in terms of better engaging with citizens in the context of digital government initiatives. So far, evidence from the OECD *Digital Government Review of Argentina* shows that while inclusiveness and the implementation of citizen-driven approaches appear to be a priority in the context of ICT projects and initiatives, discrepancies appears in terms of engaging citizens, particularly in terms of digital public services. These findings are support by the evidence collected by the OECD in the context of the workshops organised in Buenos Aires in July and December 2018 within the framework of the OECD *Digital Government Review of Argentina*.

Two opportunities remain in this respect in the context of digital public services. The first is the need to engage citizens in the early stages of the design of public services; the second is to ensure that public sector organisations are aligned with the National Direction of Public Services' Principles for Digital Services in order to better understand and take into consideration citizens' needs when developing digital initiatives.

On the other hand, there are also opportunities to better engage users in the context of open government data practices. "When published in open and machine-readable formats, proactively and, if possible, free of cost, public sector information evolves to open government data, facilitating its reuse by anyone – anywhere - without legal or technical limitations (e.g. copyrights, proprietary formats)" (OECD, 2017).

Open government data enable greater public sector accountability, integrity, social innovation and economic development. The overall nature of the data being published reflects, or should reflect, the value it is aiming to achieve. For instance, open data can help journalists, civil society, citizens and representatives of academia to better trace and understand governments' actions and hold governments and public officials accountable for both their actions and their performance (e.g. through the publication of open contracting data) (OECD 2018b).

Argentina's National Open Data Portal *datos.gob.ar* stands out as a good example of a comprehensive platform for the management and publication of Open Data.

The portal, managed by the National Direction of Public Data and Public Information (*Dirección Nacional de Datos e Información Pública*, DPDI),[5] reflects the willingness of the Argentinian government to provide a platform for the creation of good governance and economic and civic value. However, as discussed in the *OECD Digital Government Review of Argentina*, there is a need to sustain efforts to further engage users, in order to prioritise the publication of government data, foster its re-use and co-create public value in close collaboration with actors from different communities of practice in the country.

Recommendations

- Ensure close interaction between the Undersecretariat for Public Innovation and Open Government and the Secretariat for Digital Government and Innovation Technology of the Government Secretariat of Modernisation. This would help to better design and deliver public services, prioritise data publication and foster data re-use.

    – Consider inviting a representative of the digital government team to participate in the National Open Government Steering Committee in order to align agendas.

- Consider further streamlining the variety of digital engagement platforms (*Mi Argentina*, the Platform for Public Consultation, Public Challenges, etc.) and continue efforts to make the Platform for Public Consultation the principal platform for digital consultation.

Notes

[1] On 25 May 2018, OECD countries agreed to invite Colombia to become a member of the OECD. On 30 May 2018, the then President Juan Manuel Santos and Secretary-General Gurría signed an Accession Agreement during a meeting of the OECD Council at the ministerial level in Paris. Colombia's membership will take effect after it has taken the appropriate steps at the national level to accede to the OECD Convention and deposited its instrument of accession with the French government, the depository of the Convention. Colombia's accession will extend OECD's membership to 37 countries.

[2] Costa Rica has commenced the accession process to become a member of the OECD.

[3] According to the OECD, "Open Government Data (OGD) is a philosophy – and increasingly a set of policies – that promotes transparency, accountability and value creation by making government data available to all. Public bodies produce and commission huge quantities of data and information. By making their datasets available, public institutions become more transparent and accountable to citizens. By encouraging the use, reuse and free distribution of datasets, governments promote business creation and innovative, citizen-centric services." (OECD, n.d.)

[4] This administrative structure serves the Executive (President or Prime Minister, and the Cabinet collectively). The Centre of Government (CoG) has a great variety of names across countries, such as General Secretariat, Cabinet Office, Chancellery, Office/Ministry of the Presidency, Council of Ministers Office and so on. In many countries, the CoG is made up of more than one unit, fulfilling different functions.

[5] For more information see: https://datosgobar.github.io.

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ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

The OECD is a unique forum where governments work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

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Open Government in Argentina

Argentina is undertaking an ambitious reform to move beyond open government to become an "open state". This review assesses Argentina's progress with implementing the 10 provisions of the 2017 OECD Recommendation of the Council on Open Government. Based on extensive data gathered from all branches and levels of government, as well as civil society, this review assesses the progress made to date in these reforms and highlights good practices. It also provides guidance on how Argentina can better align its public sector reform with the Recommendation to achieve its vision.