

Open Government Partnership – The Case for Nepal

Around the world governments are taking important steps to promote more open, accountable and responsive governance. These aspirations are also reflected in Goal 16 of the 2030 Agenda. A global initiative that is supporting this trend is the '**Open Government Partnership**' (OGP). The OGP has supported seventy countries, both in the developed and developing world, to implement plans, policies and practices that support government openness. Nepal is not currently a member of the OGP but is eligible to join. This briefing presents the case for Nepal to join the OGP and commit to the principals of open government.

About the Open Government Partnership

The OGP is an international partnership of reformers in government and civil society, committed to making governments more transparent, responsive and accountable. To achieve these goals the OGP secures commitments from governments to promote transparency, encourage civic participation, combat corruption and harness new technologies to strengthen governance. These commitments aim to make government more open in order to improve public trust in government, promote investment climate and economic growth, and to mitigate the grievances that facilitate conflict and violence.

The OGP was formally launched in 2011 by eight Heads of State from Brazil, Indonesia, Mexico, Norway, Philippines, South Africa, United Kingdom, and the United States and nine civil society leaders at the UN General Assembly. Since its launch the membership has grown from eight to seventy countries with recent members including Cote D'Ivoire, Papua New Guinea and Sri Lanka.

An important feature of the OGP is that it brings governments and civil society organizations together as equal partners in developing national level reforms to promote open and transparent government. The process involves dialogue between civil society and government officials, high level political buy-in with regular interaction with Heads of State and a regular commitment making mechanism through biannual action plans. Through the OGP over 2,700 national commitments have been generated, aimed at improving government for more than 2 billion people. These national commitments range from passing or modernizing freedom of information laws, to implementing anti-corruption measures in the public and private sectors, and developing mechanisms to facilitate dialogue with citizens and enable their participation in the policy making process.

The Four principles of Open Government

By endorsing the Open Government Declaration countries commit to “foster a global culture of open government that empowers and delivers for citizens, and advances the ideals of open and participatory 21st century government.” OGP participating countries declare their commitment to:

- Increase the availability of information about governmental activities
- Support civic participation
- Implement the highest standards of professional integrity throughout their administrations
- Increase access to new technologies for openness and accountability

What Could Joining the OGP Mean for Nepal?

Efforts to support open government have been taking place in Nepal for more than a decade, both inside and outside of government. This includes interventions around public financial management, local governance, open data, civic participation, e-governance, etc. Formal membership of the OGP could provide a structure for the coordination and strengthening of these initiatives around a common goal. Relevant commitments under the OGP could also accelerate efforts to increase the accessibility and use of data in sustainable development interventions, which is key to the success of the 2030 agenda.

With the promulgation of a new constitution in September 2015 Nepal has moved from a unitary structure towards a federal form of governance. Nepal’s multiple levels of government and subnational bodies will have greater autonomy in making decisions within their own jurisdiction. Membership of the OGP could build support for open government policies that ensure the decentralization leads to an increase in the level of interaction between civil society and their local governments on the decisions that impact their lives. As a member of the OGP Nepal can exchange best practice with other countries through peer learning about how to grow civic engagement, improve local governance and achieve better development outcomes through supportive policies and technological innovation.

Becoming a member of the OGP could help Nepal in achieving the Sustainable Development Goals (SDGs) - explicitly Goal 16 which aims to “build effective, accountable and inclusive institutions at all levels” and declares the need for government to be open and responsive to citizens. By sharing detailed development data the Nepal government would provide civil society with the information needed to improve development programmes, track development progress and contribute to innovation and economic growth.

| Benefits of OGP membership to the Nepal Government | Benefits of OGP membership to Nepal's Civil Society |
|---|--|
| <ul style="list-style-type: none"> • An international platform to showcase reform and political intent to implement reform • A national process to mobilize support and collaboration between domestic and international partners • A forum for peer learning and exchange of best practice with other country governments. • An opportunity to engage civil society in dialogue and build trust in government • An opportunity to harness the skills and expertise of civil society • A method for improving government efficiency through increased transparency and accountability | <ul style="list-style-type: none"> • A national platform to communicate with government and amplify civil society's needs and ideas • An opportunity to mobilise civil society and build multi-stakeholder coalitions across issues, countries and regions • An opportunity to strengthen civil society through peer-to-peer information exchange • An opportunity to engage with government and build a sense of mutual responsibility through collaborative agenda setting |

How Can Nepal Become a Member of OGP?

Before becoming a member of the OGP a country must first meet eligibility criteria in four areas:

- **Fiscal transparency** –Minimum standards need to be met for the timely publication of essential budget documents to enable basic budget accountability and an open budget system. As the Ministry of Finance makes both the Executive's Budget Proposal and the Audit Report publically available Nepal meets this criteria.
- **Access to information** – A law guaranteeing the public's right to information and access to government data is an essential pre-requisite to joining the OGP. Nepal's Right to Information Act promulgated in 2007 guarantees citizens this right.
- **Disclosures related to elected or senior public officials** – Rules that require public disclosure of income and assets for elected and senior officials are an essential element in OGP's entry requirements. Nepal has these rules, for example, cabinet ministers are required to periodically publish details of their expenditure, although unfortunately the rules are not always adhered to.
- **Citizen Engagement** – Open government requires openness to citizen participation in policy making and governance, including basic protection for civil liberties. Nepal's position in the [2015 EIU Democracy Index](#) ensures the country's eligibility against this criteria.

Nepal has obtained 81 per cent in the OGP's assessment of its performance against these four key areas compared to the minimum requirement of 75 per cent. This means Nepal is eligible to become a member of the OGP. To become a member the Nepal government would need to endorse the high-level Open Government Declaration, deliver a country action plan developed with public consultation and commit to independent reporting on its progress going forward. For this the Nepal government would need to:

- i. **Agree to pursue membership of the OGP and submit a letter of intent to the OGP:** Ideally the parliament, or at least the cabinet of ministers, would agree to commit to the principles of the OGP. The formal permission of the Office of the Prime Minister would then need to be obtained to pursue OGP membership. A letter of intent could be issued by any agency within government that has received the prime minister's approval to join the OGP.
- ii. **Identify a lead government agency to take forwards the OGP process:** Following the submission of the letter of intent the Nepal government would have a year to develop a draft national action plan with concrete commitments reflecting the four principles of open government. Firstly a lead agency would need to be agreed. Examples could include the Office of the Prime Minister, Ministry of Finance, or the National Information Commission.
- iii. **Co-create a National Action Plan for Nepal:** National action plans translate the political will demonstrated when a country joins OGP into concrete actions to enhance transparency, accountability, and public participation in government. The government would need to set up a multi-stakeholder dialogue mechanism to enable civil society consultation throughout the development process.
- iv. **Commit to self assessment and independent monitoring of progress by the OGP's reporting mechanism:** The monitoring of Nepal's progress towards meeting the commitments would be carried out by the OGP's independent reporting mechanism.

Further Reading:

Open Government Partnership Brochure: <http://www.opengovpartnership.org/about>

Open Government Declaration: <http://www.opengovpartnership.org/node/2727>

International Reporting Mechanism: <http://www.opengovpartnership.org/irm/about-irm>

OGP Steering Committee: <http://www.opengovpartnership.org/ogp-steering-committee>

OGP National Action Plan: <http://www.opengovpartnership.org/how-it-works/develop-a-national-action-plan>

Open Nepal is a knowledge hub and a learning space for organisations and people that produce, share and use data for development. By bringing together a community of practice in Nepal around topics such as the Data Revolution, open data, and access to information, Open Nepal forms a platform for people to share their experiences of using and sharing data and information, take collective action and generate solutions to common problems.