

“The Role of Diplomatic missions in Open Government”

Veronica Cretu

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Declaration

I hereby declare that this dissertation is my own original work.

(signature)

Veronica Cretu

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Abstract

The purpose of this research paper is to assess the degree to which Open Government values and principles are being implemented by the diplomatic missions of Moldova and Malta, particularly in regards to their work with civil society and citizens' participation in policy-making.

While Moldova is one of smallest Newly Independent States (NIS), aspiring towards EU integration, has made significant steps ahead towards its EU integration Agenda, particularly by signing as of June 27th 2014 the EU Association Agreement along with Ukraine and Georgia, it is still in transition phase and there is a lot to be done in order to this country become a model of success for its neighbors in the Eastern Partnership and in the EU as well. Moldova is a young democracy that got its independence from the Soviet Union in 1999, and is still facing several challenges related to the implementation of the democratic principles and values, combating corruption which is pervasive and entrenched at all levels.

Malta on the other hand, after ten years of joining EU is considered to be one of the European Union's most astounding success stories. It has made incredible strides in transforming itself into a modern, competitive economy since it joined EU in May 2004 and the Eurozone in 2008. However, the road towards EU has not been easy at all. Today, it is a home for strong democracy and civil society engagement and a country with one of the most politically active population in Europe.

Both Moldova and Malta are members of the Open Government Partnership (OGP) since 2011. Open Government Partnership is a global, voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance.

This paper looks both at the degree to which membership in OGP has created more space and venues for ambitious open government commitments in Moldova and Malta, the current status of the OGP commitment implementation and the degree to which diplomatic missions of these two countries could join efforts around playing a more active role in the national open government agenda.

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List of abbreviations and acronyms

ANRCETI	National Regulatory Agency for Electronic Communications and Information Technology
AWAS	Agency for the Welfare of Asylum Seekers
CSOs	Civil Society Organizations
CMLA	Council of Maltese Living Abroad
DMLA	Directorate of Maltese Living Abroad
EU	European Union
ICTs	Information and Communication Technologies
IRM	Independent Reporting Mechanism
GPSA	Global Partnership on Social Accountability
MEUSAC	Malta EU Steering and Action Committee
NIS	Newly Independent States
OGP	Open Government Partnership
TI Ukraine	Transparency International Ukraine
UN	United Nations
VACIS	Vehicle and Cargo Inspection System

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1 Executive Summary

Over the past years democracy has found home in many parts around the world, and is considered to be one of the dominant forms of governance of the 21st century. And as there is no “perfect” democracy, it can take many forms and be adapted and adjusted to the realities of each and every single country. However, for democracy to be effective it must create space and ‘bridges’ for connecting people’s demands and interests to accountable and representative public institutions and public servants. The role of the citizens and of the civil society in improving the quality of governance as well as of political and institutional reform is fundamental. Citizens and civil society in general are the icon, if you want, of the global trend of democratization and, if democracy, as it is known in the West, has a home, then, it is with the civil society. Indeed, assessing the quality of public institutions and reforms/processes is part of a broad, holistic and multi-dimensional process of building and strengthening democratic institutions. Today, there are many external tools, approaches, frameworks, methodologies, ratings and indexes for assessing governance, the level of openness of the governments towards engaging citizens in policy making, level of corruption or transparency, others. Some of those tools are implemented by the citizens and thus, they are able to monitor and evaluate government’s performance across the sectors.

Open government movement has brought today a renewed political attention to a number of important questions such as good governance, transparency, accountability, citizen-engagement in policy making. The open government doctrine has a crucial role to play in shaping future public sector reforms and defining new ways for government-citizens relations. Transparency, participation, and collaboration function as democratic practices in government are instrumental attributes of administrative action and decision making. How are these issues addressed in practice and how one can secure concrete commitments from governments to follow on these principles?

Open Government Partnership¹ (OGP) launched in 2011 as an *international platform* that aims to connect, empower and encourage domestic reformers committed to transforming government and society through *openness*. It also introduces a *domestic policy mechanism*—the action planning process—through which government and civil society are encouraged to establish an ongoing dialogue

¹ <http://www.opengovpartnership.org/>

on the design, implementation and monitoring of open government reforms. As an example, in its first year of existence, there were **980 commitments** made by OGP member countries.

"This is exactly the kind of partnership that we need now, as emerging democracies from Latin America to Africa to Asia are all showing how innovations in open government can help make countries more prosperous and more just; as new generations across the Middle East and North Africa assert the old truth that government exists for the benefit of their people; and as young people everywhere, from teeming cities to remote villages, are logging on, and texting, and tweeting and demanding government that is just as fast, just as smart, just as accountable." President Barack Obama, September 2011. The theory of change of OGP clearly states that are three critical elements for catalyzing and sustaining progress on open government reforms:

- building high-level political commitment,
- empowering government reformers, and
- supporting effective engagement by civil society organizations within participating countries.

In addition to these three elements, OGP provides independent reporting on progress to promote accountability for delivery. While responsible for the open government agenda in OGP member countries are central public authorities/institutions, very few member countries have engaged their Ministry of Foreign Affairs² to play either the coordination role or to make contributions to the National Action Plans by including both domestic and foreign policy related commitments. The reason it matters that much is because democratic participation includes those affected in the development agenda formation as well as policy formulation, implementation, and evaluation not just in the domestic political processes but also in foreign policy processes.

Open Government represents a 'nascent' trend in governance which has been fostered much by the information society and amplifies a wave of national freedom of information laws adopted over the past ten years. Alongside the rapid development of technology, some governments have been conducting ongoing experiments in certain contexts with citizen engagement and consultative processes by witnessing an increasing demand for participation and transparency from citizens - many using the new communication channels provided by ICTs, especially social media. This is indeed an important reflection of how complex national and international affairs could be and how challenging it

² MFA of Sweden is playing the coordination role around country's national agenda on open government

is today to make any forecasts of the effect these changes will have on public policy, and on the society as a whole. This is one of the reasons why “commitments to increased transparency, enhanced accountability and oversight, stakeholder engagement and participation in decision-making, judicial independence and so on”³ are part of today’s discussions around post-2015 development agenda. Many of these principles are already positioned very high on the global agenda and serve as an important reference point. “Their non-binding nature in the context of the post-2015 agenda would help to reassure countries, especially those most challenged by weak institutions and issues with peace and security, that there is no conditionality attached. If governance principles are adopted, their implementation would need to be regularly monitored and reported to generate the necessary impetus for moving forward.”⁴

Departing from the above, this paper presents a brief overview of the ‘history’ of open government and its key pillars; provides a description of the core components of the Open Government Partnership (OGP) which was set up to help governments become better by implementing ambitious open government related commitments at national level, and finally, reflects on ways in which diplomatic missions of Malta and Moldova could embed core open government principles as part of their agenda. The research paper has two main chapters which focus on the following:

Chapter 1: challenges the ‘novelty’ of the open government, looks at the role of technology in addressing government-citizen relations, clarifies the distinctions between open government and e-government, and explains the key pillars of open government. This chapter also presents the key commitments of Moldova and Malta as part of their National Action Plans on Open Government and where they stand today in regards to these agendas, as well as provides an overview of how and what of the processes behind the OGP and what does it take a country to join this platform today.

Chapter 2: discusses practical ways in which diplomatic missions of Malta and Moldova could embed open government principles in their work and play a more active role in facilitating citizens’ participation in policy making. The chapter departs from the OECD recommendations on Public engagement for better policy and services (2009) and provides practical examples for each stage of the policy making process. In doing so, the author also incorporates results of the findings of the surveys and interviews conducted with representatives of the diplomatic missions of both Malta and Moldova.

³ http://www.un.org/millenniumgoals/pdf/Think%20Pieces/7_governance.pdf

⁴ http://www.un.org/millenniumgoals/pdf/Think%20Pieces/7_governance.pdf

The same chapter looks at the parliamentary diplomacy from the open government lens and focuses on ways parliamentarians could become active supporters of the open government agenda. The final part of the paper presents key conclusions and recommendations.

2 Overview

The concept of open government has started to gain the momentum on a global scale during the last years and is still be perceived by many as a ‘novelty’ in the public sector debate. Open Government is an idea whose meaning is currently being ‘constructed’, and it has the potential to provide a rather provocative set of ideas for re-designing, re-organizing the government in ways that could increase and improve the abilities of democratic societies to deal effectively, sustainably and equitably with its problems, issues, reforms, etc. There are many initiatives and instruments that fit under the open government such as international conventions against corruption, international and regional coalitions for access to information, and for transparency in specific sectors. However, many would argue that as a concept ‘open government’ is not new at all – this term being anchored in the political space for many years.

Research questions

This paper examines the benefits and advantages of open government and the research aims to answer the following questions:

- a) To what degree an international platform such as Open Government Partnership can ‘push’ for more stretch and ambition for more openness, transparency and accountability and lead towards new interaction models of government – citizens’ relationship. What is the current status of the progress made by Moldova and Malta in OGP?
- b) To what extent the core values and principles of open government are being applied by the diplomatic missions of Moldova and Malta, and how are citizens’ voices being heard in the decision/policy-making processes, including of the diasporas. What is the role of other public institutions in promoting open government agenda, where is the role of the parliamentary diplomacy?

Scope and objective

The current research paper aims to determine how best the diplomatic missions can contribute to improving communication between government and the citizens around policy making in the context of country commitments made by the Governments of Moldova and Malta in line with their National Action Plans on Open Government, as well as in line with the Open Government Declaration signed by the Governments of both countries when opting-in OGP.

More specifically the research paper analyzed:

- a) Existing frameworks that could be adapted by the diplomatic missions in their work with the citizens (e.g. OECD recommendations on citizens as partners 2001);
- b) How can Governments improve their capacity to listen, understand the needs and comply with citizens expectations through the diplomatic missions;
- c) The role of twiplomacy, parliamentary diplomacy as additional pillars for strengthening, deepening and broadening countries' engagement in the Open Government movement.

Methodology

For the purpose of this research paper, three main instruments were used: desk research, questionnaire and interviews. The questionnaire was addressed to representatives of the diplomatic missions of Moldova and Malta and the overall aim of this instrument was to gain primary data and gather information about:

- a) What is the overall view/perception of the representatives of the diplomatic missions regarding the open government agenda of their countries and what role they could play in this agenda;
- b) Ways diplomatic missions promote access to information and engage citizens in decision-making processes;
- c) How diplomatic missions engage or interact with civil society on foreign policy, e.g. through parliamentary committees/parliamentary diplomacy?
- d) What are ways through which diplomatic missions inform civil society about international negotiations?
- e) What consular support is available to expatriates and/or immigrants to engage in decision making processes back home?
- f) What are the future plans to increase the role of expatriates and/or immigrants in decision-making processes of the country of origin?

In addition to this, the research looked into what are specific ways in which diplomatic missions of both countries contribute in any way to addressing one of the five grand challenges of the Open Government Partnership which are:

- Improving Public Services
- Increasing Public Integrity
- More Effectively Managing Public Resources

- Creating Safer Communities
- Increasing Corporate Accountability

In distributing the questionnaire, official email addresses of Moldova and Malta Embassies were used. Embassies of Malta in Tunis and the Netherlands have accepted to respond to the questionnaire, and three Embassies of Moldova (Great Britain, Romania and Portugal) have also provided their input via questionnaire. Representatives of the diplomatic missions were asked to either fill in the questionnaire or accept to have an interview of up to 40 minutes. Interviews were conducted with five Moldovan Ambassadors who have accepted to discuss and go into the in-depth of the open government subject: these are Ambassadors of Moldova in Estonia, Ukraine, Norway/Sweden/Finland; Portugal, and Lithuania. Interviews allowed to get a clearer picture of how missions perceive their role today in a globalized world, which is highly innovative and competitive from the technological stand-point of view and from the perspective of the newly emerging paradigms which are significantly changing the relationships between governments and the citizens.

Desk review was heavily based on the data from different sources related to documents, opinions, tendencies, approaches emerging out of the open government movement or due to it, as well as based on the work of the OGP throughout the past three years.

The author of the research had based her reflections on the work she does in her capacity as a member of the civil society steering committee of the Open Government Partnership (elected in April 2013), as well as being head of Open Government Institute (NGO based in Moldova) and being actively engaged in promoting OGP both in OGP and non-OGP member countries.

3 Chapter 1 The philosophy of Open Government

3.1 First mentioning of ‘open government’

The concept of openness, transparency and accountability takes us to the Athenian democracy in ancient times⁵ – it was during that times that citizens and the community-at-large managed to have access to oversight of public goods and funds, as well as to the income of all public servants or public figures (including generals). It was the people who used to elect/chose their auditors, financial controllers of the treasury, and judges and this system of accountability was a complete contrast with nearly all other governments in the ancient times, which were known for being abusive, corrupt, lacked transparency and accountability and used their position and power for getting personal enrichment and benefits.

In England, the Magna Carta⁶, which was signed in 1215, introduced the first standards of accountability in government by forcing King John to accept the basic principle according to which taxes should not be raised without first consulting his wealthy subjects – “Traditionally, the king had always consulted the barons before raising taxes (as they had to collect it) and demanding more men for military service (as they had to provide the men)⁷”. So, it can be seen that some process of consultation existed in place, not necessarily involving the citizens directly but implied consultations with those who knew citizens’ situation and their capacity to pay taxes.

Debates around open government also take us back to the time of the European Enlightenment – “a European intellectual movement of the 17th and 18th centuries; this period became critical, reforming, and eventually revolutionary. Locke and Jeremy Bentham in England, Jean-Jacques Rousseau, Montesquieu, and Voltaire in France, and Thomas Jefferson in America all contributed to an evolving critique of the arbitrary, authoritarian state and to sketching the outline of a higher form of social organization, based on natural rights and functioning as a political democracy”⁸.

For the past thirty years or so, the term ‘open government’ being formulated as alternate to ‘Freedom of Information’ and ‘Access to Information’ has been frequently mentioned by the British Government and parliamentary agendas as per Chapman and Hunt, 2006.

⁵ <http://www.democracyweb.org/accountability/history.php>

⁶ Great Charter

⁷ http://www.historylearningsite.co.uk/magna_carta.htm

⁸ <http://www.britannica.com/EBchecked/topic/188441/Enlightenment>

Open government has been mentioned in the Open Government Principle: applying the right to know under Constitution (October, 1957). The George Washington Law Review – “both major parties in recent platforms have promised to free government information pertaining to the national government”⁹; (Joseph W, Thomas – 1974-1975) describes Open Government as “open to public scrutiny the decision processes of the federal government” in the “Open Government Laws: An Insider's View”¹⁰;

Carl Popper (1961)¹¹ used to make references to social institutions which needed be recognized as man-made, and about the fact that it is up to people not to sit back and leave the entire responsibility for ruling the world to human or superhuman authority. On the contrary, they have to be ready to share the burden of responsibility for identifying problems and solutions to them and co-create policies that are going to affect them, thus, building an open society. Piotrowski (2007) on the other hand, states that the desire for an open government is driven by the notion that, as taxpayers, citizens have the right to know what is being paid for and what is being paid in their stead.¹²

The well-known philanthropist George Soros (2014),¹³ used to reflect on a societal conceptual framework which according to him is based on two principles: fallibility and reflexivity – both might be well in line with the type of thinking citizens need in for building in place an open government. However, the type of thinking citizens need for an open government might be a very interesting topic for another research.

3.2 Emerging definitions of ‘Open government’ today

While several references are out there on the principles of open government which may well take us to the times of philosophical legislators of antiquity and up to today’s global leaders, it is important to analyze what does this term stand for today, as of 2014. So, “Open Government” is seen and perceived by many today rather as a “revolution”, as a transformation, a kind of metamorphosis of government – citizens’ relationship, driven by agents of change and open minded reformers who are in turn, guided by the core principles of transparency, accountability, openness, collaboration and innovation. Open government is seen as a platform for improving government capacity and public

⁹ <http://heinonline.org/HOL/LandingPage?handle=hein.journals/gwlr26&div=10&id=&page=>

¹⁰ <http://heinonline.org/HOL/LandingPage?handle=hein.journals/nclr53&div=22&id=&page=>

¹¹ <http://www.inf.fu-berlin.de/lehre/WS06/pmo/eng/Popper-OpenSociety.pdf>

¹² Advancing excellence and public trust in government, edited by Caleb M. Clark

¹³ <http://www.tandfonline.com/doi/full/10.1080/1350178X.2013.859415#.UtWaNNIW2eE>

administration reforms (OECD, 2011). The OECD also defines open government as ‘the transparency of government actions, the accessibility of government services and information and the responsiveness of government to new ideas, demands and needs.’”

This is especially relevant given the nature of the changes that took place in the public administration during the last twenty years or so: these changes have completely re-arranged the geo-political agenda and socio-economic medium as well. While just few decades ago the “State” and central government in general, have been seen by the citizenry as being necessary engines for growth, innovation, development, progress – these tendencies have slowly but steadily changed recently and the governments are being rather portrayed more and more often in negative terms. Humanity has been witnessing the un-precedential levels of corruption in several countries around the globe, lack of transparency and accountability, lack of citizen engagement in decision-making processes, and with the latest economic recession waves – all have greatly challenged the role, scope and size of the public sector. That role has also changed given the continuously increasing citizens’ demand for openness, control over important policy issues, and their stronger voice in the reforms’ agenda both domestically and internationally.

On one hand, the idea of “open government” draws partly from the philosophy and methodology of the “open source” programming movement¹⁴ and recent developments around the theory of open source governance, which advocates for the application of free software and which, as a movement aims at promoting democratic principles by enabling interested citizens to get more directly involved in the legislative process. “Just as open source software allows users to change and contribute to the source code of their software,” according to Lathrop and Ruma, “open government now means government where citizens not only have access to information, documents, and proceedings, but can also become participants in a meaningful way”. Why this is relevant to the open government debate, it is because the main characteristics of the open source movement *are transparency, participation, and collaboration*.

The same characteristics are reflected in the Memorandum on Transparency and Open Government signed on January 21, 2009 by President Obama, affirming his Administration's commitment to

¹⁴ http://www.ctg.albany.edu/publications/journals/dgo2011_opengov/dgo2011_opengov.pdf

innovation in government¹⁵. The Memorandum highlights that Obama Administration is “committed to creating an unprecedented level of openness in Government”. Obama’s administration affirmed its commitment to work on ensuring the public trust and establishing a system that is fully transparent, and is built on collaboration and public participation. According to Obama, it is openness that is crucial for strengthening democracy and promoting efficiency and effectiveness in Government. The above mentioned Memorandum, promotes three core principles which will guide towards achieving openness in Government:

- “*Government should be transparent.* Transparency promotes accountability and provides information for citizens about what their Government is doing. Information maintained by the Federal Government is a national asset”.
- “*Government should be participatory.* Public engagement enhances the Government's effectiveness and improves the quality of its decisions. Knowledge is widely dispersed in society, and public officials benefit from having access to that dispersed knowledge”.
- “Government should be collaborative”.

As a continuation of domestic efforts around open government, back in September 2010, in his remarks at the United Nations General Assembly, President Obama spoke about the importance of open economies, open societies, and open governments as “strongest foundation for human progress”. Obama highlighted that the work around strengthening democratic government requires sustained commitment, and that countries around the world are taking innovative steps to better serve the people they represent. He issued a challenge to the leaders assembled in New York to gather together again in September of 2011 with specific commitments and plans of action to promote transparency, fight corruption, energize civil society, and to leverage new technologies¹⁶.

As a response to the challenge launched by President Obama, a group of governments and civil society organizations working in several countries around the globe, have come together to form the Open Government Partnership (OGP)¹⁷. This platform is addressed in a separate sub-section of this Chapter.

3.3 The impact of the technological ‘revolution’ on the government-citizen relationship

¹⁵ http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_fy2009/m09-12.pdf

¹⁶ <http://www.whitehouse.gov/the-press-office/2010/09/23/remarks-president-united-nations-general-assembly>

¹⁷ <http://www.opengovpartnership.org/about>

There is no doubt that technology and Internet in general have changed the way people interact, communicate, share, learn, think and make decisions and as such, it has started to affect the political processes within our countries. People express more and more actively their opinions and experiences in a public online space and, once a particular view or position succeeds in gaining support, it can spread very rapidly, sometimes even to the point of provoking anti-government demonstrations. As an example, Republic of Moldova lived a ‘Twitter revolution’ in April 2009, when mass protests took place during which protesters organized themselves using an online social network service, Twitter, bringing more than 30 thousand protesters on streets. Protesters were claiming that the Parliamentary elections were fraudulent, with Communist Party winning the elections, and were demanding for a recount, a new election, or resignation of the government.

Similar examples of mass protests have taken place during the past couple of years in several other countries around the globe, with protesters mobilizing themselves via the social media, blogging, tweets, others – Turkey, Brazil, Tunis, Egypt, India, and most recently Ukraine and Venezuela. In all these countries, citizens were demanding for a better government: better services, better living conditions, accountability, responsibility, citizen-engagement, transparency and openness.

Without any doubt internet-based methods of political expression are particularly significant during election periods, as internet use was identified as a significant factor in people’s voting behaviors. It is well-known that Internet has radically changed our environment: the way we interact with each other, participate in decision-making, and simply, organize our lives.

Information is continuing to grow and becomes more and more accessible to citizens around the globe both in developed and developing countries. It can be said that mankind is living in an era of an “information revolution”, which gradually changes people’s behavior and learning patterns, thus, impacting the future developments in all spheres.

Among the most important changes that citizens are witnessing today with the ICTs is the transformation of the current methods of governance, of the relationship and communication between citizens and the Governments. The broad spectrum of online channels and platforms that have been created during the past years have determined the social networks and the media to directly influence the overall management of public decisions, resources, procurements, and citizen trust in Governments.

The results of the analyses conducted by (Im, Cho, Porumbescu, Park and Lee, 2010) suggest that *the more time individuals spend on the internet, the lower their degree of trust in government and lower level of citizen compliance*. The same analyses states that the decline of trust in government contributes to a climate of “political malaise,” and leads to great challenges for any government concerned with meeting the public’s demands and expectations. However, the same study states that through e-government and e-participation solutions, public trust might be restored.

3.4 What are the key differences between E-Government and Open Government?

There is often a misinterpretation of the term ‘open government’ both by public servants and the broader public in general, especially in countries with e-government agendas which took off couple of years before any debate around open government had started. Open Government should be considered within the context of e-government and its possible implications for the future of public administration. Open Government blurs traditional distinctions between e-democracy and e-government by incorporating historically democratic practices which are today strongly enabled by the emerging technology, within both central and local administrative units. Transparency, participation, and collaboration are the key functions of the democratic practices and embedding them in the public sector is instrumental for both administrative action and decision making.

The term “e-government” is a generic term for web-based services from agencies of local, state and federal (or central governments like in the case of Moldova). In e-government, the government uses information technology and particularly the Internet to both support and strengthen government operations and improve its service delivery. The interaction may be in the form of obtaining information, filings, or making payments and a host of other activities via the World Wide Web (Sharma & Gupta, 2003, Sharma, 2004, Sharma 2006).

World Bank uses the following definition of e-government (AOEMA¹⁸ report): “E-Government refers to the use by government agencies of information technologies (such as Wide Area Networks, the Internet, and mobile computing) that have the ability to transform relations with citizens, businesses, and other arms of government. These technologies can serve a variety of different ends: better delivery of government services to citizens, improved interactions with business and industry, citizen empowerment through access to information, or more efficient government management. The

¹⁸ Asia Oceania Electronic Marketplace Association, AOEMA report

resulting benefits can be less corruption, increased transparency, greater convenience, revenue growth, and/or cost reductions.”

United Nations (www.unpan.org) definition (AOEMA report): “E-government is defined as utilizing the Internet and the world-wide-web for delivering government information and services to citizens.”

While there are several other definitions of e-government which may vary widely, there is a common theme and mainly e-government involves using information technology, and especially the Internet, to improve the delivery of government services to citizens, businesses, and other government agencies.

E-government enables citizens to interact and receive services from the federal, state or local governments twenty four hours a day, seven days a week.

To illustrate more clearly the distinction between the two concepts, here are the key pillars of the Open Government:

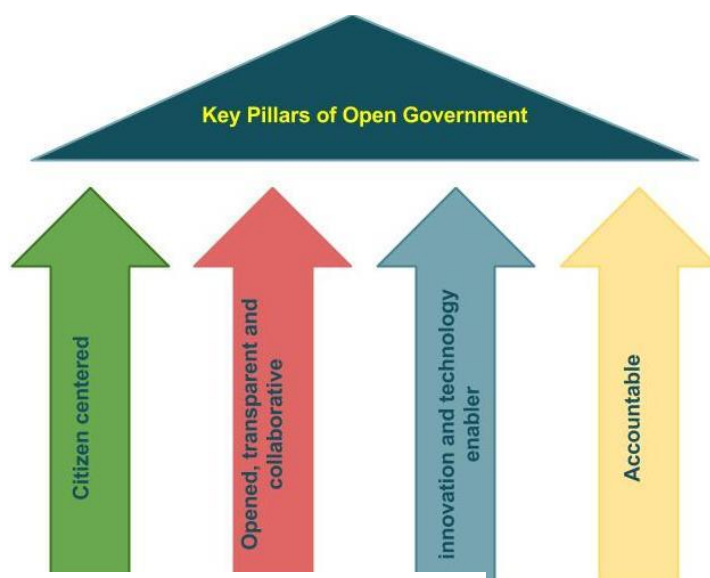


Figure 1 Key pillars of the Open Government

One of the first and most important pillars of open government is *citizen-centered* approaches at all levels: services, reforms, strategies, projects, initiatives, central vs. local level, etc. This core principle acknowledges and recognizes that governments have a responsibility to serve the needs of the citizens they represent as best they can, and in a way that whatever reforms or services are at stake – they are meaningful to each citizen. Service innovation is already happening and citizens ought be engaged directly by the Government to try new things. Even if Governments are increasingly aware of the need to make their online services for example, more user-friendly, however, they still focus mostly on making those services available not necessarily departing from specific needs and demands of their

citizens. This leaves ample room for significant improvement in areas such as transparency and accountability and lack of progress in these areas can reduce citizens' trust in online public services and even impede their use.

Transparency is another important pillar of an open government – and it is an indicator of the extent to which governments are able to deliver on their responsibilities and commitments and are transparent about their own performance, the service delivery process and when it comes to the e-services, the personal data involved. As per EU e-Government Report 2014¹⁹ – “good governments are providing crucial information that citizens need when using online services, such as whether an application has been received, where it stands in the entire process, or what are the different steps in the process”. It is interesting to note that the overall EU score was only 48% in the Transparency indicator, which is mainly due to insufficient information provided to users during delivery of e-Government services. However, the same report indicates that transparency level is somewhat higher when it comes to access to institutional information about the administrations or to information related to personal data involved in service delivery. Achieving fully opened and transparent public organizations and services will take some time.

It is the transparency pillar that builds on the principles that citizens have a right to the information they need to inform themselves about public and political affairs, and to participate in the democratic processes in an informed way. To sum up, transparency is the foundation upon which both accountability and participation are built.

Overall, it is transparency, **citizen-centric or centered** approaches that ensure genuine means of engagement between citizens and the government in policy and decision-making. This is always much more difficult in practice and there is still a strong resistance in the public sector at different levels (especially in countries with young democracies like Moldova is), however, it is vital that government acknowledges that engagement with the broader community is not just for the sake of a conversation, but it is rather a genuine partnership between political leaders and the people. This allows citizens respond more effectively to the very specific social and economic challenges and needs communities confront today.

¹⁹ <https://ec.europa.eu/digital-agenda/en/news/eu-egovernment-report-2014-shows-usability-online-public-services-improving-not-fast>

It is due to this type of policy solutions' approach that is essential in order to ensure relevance of the government solutions to real, day by day situations, and it is incremental to ensure a reasonable response time to emerging challenges and issues. It is with an open and transparent government that citizens will start having more trust and ultimately will participate in policy development and in shaping the necessary reforms across different sectors.

As it can be seen from the "Key pillars of Open Government" scheme, **technology and innovation** is one of the pillars of the open government. Indeed, technology can make public information more adaptable, empowering citizens to explore exciting new ways across many aspects of civic life. But technological enhancements or e-services (part of e-government agenda as standalone) will not resolve debates about the best priorities for citizens and enhancements to government services are no substitute for public accountability. So, e-government is one of the supporting elements of an open government, and there, where citizens have limited access to technology and innovation should still be able to enjoy the benefits of an open and accountable government. It is also important to mention that it is with this pillar where the government should play the role of the enabler, facilitator and assume the responsibility to ensure the opportunities are made available for both public and private innovation that adds value to government's services, open data and reforms across sectors. Society as a whole should be able to benefit from access to the data. Why is it so important? Because public sector information is not just to facilitate innovation in the public and private spheres, but also acts as an enabler for the individual citizens who are able to make better and informed decisions and choices. Finally, the need for sustainable access to all public sector information in the future is essential. **Accountability** is another important pillar of an Open Government: implementation of specific accountability tools is not easy and requires a broad range of political, institutional, social pre-conditions. Accountability can be defined as the obligation of the Government to account for its actions. This often includes also politicians, diplomats, local government, contractors, other stakeholders, who can be held accountable for the degree to which they obey the law and do not abuse their power; for the degree to which they serve the public interest and how they serve this interest (efficient, effective, fair, transparent). What citizens get in return is the right to information, right to quality and timely services and the obligation to fulfill their responsibilities as citizens. The last one is a very sensitive and delicate aspect, given that in countries such as Moldova, with still a strong impact

of the former soviet regime, upholding citizens' responsibilities is a vague and unclear concept which will require much time and education in the years to come.

3.5 The role of the Open Government Partnership (OGP) in re-thinking the government-citizens relationships in the 21st century



3.5.1 About Open Government Partnership

Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that was formally launched on September 20th 2011 as a response to the challenge launched by President Obama. Eight founding governments (Brazil, Norway, Indonesia, Mexico, South Africa, Philippines, United Kingdom, and the United States) endorsed an Open Government Declaration and announced specific country action plans on Open Government. It is impressive that in just three years since OGP's launch, its membership has grown from 8 to 64 countries, including Moldova and Malta, with hundreds of civil society organizations participating in the OGP process at the country-level. OGP aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. To achieve these goals, OGP provides an international platform for dialogue and exchange of ideas and experience among governments, civil society organizations and the private sector. All these key stakeholders contribute to a common pursuit of open government. OGP is not yet a registered independent legal entity and is not under any UN or other international organizations' umbrella. However, efforts to institutionalize and legally register the partnership are in place as of June 2014. Governments who are eligible to join the Open Government Partnership can express their commitment to open government in four key areas, as measured by objective indicators and validated by independent experts.

Eligibility criteria for countries to opt-in include:

- Fiscal transparency, as determined by the timely publication of essential budget documents;
- An access to information law that guarantees the public's right to information and access to government data;
- Rules that require public disclosure of income and assets for elected and senior public officials;

- Openness to citizen participation and engagement in policymaking and governance, including basic protections for civil liberties.

Eligible countries can become members of OGP by embracing the high-level Open Government Declaration; delivering a country action plan developed with public consultation; and committing to independent reporting on their progress going forward. Any Government interested to join OGP, should follow the following series of steps:

- Submit a letter of intent that signals their government’s commitment to open government and intention to participate in OGP;
- Endorse the high –level Open Government Declaration;
- Develop a concrete action plan following specific OGP requirements among which elaboration of the Action Plan through a multi-stakeholder process, with active engagement of civil society;

As mentioned above, to join OGP, countries must commit to uphold the principles of open and transparent government by endorsing the Open Government Declaration. Through endorsing this 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 is seen as an international platform for domestic reformers committed to making their governments more open, accountable, and responsive to citizens.



Figure 2 OGP NAP implementation cycle

By joining the OGP, Governments commit to implement a National Action Plan, following each step of the NAP implementation cycle and report on its progress in cooperation with OGP’s Independent Reporting Mechanism.

Governments also commit to submit self-assessment reports. In addition to the above, OGP members are expected to contribute to the advancement of open government in other countries through sharing

their best practices, expertise, technical assistance, technologies and resources, as appropriate. Thus, any OGP member country commits to:

- promote openness, because more information about governmental activities should be available on time to people;
- engage citizens in decision-making, because this makes government more innovative, citizen-oriented, and responsive;
- implement the highest standards of professional integrity, because those in power must serve the people and not themselves increase access to new technologies because of their enormous potential to help people realize their basic rights for access to information and a powerful voice in how they are governed.

When designing their National Action Plans on Open Government (NAPOG), governments have to address one or more of the five grand challenges:

1. Improving Public Services
2. Increasing Public Integrity
3. More Effectively Managing Public Resources
4. Creating Safer Communities
5. Increasing Corporate Accountability

In addition to the value it brings to its member countries, OGP is an unique platform for civil society.

It allows civil society organizations to advocate for more transparency efforts that will provide citizens with information about several aspects they might be interested in: education, health care system, fiscal transparency, road safety, women economic empowerment, etc.

OGP countries represent one third of the world's population and altogether, they have made more than 1,000 open government reform commitments. In the first year as OGP members, five countries passed new or improved Freedom of Information legislation, four undertook reforms to improve transparency in public expenditure, two enacted political finance reforms, and three developed new initiatives to strengthen corporate accountability²⁰. Given the many challenges associated with opening up government, this track record has surpassed most expectations for what OGP could achieve in such a short time frame and with such a modest investment of resources²¹. The breadth and depth of

²⁰ Independent Reporting Mechanism (IRM) progress reports.

²¹ OGP's Secretariat has spent a total of US \$3.9 million over the past three years to support 63 member countries and an 18-member Steering Committee, co-organize two global summits and five regional meetings, and produce 43 Independent Reporting Mechanism (IRM) progress reports (as per OGP 4 year strategy).

participation, level of political commitment, and number of actual policy reforms in progress, make members of the OGP Support Unit, Steering Committee very optimistic about the potential of the OGP platform to be used for lasting impact.

OGP's rapid growth indicates that this initiative might have been the most timely and relevant approach for the time-being given the rapid globalization, digitization and citizens' increased demand for playing a more active role in the public policy debate. What is also positive that there is an emerging trend in governments increasingly recognizing that openness is the way of the future and that good ideas come from everywhere. If they don't keep up, they will simply lose credibility in the eyes of their citizens. It is today that both sides want concrete actions, not words! That is where OGP comes in and brings a new paradigm and re-designing governments' – citizens relations. At the international level, OGP provides global platform to connect, empower and support domestic reformers committed to transforming government and society through openness.

3.5.2 What does Open Government Partnership means for its members at the National level?

At the national level, OGP introduces a domestic policy mechanism through which government and civil society establish an ongoing dialogue on the design, implementation and monitoring of the commitments included in their OGP national action plan. What makes OGP unique and different from other international platforms is the way national action plans provide an organizing framework for the international networking and incentives that OGP provides. National OGP action plans introduce a regular cycle of policy planning, implementation and monitoring results. Each stage in the cycle presents an opportunity and obligation for governments to engage with civil society to seek their input and feedback. Of course, open policymaking is a challenging and non-linear process. In working together to develop their OGP commitments, both governments and civil society must take risks and make some compromises. Civil servants open up the doors of government and recognize that good ideas can and must come in from outside. Civil society, in turn, accepts that shifting bureaucracies is not easy, and that collaborating with government requires pragmatism, patience and flexibility. Given that champions of reforms within the government are also often struggling to overcome resistance within their own departments and from their peers, it is the OGP that gives them a framework to advance a more coherent reform agenda across the government, and provide support,

guidance and visibility of their results especially internationally (during regional meetings, showcasing best practices, at international OGP summits, etc.).

When it's time to submit a self-assessment report to OGP, the national entity/ agency or Minister in charge of OGP uses the opportunity to require status updates from other government agencies with responsibility for specific commitments. And when their IRM progress report is published, OGP countries may organize public events to discuss the finding, and discuss ways forward. All these make OGP action plans stimulate very concrete discussions internationally grounded in actions, not words. This entire movement of open government reformers across OGP member countries and sectors has an incredible energy and dynamism that should be further explored and build upon in order to drive more progress.

For this progress to be in place, there are a number of clear requirements among which securing a high-level political support and commitment from OGP participating countries, investing in research, learning and capitalizing on the lessons learned and best practices and strategically linking OGP to high-profile global policy debates where key open government principles are at stake (e.g. the post-2015 development framework). Additionally, providing more support and empowering civil servants responsible for implementing open government reforms is crucial – it is with these civil servants that ambitious reforms take place. That is why broadening the community of reformers and increasing opportunities for peer exchange, including through regional and thematic networks would really help push for more ambitious commitments at country level. Looking into ways to secure participation of diplomats in this process is also going to give an additional strength to OGP.

One additional element of the OGP relates to the civil society - strengthening civil society engagement in OGP, particularly at the country-level is critical for the future of the partnership. The more civil society is engaged and has a genuine role in the process, the more likely it is that OGP commitments will be ambitious, shared priorities, and that they will be implemented.

To promote accountability and continuous improvement at the country level, OGP provides various incentives to all three sets of actors (political leaders, civil servants, and civil society). While the most important accountability mechanisms to strengthen are those that operate within a country, OGP helps to strengthen these mechanisms by providing information and incentives from outside. In joining OGP, governments agree to be held publicly accountable for progress in delivering their

commitments. OGP's Independent Reporting Mechanism (IRM) provides regular, objective reports on progress and publishes its data and findings for anyone to use. The primary goal of these reports is to promote dialogue and learning at the country level. Should the OGP Independent Reporting Mechanism (IRM) process find that a participating government repeatedly (in two consecutive IRM reports) acts contrary to OGP process and to its action plan commitments, fails to adequately address issues raised by the IRM, or is taking actions that undermine the values and principles of OGP, participation of that Government in OGP is going to be addressed by both the Criteria and Standards Sub-Committee as well as Steering Committee. Both the subcommittee and SC processes will include direct conversations with governments under such review.

In addition to the IRM reports, OGP mobilizes other types of incentives, including diplomatic outreach to congratulate or 'nudge' individual countries, action-forcing global events where countries report on results and the annual Open Government Awards to reward success and innovation.

A long term success of the OGP might lie in its "community of open government reformers" who can come together for peer learning, exchange of expertise and experiences and plan for new initiatives both nationally and internationally. This platform of reformers is a place where senior politicians come together regardless of what side they come from: left or right; they learn to cooperate together and act as 'open government reformers'. This exercise might bring significant changes in the years to come. In this context, Foreign Ministries could become more actively involved in OGP and have more reformers from within the MFAs engaged in the open government agenda. Why is this important, is because diplomatic presence is needed in OGP now more than ever in order to be able to anchor national open government reforms more efficiently in the post-2015 development framework. The role of the national open government reformers could be in helping improve the international negotiations around these issues.

3.6 Moldova and its Open Government Partnership story

Moldova has made significant progress towards its EU integration Agenda and the culmination of this process was signing the EU Association Agreement on June 27th along with Ukraine and Georgia, and ratifying the Agreement in the



Figure 3 Map: Republic of Moldova

Parliament on July 2nd 2014. In spite of all these, however, Moldova still remains amongst the poorest in GDP per capita countries in Europe. Population of Moldova, which is according to 2004 Moldovan Census 3,938,679 including Transnistria, is not very active politically. There has been a significant decrease of trust in government and the voter turnout has been low during the past elections: for example, voter turnout during the 2009 Parliamentary elections did not exceed 47%, while the repeated parliamentary elections in 2010 brought only 50% of the population to elections²². Moldova is a Parliamentary republic in which members of the Parliament are elected by popular vote every 4 years, after which the parliament elects the President who functions as the head of state. The President appoints the Prime-Minister as head of Government who, in turn, establishes the cabinet – both being subject to parliamentary approval. Liberal democrat Iurie Leanca was appointed as Prime Minister on April 25, 2013 following the decision of the Constitutional Court to prevent the then acting Prime Minister, Vlad Filat, from being reappointed to the position of the Prime Minister which he held since 2009. Iurie Leanca continued the efforts around Moldova's EU integration agenda and managed to sign the EU Association agreement on June 27th, 2014 in Brussels as well as ratify the Association Agreement on July 2nd 2014 with 59 votes from the total of 101 members of the Parliament of Moldova. So, these are historic and important dates and days for the country.

On a different note, Moldova enjoys a good climate and favorable farmland but has no serious mineral deposits. As a result, its economy depends heavily on agriculture, fisheries and farming, featuring fruits, vegetables, wine, and tobacco. Moldova must import almost all of its energy supplies²³.

Moldova's internet market continues to develop rapidly, and with broadband penetration approaching 13%²⁴ (well below the average for many Western European countries), and mobile broadband penetration of 6,6%²⁵, there remain considerable opportunities for further development in coming years. Broadband subscription growth has been particularly strong since 2009, with the sector dominated by two service providers – Moldtelecom and StarNet – which account for 88% of all connections despite the presence of about 50 ISPs nationally.

Moldova ranks seventh among 186 countries of the world after loading Internet speed and the 16th after the speed of downloading, according to NetIndex data.

²² <http://www.idea.int/vt/countryview.cfm?CountryCode=MD>

²³ <http://www.economywatch.com>

²⁴ <http://en.anrceti.md/transpdate>

²⁵ <http://en.anrceti.md/transpdate>

In Moldova, the number of Internet users has increased during the past years. In cities, over 57% of the population has access to the Internet, while in the villages - 45%. Most people who have personal computers are in urban areas - 70%.²⁶ Over 53% of households have at least one computer connected to the Internet, while 73.7% of them have broadband Internet access at a fixed location. The number of electronic payments is increasing: 37.7% of Internet users are shopping online. The “Digital Moldova 2020” strategy approved by the Government of Moldova late in 2013, aims at creating opportunities by 2020 for each village in the country to have at least one optical fiber point of presence.

The mobile market has also grown rapidly and now accounts for the majority of total telecoms revenue. On July 1, 2013, mobile telephony penetration rate exceeded 120% as per ANRCETI (National Regulatory Agency for Electronic Communications and Information Technology).

In spite of all the challenges, the Government of Moldova made several important steps towards EU integration. Citizens of Moldova benefit of free visa regime as of April 28, 2014 and it is expected that the Government will sign the EU accession agreement on June 27th, 2014.

3.6.1 Moldova’s Open Government Commitments

The Government of Moldova expressed the commitment and interest to join Open Government Partnership on August 16th, 2011 after which, the country joined the global efforts in increasing transparency, citizen participation and collaboration, fighting corruption and opening up more dialogue and interaction with its citizens. Through the Government Decision Nr. 195 from 04.04.2012, Moldova has approved its National Action Plan on Open Government for the years 2012-2013 and as of June 2014, the country is in the process of the implementation of its second Action Plan on Open Government.

The first Open Government Action Plan for Moldova embraces the idea of working proactively to advance a culture of Open Government through:

- Objective 1: Strengthening public integrity by ensuring a participative decision-making process that encourages citizen participation and increasing transparency in governance;
- Objective 2: Efficient management of public resources by increasing transparency in public spending;
- Objective 3: Improving the quality of public services delivery.

²⁶ <http://www.trm.md/en/social/moldova-printre-liderii-mondiali-dupa-viteza-de-acces-la-internet/>

When joining OGP, Moldova was facing serious challenges in improving governance performance, increasing transparency and access to information, fighting corruption and ensuring high quality public service delivery to citizens and business. The Government of Moldova was determined to start utilizing modern technologies as the key instrument in addressing these issues. In the context of the Open Government Partnership and the previously launched efforts of Government Technological Modernization, Moldova showed determination to improve governance and communication between government and its citizens. Through the Open Government Partnership, the Government of Moldova re-affirmed its commitment to build the foundation of a transparent, reliable, efficient government that communicates and collaborates closely with its citizens, provides high quality public services. As part of OGP grand challenges, Moldovan Government address three of the five grand challenges:

Increasing public integrity, more effectively managing public resources and improving public services.

In Moldova, it was the E-Government Center who took the leadership to elaborate Moldova's first Action Plan on Open Government (in house) during December 2011 – January 2012, and consulted it with civil society representatives during January – March 2012.

Even if the process was led by a public institution fully responsible for the e-government agenda, the overall philosophy of the Open Government Agenda in Moldova aimed at going beyond releasing information or data. It was seen as a potential platform for harnessing the competencies of the Moldovan people, establishing a greater collaboration between the Government and citizens, and ensuring that taxpayer's money is efficiently spent. Open Government Agenda for Moldova is also seen as a great opportunity for changing the thinking paradigm both in the citizens and in the Government.

As mentioned earlier in this Chapter, OGP is different from existing multilateral initiatives adopted in attempt to fight corruption, promote transparency, etc. The use of technology allows citizens to work with data by interpreting it, applying it for creating applications and social value tools. It allows citizens analyze data and identifying further opportunities and solutions for the existent gaps in the system. Synthesizing and evaluating this data – thus, 'forces' citizens to move from lower order thinking to higher order thinking skills. Citizens with higher order thinking skills are much more likely

to contribute to an “open society”²⁷ – which widens the potential of society and enables learning from different cultures and opinions. Open government structures foster democracy and democracy fosters the open society. “Openness” is one of the core values of Moldova Open Government Action Plan. It comes in synergy with country’s broader e-Transformation Agenda which is an ambitious project to embrace ICTs, including an Open Data Agenda, the migration of e-Government services to cloud computing, and the participation of civil society in apps development for public service delivery. As Open Data is one of the ambitious elements of Moldova’s Open Government Agenda it is worth dedicating some attention to this aspect as part of this paper.

The Open Government Data initiative in Moldova is part of the larger governance e-transformation efforts, launched in 2010 after the visit of the President of the World Bank Robert Zoellick. At the High Level Roundtable, Zoellick highlighted the World Bank’s Open Data Initiative, eliciting interest for this initiative from the Moldovan senior government leaders. Building on this interest and commitments, the E-Government Center collaborated with USAID in the development of a report on open data and launched the open data initiative with the open data portal www.date.gov.md in April 2011. The Republic of Moldova was the first country in the region to launch an open data portal. In September 2011, the Open Data initiative became the key element in the promotion of open government within a larger Governance e-Transformation Agenda, implemented by the E-Government Center of Moldova with the support of the World Bank. The portal launch was accompanied by the Prime Minister’s Directive which mandated all the central public authorities to release and update at least three datasets a month. The majority of public institutions did not respect the Directive. Therefore, in order to consolidate the efforts around open data at the ministerial level, the Government established in February 2012 an open data working group, comprised of open data coordinators from every ministry. Additionally, the new version of the portal launched in December 2011 offered autonomy to public institutions to manage their own datasets. The major open government data initiative efforts and commitments are reflected in the open government agenda. When the Government of Moldova joined the Open Government Partnership in April 2012 it has also committed to devote part of its action plan to the open data initiative and specific actions to advance the initiative, such as: drafting the Law on public sector information re-use, opening priority data requested by

²⁷ The term "open society" was coined by Henri Bergson, in his book *The Two Sources of Morality and Religion* (1932), and given greater currency by the Austrian philosopher Karl Popper, in his book *The Open Society and Its Enemies* (1945).

citizens, publishing the Open Government Data Catalogue, developing government data standards and supporting the development of socially useful application based on public data. During 2012 and 2013 the Government implemented most of the commitments related to open data but not all of them.

One of the most ambitious actions from the open government action plan was the adoption of the Law on public sector information reuse. Taking into consideration Moldova's path towards European Integration, the Parliament aligned the Law on public sector information reuse to the EU Directive 2003/98/EC on the reuse of public sector information, as well as the amendments reflected in the Directive 2013/37/EU. Following the Law, the Ministry of Information Technology and Communications developed, and the Government approved, the methodological norms for implementing the Law on public sector information reuse. These norms established the Terms and Conditions for accessing and reusing public sector information, an Open Data License for Moldova's public data. Additionally, the norms provide a list of formats in which public information should be presented. Furthermore, the norms offer a methodology of calculating the marginal costs associated with offering public sector information for reuse. This Law is revolutionary for the Republic of Moldova in the sense that it aligns it to the best international practices in terms of public sector information reuse and allows citizens to access and reuse public data in machine readable for any purposes. The goal is to increase the supply, demand and reuse of public data.

Even though public institutions had to develop their own open data catalogue, according to the open government action plan, only 10 out of 16 ministries developed such a catalogue and in all cases, this catalogue is incomplete and reflects only a fraction of public information that these institution hold. The Law on public sector information reuse reiterates this effort and obliges all the central public administration authorities to develop a list of public sector information available for reuse that they hold. The aim behind developing this list is to create a searchable inventory of documents in the public sector available for reuse at the most disaggregated level possible. This list will include information on the formats of available documents, the update frequency as well as the marginal cost, if any, of reusing such information. In case data consumers do not find public information they need on the government portal, they could request that information for reuse following the procedure described in the Law on public information reuse. As a result of the Law, two new working groups have been

created: one of *coordinators of public sector information reuse* and another one of *open data portal coordinators*.

The open government action plan for 2014 kept open data as its main focus. One of the ambitious actions is the adoption of the Open Data Principles, highlighting the principle of open data by default. These principles will also guide public institutions in the process of providing and opening public information for reuse. This normative document will be complemented by a biannual action plan on releasing public information. The Government will develop and adopt these documents in order to facilitate the release and reuse of public sector information as well as to align itself to the international standards around open data, and specifically the G8 efforts within the Open Data Charter. Ultimately, having a clear roadmap in place could lead the Government of Moldova to co-sign the Open Data Charter. Personal data protection remains an important element in the release of open government data. The e-Government Center collaborates with the Center for Personal Data protection to ensure awareness and understanding of the border between personal data and public data. Several trainings for open data coordinators included the section on personal data protection, explaining different level of data aggregation that ensures privacy in the process of data release.

3.6.2 Brief on the technical aspects of open data in Moldova

The open data portal www.date.gov.md has undergone several transformations through major improvements. Initially the portal was launched on Wordpress, and then its functionalities improved to allow institutions to independently manage their datasets. The latest version of the portal adopted the open source CKAN with Drupal. The data catalogue is stored in CKAN, while the workflow is managed in Drupal. This version allows public institutions to publish their data from information systems through APIs and citizens to use social media in interacting with institutions on the portal. Allowing public institutions to publish raw data through API on the portal reduces their time and efforts spent on manually uploading datasets, ensure regular data updates as well as offers raw data to citizens for reuse in as many ways possible and build innovative applications. On the new portal, data is also discoverable much easier due to the targeted functionalities offered by the platform. According to the methodological norms on implementing the Law on public sector information reuse, public institutions will have access to a Methodology on open data publishing, which will guide them in the data publishing process, including APIs, as well as highlight the machine readable formats to be used

for datasets. The government data standards on collection, archival and publishing of public data will be developed according to the e-transformation action plan in 2014. The unified standards will support the open data publishing efforts once implemented.

The exchange of public sector information, including open data, contributes to improvement in public service delivery. The interoperability platform, currently in the implementation phase, aims to enhance data exchange among public institutions. One of the outcomes beneficial to the open data initiative is a well-defined set of classifiers used by public institutions, with a defined owner responsible for maintaining the classifiers up-to-date. Additionally, the public part of data exchanged through the interoperability platform could be released as open data. Given that most of the public institutions interact and exchange their data as part of the service delivery process, more and more data will circulate through the interoperability bus, leading to more data being available for an easy public release. As part of the Public Service Reform, the government will publish data on the performance of electronic public service delivery. The systems will automatically generate data related to the delivery of the specific services which will be published and regularly updated on the open government data portal.

Main *challenges* of Moldova Open Data component: Despite efforts in advancing the open government data agenda, there are various challenges that prevent a greater acceleration of the initiative.

- The government's information infrastructure is fragmented and not all of the information is collected and stored in information systems. This leads to discrepancies in information structure, data formats, as well as inconsistencies in documents' formatting. It does also affect the way diplomatic missions operate when it comes to the open data component.
- Statistical data is often collected in Word documents as opposed to structured CSV files, multiples documents are published as scanned PDFs, or reports are published without annexing or releasing the raw data used for its drafting.
- In addition, the lack of a common set of classifiers adds to challenges regarding the standardization of the pool of public information held outside information systems and databases. The development of government data standards and the implementation of the interoperability platform could address this challenge. Public institutions often publish aggregated data and then charge for more granular or raw

data. This is part of the business model of multiple state enterprises that subordinate to ministries and are responsible for public data collection and maintenance of information systems and databases.

- Several government applications allow for data visualization but limit the reuse by not offering raw data for bulk download and inhibiting opportunities such as the development by civil society of private sector of better applications or services, which in turn could compete with those provided by the government. Once committed to the principle of open data by default and reuse of public sector information, the government will have to rethink the business model around charging for public data, which is already paid for by citizens through taxes. According to the new Law on public sector information reuse, the pricing should now exceed the marginal costs of offering information for reuse.
- Another issue in the public sector is reduced commitment from the open data and information reuse coordinators, who are responsible for defining, collecting and publishing data on the portal in addition to their previous responsibilities.
- Additionally, public institutions and public servants that work with public data outside information systems and databases often lack the necessary technical skills for operating with machine readable formats or presenting public information in a structured way. Trainings and workshops with participation of local and international experts are organized in order to address this challenge and equip the members of the open data and public sector information reuse working groups with necessary skills for working with data and presenting it in relevant formats for public consumption.

As mentioned above, Moldova is already in the process of implementation of its second Action Plan on Open Government. Currently, in OGP few governments managed to come up with their second action plans, most of the member countries are expected to be ready by end of June 2014.

In addition to the Open Data component which is indeed one of the most important ones as part of the 2nd Action plan, another interesting dimension of the Action Plan refers to elaboration of a methodological toolkit for central public authorities which will help improve the citizen engagement in policy making processes. This toolkit will be based on the OECD principles on “citizens as partners”²⁸ (2001) in policy making and will be elaborated in close partnership with civil society,

²⁸ http://www.ecnl.org/dindocuments/214_OECD_Engaging%20Citizens%20in%20Policy-Making.pdf

particularly with Open Government Institute (Moldovan NGO) and E-Governance Academy (Estonia) with financial support from the Estonian MFA.

Why is this element so important? Open Government is not just a responsibility of the Government, it is about all key stakeholders who should be actively be engaged in the democratization processes of the country through establishing closer collaboration and communication between the government and citizens. While Moldova carries still some former Soviet Union heritage, embedding new working methodologies and tools in the regular activities of the central government will contribute to more openness, transparency and trust in the Government.

3.6.3 On the role of Moldova Civil society in the Open Government Agenda.

OGP is all about Government and Civil society collaborating together, co-creating and co-designing commitments and actions which will bring more transparency, openness, participation, accountability and innovation. For this, one needs to have a strong and competent civil society which understands what is at stake, is able to see the opportunities, push for more ambitious commitments, and be able to conduct a thorough monitoring and evaluation of the implementation of these commitments.

Around 130 representatives of the civil society organizations took part in the consultation meetings on Moldova's first action plan on Open Government. This included representatives of National Council for Participation, National NGO Council, think-tanks, and other nation and local NGOs, that expressed their position vis-à-vis the actions proposed for implementation. Thus, the team of E-Government Center received above 80 comments/recommendations to the initial draft of the Action Plan.

Additionally, the Action Plan received around 25 comments and recommendations from international community via LinkedIn and e-mail. The dynamics of the involvement of the civil society representatives in the consultation process was satisfactory, however most of the meetings were attended by the same participants ('usual suspects') all the time (up to 40%).

In addition to the coordination efforts around the consultation process, it is important to note that capacity building initiatives on Open Government provided with support of the World Bank right after the Government has approved the first action plan. This effort has been considered and seen as crucial for the immediate implementation phase of the Action Plan. The program included a comprehensive capacity building series of knowledge sharing, coaching and training events for over 1000 participants, which culminated in the *Open Innovation Week in May 2012* with about 500 participants attending

data journalism Boot-camp, PFM Training and Data Analysis workshop, Smart Government Day, Digital Moldova 2020 Roundtable with Prime Minister, Intelligent IT Investments workshop, Moldova Open Data Case Study workshop, Open Data TechCamp, and Open Innovation Hackathon. In addition, the program included Apps for Moldova competition, developing 3 showcase apps (alerte.md, buget.md, and afla.md), a community of practice (www.codd.md) and a strategic partnership on Open Data in Moldova including several organizations and several Bank units (ICT, WBI, ECA and CTR). Among the key outcomes are:

- increased level of engagement and awareness of Open Data among key stakeholder groups;
- increased number of open data sets on data.gov.md portal (from 150 to more than 600 today);
- increased number of apps using Open Government Data (in addition to 3 showcase apps, 18 other apps were incubated during the Hackathon and pre-cooking phase, of which 5-6 are were expected at that moment in time to become fully operational and to become available in open source for replication in other countries);

As a result, Moldova became one of the few countries that not only invested in opening a large number of datasets, but started to develop a vibrant and locally driven ecosystem which included CSOs, developers and journalists actively reusing this data.

In July 2012, a delegation of 13 representatives from Moldova including Government, civil society, mass-media, took part in the International Conference on Open Government Data, thus, being able to share with other conference participants Moldova's progress on the implementation of the Moldova Open Government Action Plan.

In case of Moldova's Second Action Plan on Open Government, participation of the civil society organizations was not significantly different and it was greatly influenced by the overall approach in designing the Action Plan. It was mostly the civil society group on E-Government/Open Government established in May 2012 within the National Participation Council and led by the author of this research paper, group that came up with a participatory approach to the elaboration of the Action Plan, in which civil society could have provided input into the draft action plan from the very inception of it. While it was expected that civil society organizations will generally be more active in this input generating process, this exercise was not as successful as expected. It goes to the peculiarities of

Moldova civil society organizations, but that is an issue for another research. However, part of this input is reflected in the current version of Moldova's 2nd Action plan on open government.

Reflections from this exercise include a number of aspects which are worth considering in other similar processes:

- Civil society should take responsibility and ownership for at least for 1-2 commitments of the National Action Plan on Open Government and commit to implement them together with the relevant government authorities;
- Civil society representatives need training and capacity building on these rather new issues of social accountability, open data, open government, etc in order to be able to generate very specific and ambitious commitments on the Governments' Open Government Agenda;
- It is important for both the Government and Civil society to understand what does open government mean in practical terms across different sectors: what does open government mean for the educational sector, for the health sector or for the MFA and diplomatic community. Only with knowledge and understanding of these aspects, CSOs will be able to re-think ways Open Government principles could be embedded in the sectors they are working in and generate commitments which are in line with clear needs and realities of those sectors;
- It is crucial that Open Government Agenda is being discussed with CSOs from the perspective of ongoing efforts towards EU Integration.

Moldova's first action plan had a total of 47 milestones of which, based on Moldova IRM report²⁹, 16 were completed successfully, 12 were substantial, 6 had a limited value or impact, and 13 were not started yet (at the time of the reporting). Overall, Moldova's Open Government experience is being seen as a very positive one among OGP member countries, while in the Eastern Partnership region Moldova along with Georgia are seen as champion countries. Moldova's positive experience has also been acknowledged during the Freedom Online Coalition event in Tallin (April 2014) which was attended by the Moldovan Deputy Minister of MFA and Moldovan Ambassador to Estonia. The "Comparative Study on Open Governance and Data Security in Eastern Partnership countries" study

²⁹ <http://www.opengovpartnership.org/country/moldova/comment-report/irm-comments-moldova-report>

also reveals interesting analyses of the progress Moldova has made as compared to other countries in the region.(December 2013)³⁰

3.7 Malta and its Open Government Partnership story

Figure 4 Map: Republic of Malta



Malta is considered to be one of the most beautiful islands in the Mediterranean with a population of 417,432 as per 2005 census (which is organized once in ten years): its strategic location at the commercial crossroads linking Europe, Africa and Middle East has ensured its geopolitical success over the past 7000 years of history. It has a skillfully reengineered economy and is recognized for its pro-business attitude, state-of-art infrastructure and modest costs of doing business. This country is considered to be a model of success in many perspectives. Its population is considered to be one of the most politically active in Europe, with elections seeing voter turnout regularly exceeding 90%. It is a Parliamentary representative democratic republic in which executive powers are with the Prime Minister, while the President fulfills the role of the Head of State.

Labour Party leader Joseph Muscat won the March 2013 elections and became prime minister. And April 2014 elections resulted in Marie-Louise Coleiro Preca being elected as Malta's second female president.

With few natural resources, Malta imports most of its food and fresh water and 100 percent of its energy supply. The economy depends on tourism, trade, and manufacturing. Well-trained workers, low labor costs, and membership in the EU attract foreign investment, but the government maintains a sprawling socialist bureaucracy, with the majority of spending allocated to housing, education, and health care. In early 2013, excessive public borrowing led to an EU warning to reduce the budget deficit, which exceeded EU guidelines. Regional instability and large immigration flows from North Africa are concerns.

A 2012 study revealed that 88 percent of Maltese saw corruption as a major problem in both politics and business. Malta lacks appropriate institutions to implement and monitor anti-corruption activities.

³⁰ http://opengov.si.md/wp-content/uploads/2014/06/ep_opengovernance_datasecurity.pdf

The judiciary is independent constitutionally and in practice. Property rights are protected, and expropriation is unlikely. Foreigners do not have full rights to buy property on the island. Malta's economic freedom score is 66.4, making its economy the 58th freest in the 2014 Index. Its overall score is 1.1 points lower than last year, with declines in labor freedom and investment freedom outweighing improvements in fiscal freedom, control of government spending, and business freedom. Malta ranks 27th out of 43 countries in the Europe region, and its overall score is below the regional average. Despite its institutional competitiveness, Malta remains weak in several areas. Relatively high tax rates and government spending are a drag on economic activity. Lingering corruption and rigid labor regulations add to the cost of conducting business³¹.

However, per EU Commission report going back to 2010 Malta is considered "one of the top EU performers for fixed broadband penetration" noting that broadband penetration continued to grow, reaching 30.9% in December 2011, ahead of the EU average of 27.7%. With a growth of 1.4%, Malta is one of the four countries in the EU that presents both a penetration level and growth rate above the EU average. The Commission noted that Malta was considered as having achieved the Digital Agenda for Europe target aiming at securing a basic broadband connection for all EU households by 2013. "This is not only due to the geography of the Islands or to the presence of two ubiquitous infrastructures; it is also linked to a strong public policy focus on ICT." it stated³².

Government of Malta formalized its adherence to the OGP back in July 2011 and by this, committed to promote and implement the core OGP principles transparency, empowering citizens, fighting corruption and harnessing new technologies are all in line with the Government's views and policies³³.

The Honorable Prime Minister Lawrence Gonzi has drawn attention to the fact that *"for the public sector to be even more responsive and closer to the citizen's public participation is a necessity. Citizen engagement is seen as an appropriate and necessary part of policy implementation in the democratic system. Decentralizing powers also brings decision-making and service delivery closer to the residents with their concerns being addressed more efficiently and effectively."*³⁴

³¹ <http://www.heritage.org/index/country/malta>

³² <http://www.mca.org.mt/notices-and-announcements/malta-one-top-eu-performers-fixed-broadband-penetration-eu-commission>

³³ <http://www.maltatoday.com.mt/printversion/16486/#.U6nLZpSSy5U>

³⁴ Speech by the Hon Lawrence Gonzi, prime minister during the 3rd Commonwealth Ministers Forum on Public Sector Development, St Julian's (October 21st, 2010)

Pr. Peter Fr Peter Serracino Inglott, Professor Emeritus of philosophy and former rector of the University of Malta who is being quoted in the Maltese Action Plan, states that “opportunities that lie within a policy that is based on openness, are what promote social justice and democratic equality in their purest form” which demonstrates the in-depth understanding and the philosophy based on which Maltese Action Plan has been elaborated. The Government’s commitment to the implementation of highest standards of professional integrity through its governance are well reflected in an impressive number of passed legislation focusing fighting corruption and introduction of high ethical standards and codes of practice. Some examples of legislation in this field includes:

- on public administration (the Public Administration Act);
- the Permanent Commission Against Corruption;
- on freedom of information (the Freedom of Information Act);
- on the protection of whistleblowers (the Whistleblower Act);
- for the empowerment of the Ombudsman in coordinating all administrative complaints in the public service as a whole;

As stated in Action Plan, Government of Malta has been doing significant work throughout the past years which are in line with some of the core OGP challenges and particularly: Malta has been implementing a continuous program of improvement in Public Services, increasing Public Integrity and having in place an effective management of Public Resources in order to generate wealth and improve the citizen’s quality life. Malta has also strived during the years to create safer communities and improve corporate accountability.

Malta has made impressive reforms in a number of sectors before joining OGP which have brought in more openness, transparency and citizen-centered policy making. Like other European OGP member countries such as Albania and Slovak Republic, Maltese Government has made significant investments in the educational sector as well, by acknowledging the value and the potential of the technology for increasing the quality of the educational outcomes.

- Investment in school infrastructure, with new schools being built and old ones refurbished thus providing students with greater opportunities for quality education and being an innovation and ICT enabler, the Government of Malta started a program of €2.6 million investment spread over five years

to install 1800 Interactive Whiteboards in all state, church and independent schools. This commitment is part of a broader Euro 8.6 million investments in eLearning Solution. Through this investment, learners in primary and secondary schools will have access to high quality interactive learning content and personal online learning space. This also provides opportunities for parents to be able to actively participate in their child's learning process, including facilitated means of communication with their children's educators. All these create favorable conditions and platforms for addressing Open Education in Malta as well.

- In addition to these efforts around Education, Maltese Government has been building a well-structured free health system for all: programs such as the Pharmacy of your Choice scheme have increased accessibility to free medicine, while the Ministry of Health has negotiated lower prices with Pharmaceutical companies.

Civil society engagement in policy making in Malta is another important domain and Maltese Government has a Minister responsible for Public Dialogue, thereby demonstrating that that the Maltese Government is a promoter of public dialogue. Back in 1989, by an Act of Parliament, the Malta Council of Economic and Social Development (Cap.431) was established – this was primarily the recognition by the State of an institution whose mission is to promote social dialogue and bring about consensus amongst the Social Partners and members of Civil Society on a broad range of economic and social issues related to Malta's development.

The commitment to deepen and broaden the consultation process is also demonstrated through the publishing of white papers on new important legislation that Parliament would legislate. Depending on the complexity of the legislation, this consultation process has a different time line and could be spread from a number of months to, sometimes, even years. In this way, Government makes sure that all stakeholders are able to share their views and feedback. The decision of the Government now, a decade ago, to launch a pre-budget document three months prior to the actual budget document is another indicator for Maltese Government's openness and transparency agenda. It is important to note that a similar type of consultation process is carried out on legislation and directives coming out from the European Union.

In the process of applying for a full member of the EU, Maltese Government has set up back in 1999 the MEUSAC which stands for Malta-EU Steering and Action Committee. This Committee was established with the purpose of overseeing the overall accession process of Malta to the European Union. This committee served as a focal point of such process. From the Maltese OGP National Action Plan it can be clearly seen that this structure has “successfully brought together a wide spectrum of organizations representing various and diverse interests within the Maltese Society. Following the signing of the Treaty of Accession on the 16th April 2003, MEUSAC was reconstituted to continue its role after accession. With an even wider representation, MEUSAC is giving civil

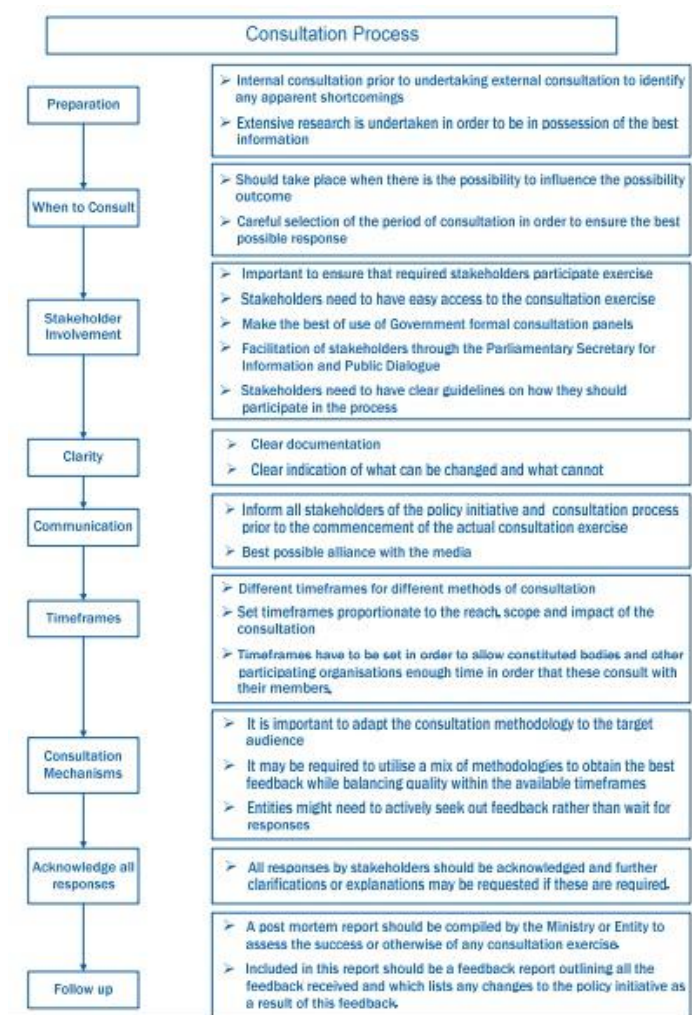


Figure 5 Parameters for Consultation Exercises with Stakeholders

society an opportunity to make itself heard and to help shape Malta’s position in various aspects of membership”. This practice is extremely important for the current EU Integration Agenda of Moldova and indeed, both the Government and Civil Society in Moldova could analyze this experience and see ways it could be replicated in Moldova.

Another ambitious Government-Citizen related consultations mechanism platform is being considered as part of Directive 6, namely, “Parameters for Consultation Exercises with Stakeholders” which was issued under the Public Administration

Act, a Directive published in 2011³⁵. “The

Directive outlines the preparatory phase for consultation, when one should consult, the level of stakeholders involvement, the type of communication and its clarity, timeframes, the consultation mechanisms and follow-up This Directive binds all Ministries and Entities within the entire Public

³⁵ file:///E:/Malta%20Updated/Final%20paper%20version/28.02.DCS_16_2011_EDUC_187_04.PDF

Sector to adhere to. Moreover following the issue of this Directive, Government formulated an Impact Assessment Framework which is a checklist that needs to be adhered to when new Legislation is to be forwarded to Cabinet for evaluation and approval”. What is very positive about this Directive, is that it provides a clear framework, a stage by stage description as part of “Parameters for consultation exercises with stakeholders”. (figure 5 illustrates the framework).

Like Moldova, Malta has strengthened access to information through the implementation of E-Government Services. It has also re-enforced the Customer Care System (Servizz.gov). The focus of the eGov unit is to bring all the Government of Malta online services together in one simple framework. At the moment of designing Malta’s first Action Plan, there were 80 services and 300 Governmental websites. Throughout 2012 – 2013 it is envisaged that the Government will implement a more ambitious eGov programme aiming at transforming public services into “catalysts of more competitive economy for Malta”.

The long term vision of the Government of Malta is that e-Government Agenda could become an essential component of public service transformation which could, in turn, lead to a more transparent, open and better connected administration. The Government will continue to build on a high reputation for clarity in procedures and for transparency in operations, and will carry on with the process of widespread consultation.

Other initiatives implemented by the Maltese Government which continue to lay the foundation for more work around open government include creating safer communities and more specifically focusing on safer waters around the Maltese Islands by investment in new patrol boats, two new surveillance planes and the VACIS³⁶ system to counter the proliferation of illicit weapons. The Agency for the Welfare of Asylum Seekers (AWAS) was also setup to manage humanitarian issues. Another area which Government of Malta has placed a priority on relates to creating open spaces “aimed not only to make Malta more beautiful and attractive to the millions of tourists that visit these Islands but also offer families to spend quality life with their children in a safe environment”. Other initiatives include the preservation, maintaining and restoration of the historical cores of our villages and town centers through pedestrianisation and conservation projects; restoration of various historical buildings and churches and bastions.

³⁶ Vehicle and Cargo Inspection System

3.7.1 What does Malta commit as a member of the Open Government Partnership?

The first and the only Action Plan on Open Government of the Maltese Government focuses on two of the Grand OGP challenges: “Creating a Safer Communities” and “Increasing Corporate Accountability”. As per Malta Action Plan on Open Government, the plan is the result of the wide consultation process between the CSOs in Malta and Gozo and the Ministry responsible for this OGP initiative. Some partnership around the Action Plan was created with American Embassy in Malta, where two consultative meetings took place, both being open to the general public. As a result of these meetings/conferences, all input generated by the CSOs was shared with the Government entities and embedded in the two year action plan.

Malta Today reported on one of the consultation meetings around OGP, and particularly quoted the Political, economic and commercial officer with the Embassy of the USA in Malta, Thomas Yeager, who shared that “Malta was found to have the mechanisms to create an open and transparent dialogue with civil society. It is good to see that civil society in Malta has accepted the challenge for an open government”. He also shared that “sharing the best practices with countries within the region could enhance this form of collaboration”. “Malta is considered the leader in the South of the Mediterranean for the Maghreb to inspire and set an example for those countries which have recently gone through political turmoil.”³⁷

“Consultation has become the norm even before the most important law, the annual budget which is presented to Parliament,” considers Minister for Justice, Dialogue and the Family of Malta, Chris Said. In line with the above, some of the most ambitious commitments of the Maltese National Action Plan on Open Government include:

- Transparency in public spending;
- Taxation and benefit abuses;
- Procurement;
- One stop shop for citizens;
- Construction in safer roads and
- Environmental related commitments.

The spectrum of the above commitments demonstrate Government’s approach towards transparency on how public funds are being spent and monitoring system needed to ensure internal accountability.

³⁷ <http://www.maltatoday.com.mt/printversion/16486/#.U6nLZpSSy5U>

The need to minimize tax evasion is another important element that will encourage moves from informal or undeclared work to regular employment; audit exercises through liaison between various government department and entities to curb abuse. Improving public procurement system through incorporating a balance between simplification, transparency and accountability is indeed an important open government commitment. The Government aims to achieve this through better use of electronic means and more openness in tender evaluation. Government's commitment to One-Stop shop will increase citizens' trust in Government and their satisfaction from the public services, particularly departing from citizens' desire to benefit from less bureaucracy and get any public service on time.

At the time of this research, there is no evidence of the degree to which the above commitments have been implemented or not, given that the Independent Reporting Mechanism could not be implemented by the OGP in Malta³⁸. Accordingly, OGP issued a statement³⁹ back in February 2014 on this matter which states the following: "Three countries from this group will not be receiving an IRM progress report at this time: Lithuania, Malta and Turkey. The decision not to produce a report for these three countries was taken for a number of reasons. First, a considerable number of attempts were made during the report research period by both the Support Unit and the IRM team to make contact with a government representative without success. Second, no self-assessment report was submitted on the National Action Plan. Third, other independent attempts to verify activities related to the National Action Plan found little evidence that commitments were being implemented. The IRM therefore concluded there was not sufficient activity related to OGP to produce a report". As per FreedomInfo, representatives of 3 countries were present during the Annual Open Government Partnership Summit in London during October 31st- November 2nd, 2013. Turkey sent a Deputy Prime Minister. Lithuania sent its ambassador to the UK. Malta sent the Parliamentary Secretary. All countries were asked to come to London with "stretch" commitments. Malta did not provide a stretch goal. Malta's original action plan achieved a small degree of notoriety in OGP circles for having included "cleaner beaches" as a goal⁴⁰.

³⁸ From the countries in OGP undergoing through IRM reports it is Malta, Lithuania and Turkey where collection of data and evidence was not possible due to lack of communication, focal points both in Government and Civil Society.

³⁹ <http://www.ogphub.org/blog/malta-lithuania-and-turkey-not-receiving-irm-reports/>

⁴⁰ <http://www.freedominfo.org/2014/02/lithuanis-malta-turkey-fall-behind-ogp-process/>

4 Chapter 2 Role of diplomatic missions in Open Government

As it can be seen from the previous Chapter, Open Government Agenda is an ambitious effort from both the Government's and civil society's side and requires significant reforms, changes, and improvements at all levels. Adapting citizen-centered approaches in policy making is challenging, especially there were the citizens have not been exposed to the culture of co-creating and co-designing public policies, strategic documents. This Agenda also requires new skills, new knowledge and positive attitude both from the Government and the civil society. In this Chapter, reflections and views of the respondents of both Moldova and Malta diplomatic missions will be reflected. Respondents were mostly Ambassadors and were given 2 options to respond to some study related questions: filling in a survey or accepting to provide an interview. Below are some brief statistics on the respondents.

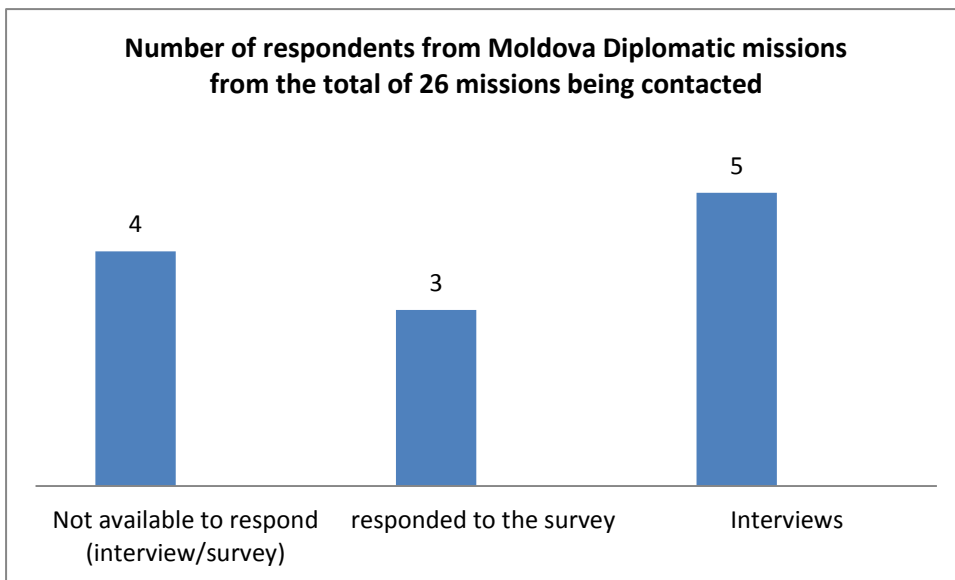


Figure 6 Respondents from Moldova Diplomatic Missions

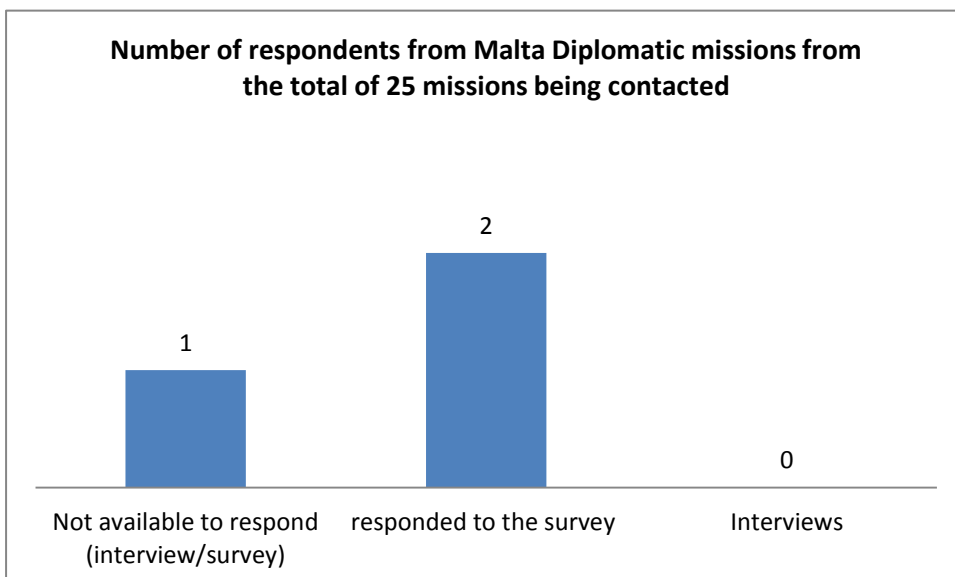


Figure 7 Respondents from Maltese Diplomatic Missions

Departing from these numbers and core elements of the Open Government, this Chapter *looks at the degree to which Open Government Agenda is connected to the nowadays Diplomacy? What is the role of diplomats and diplomatic missions in the Open Government Agenda?* The issues presented in this chapter are also based on the analyses and interpretation of the results of interaction between both Moldovan and Maltese diplomats.

In the rapidly changing and globalized world we live today it can be stated that it is not only the Governments/States who are able to convey their messages across national borders. Due to the latest changes and the advent of technology, the internet and social media have made it possible for every citizen of the world to serve as an *ambassador* of his or her country, in both positive and less positive way. This has created several challenges, and simultaneously opened up new opportunities. However, if one gets back to the broadest definition of diplomacy, it can be defined as the art and practice of conducting negotiations between two or more groups in order to achieve a particular goal, the term can be well used to also describe “formalized relations between independent political entities, generally states”⁴¹. Diplomacy today is very much influenced by the idea of using new technologies that come to support, enhance, expand, or re-invigorate democratic practices.

The open government agenda be it as part of national action plans or part of broader public sector reforms is going to predominantly challenge and demand for an increasingly quantitative, effective, efficient and immediate-results orientation in government. This is affecting and changing the role and the task of today’s diplomats and diplomatic missions as well. Diplomats’ work is going to be affected by the tremendous growth of civil society actors both nationally and internationally and it is a well-known fact that public diplomacy in general is most diverse, constructive and credible when it is conducted by governments in close collaboration with civil society. On the other hand, the continuous globalization process is going to provide diplomats with an ever richer, more complex, more interesting and yet more challenging environment in which to work.

One of the core elements of the Open Government Agenda is an open and inclusive policy making – which should be a transparent and accessible process, and responsive to as wide a range of citizens as possible. *Openness* means providing citizens with *information* and *inclusion* means including as wide

⁴¹ Hamilton G, Parliamentary diplomacy: diplomacy with a democratic mandate, Quebec Session, October 2012

a variety of citizens' voices in the policy making process as possible. To be successful, these elements must be applied at all stages of the design and delivery of public policies and services (as per OECD recommendations on Public engagement for better policy and services, 2009). Some governments have long-standing experience in this field such as Malta for example; while Moldova is doing its best to improve its policy making processes by making it more participatory, open and inclusive. Exactly a year ago, on June 27th, 2013 Moldovan Government "won for the first time the UN Public Service Award, being ranked on the first place for the Europe and the North America region in the category „Fostering participation in the decision-making process through innovative mechanisms". The Republic of Moldova was awarded for the set of initiatives on increasing decisional transparency and participation of civil society in this process, launched and implemented by the State Chancellery during 2009-2012 for facilitating and promoting citizen participation through new institutional mechanisms, for encouraging responsiveness and administration transformation”⁴².

Even though some progress is being made, there is a stringent need to build a culture of citizen-engagement in policy making at all levels in Moldova. The current legal framework allows for diversification of tools and practices and it is up to the Government to work harder with its subordinating institutions on the implementation side:

- The Open Government Action Plan for 2014, approved on December 26, 2014 as part of the broader Action plan on the implementation of the strategic program of technological modernization of the government (E-Transformation);
- Law nr. 98 on Central public authorities/administrations from May 2012;
- Law nr. 238 from 2008 on transparency in the decision-making processes;
- Law on Access to Information, May 2000

In case of Malta, the Government has approved back in 2011, as mentioned in the previous chapter, Directive 6, namely, "Parameters for Consultation Exercises with Stakeholders" which was issued under the Public Administration Act. While it is a great general framework for consultation, it does not make any references, however, to the diplomatic missions, etc. It encourages all public institutions to adapt the tools necessary for the consultation processes based on the target groups, needs, other aspects.

⁴² <http://www.cancelaria.gov.md/libview.php?l=en&idc=277&id=1450>

In line with the above, below is a practical illustration of ways to ensure an inclusive, opened and participatory approach to engaging citizens in decision-making processes and ways in which diplomatic missions might embed elements of this framework in their daily work. This approach can also help ‘infuse’ an evidence based approach to decision-making cycle.

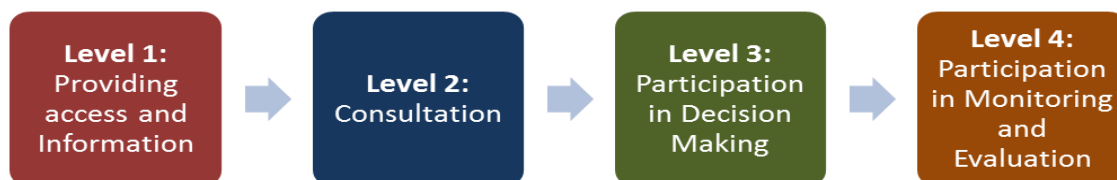


Figure 8 Open government based policy making cycle

4.1 Level 1: Access & information

Government disseminates public information on policy-making which enables/supports citizens to have access to relevant information about government policies, decisions and actions according to the existing legal framework.

Given the above, the assumption is that embassies are indeed, providing citizens with access to public information on policy making, especially when it comes to diaspora who is interested to engage in policy making back home.

To prove this, web pages of both Moldova and Malta Embassies have been analyzed:

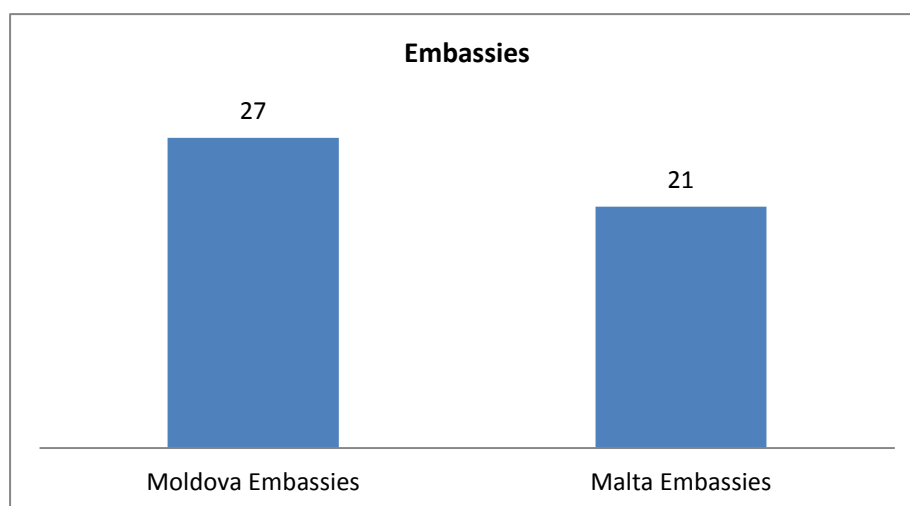


Figure 9. Number of Embassies’ web pages of Malta and Moldova reviewed

The results of the analyses of both Moldova and Malta Embassies reveal interesting results when it comes to engagement of citizens in policy making (both diaspora and citizens back to the country or origin) by providing them with access to critical public information relevant for this purpose. While Embassies, via their web pages, do provide useful and important information about the Embassy, news and upcoming events, contact details, references to country based initiatives, no embassy has any feedback related mechanism for those accessing the web page, or any mechanisms related to engaging them in discussions around policy making on critical issues (social, political, economic – which are affecting both citizens in their home countries as well as those part of diaspora), as per figure 8.

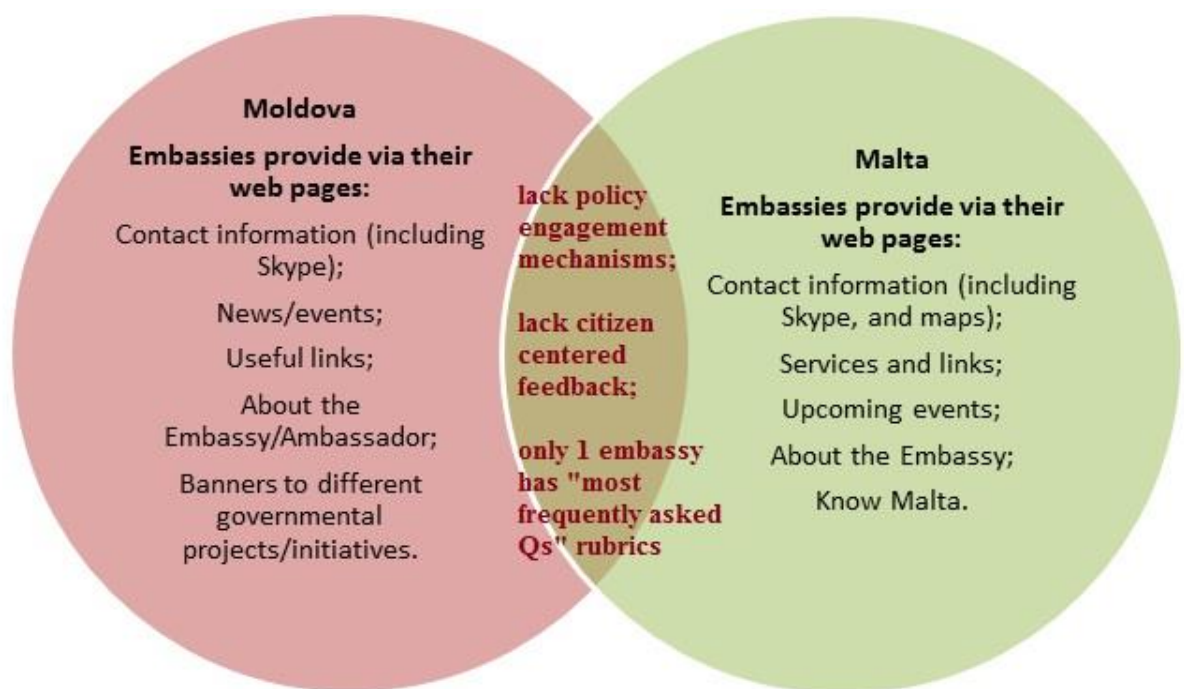


Figure 10 Venn Diagram: What do embassy web pages provide

It is important to note that both Embassies of Moldova and of Malta have standardized web pages, the same template being applied by all diplomatic missions. This is a very important factor given that citizens need to be able to easily recognize the official web pages. Another important element lies in the fact that email addresses are also using the official domain name: for example in case of Moldovan embassies it is in @mfa.md and Maltese ones are in @gov.mt. Adjusting all email addresses for Central Public Authorities, at least in case of Moldova, had started back in 2011, as part of the launch of the e-Transformation of the Government Agenda.

In addition to web pages of the diplomatic missions, nowadays, citizens follow political leaders, ambassadors, presidents, prime-ministers via social media which is increasingly becoming a very popular venue for interaction among diplomats and diplomats (D2D), diplomats and citizens (D2C). **Twiplomacy** is an emerging trend of today's diplomacy and according to Burson-Marstellers' Twiplomacy study of 2014, "foreign ministers have established a virtual diplomatic network by following each other on the social media platform". The same report states that: for many diplomats today twitter has become a very strong channel for digital diplomacy. Europe's leading foreign ministers and foreign ministries are all following each other and have created what can be termed a virtual diplomatic network on Twitter. The Swedish Foreign Ministry has been leading efforts to promote #DigitalDiplomacy. In January 2014 the Swedish Foreign Ministry invited 30 digital diplomats from around the world to the Stockholm Initiative for Digital Diplomacy (#SIDD). The initial meeting in Stockholm has given birth to a loose diplomatic network of social media practitioners who are exchanging ideas on how to develop the use of digital tools beyond social media and coordinating digital campaigns beyond their own diplomatic network. According to the comprehensive Twitter list on @Twiplomacy More than 3,100 embassies and ambassadors are now active on Twitter. In London, New York and Washington D.C., foreign diplomatic missions can no longer ignore the flurry of diplomatic activity on the social network.

In line with the above, how much access do Moldovan and Maltese citizens/diaspora have to their political leaders via social media?!

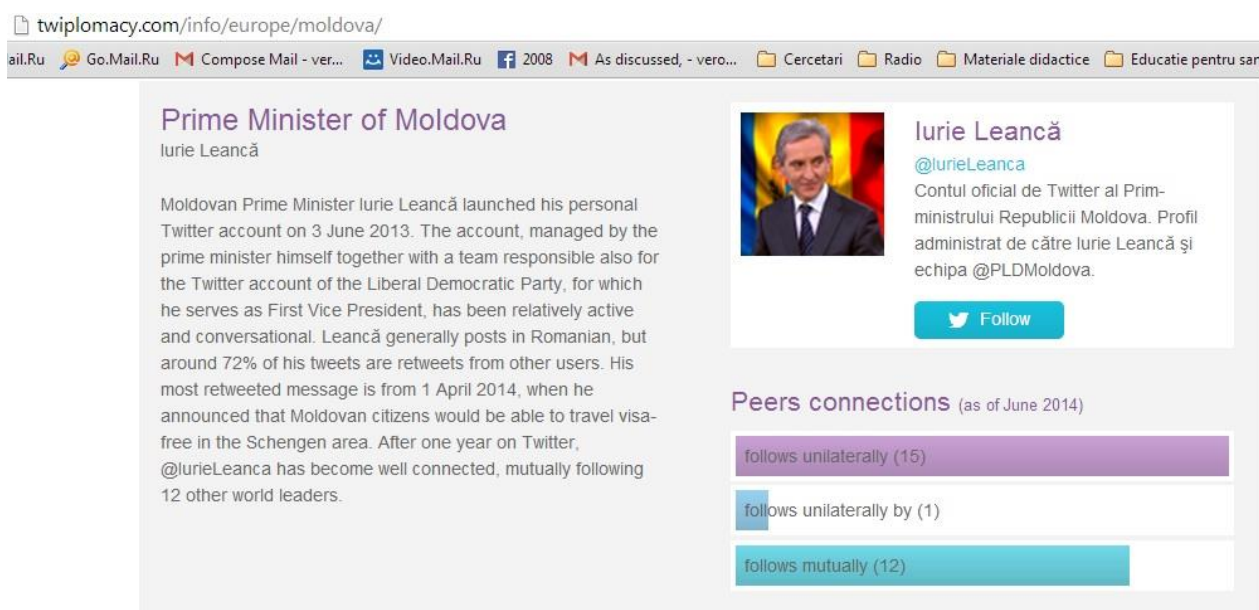


Figure 11 Moldovan Prime Minister on Twitter

According to the Twiplomacy 2014 report, Moldovan Prime Minister Iurie Leancă launched his personal Twitter account on 3 June 2013. The account, managed by the prime minister himself together with a team responsible also for the Twitter account of the Liberal Democratic Party, for which he serves as First Vice President, has been relatively active and conversational. Leancă generally posts in Romanian, but around 72% of his tweets are retweets from other users.



The foreign ministry of Moldova started its Twitter account on 12 October 2012 under then Foreign Minister Iurie Leancă. The

Figure 12 Moldovan MFA on Twitter

ministry tweets in English every other day, mostly about the activities of the current head of the Moldovan diplomacy Natalia Gherman and her deputy Iulian Groza.

On the other hand, Maltese Prime Minister, Joseph Muscat, who took office on 11 March 2013, had his Twitter account created in July 2012 when he was the leader of the opposition and is still run by the Partit Laburista (Labour Party) campaign team. Joseph Muscat tweets on average nine times a day,

Malta

Malta's general elections in March 2013 were also fought on Twitter with incumbent @Lawrence_Gonzi and challenger @JosephMuscat_JM both exchanging blows in 140 characters.



Figure 13 Maltese Prime Minister on Twitter

mainly using a Blackberry.

What can diplomatic missions or diplomats improve in order to provide more access to public information at this first level?

From the diplomatic missions stand point of view this would mean that Embassies and diplomats in general, make any relevant public information released by the MFA and not only (strategic documents for public comments, projects and initiatives for consultation, open data, other) publicly available to their citizens regardless of where they are – in country or abroad. This could be done via the web pages of the Embassies, social media pages of the Embassies, or/and personal accounts on the social media of the diplomats accredited abroad. The traditional means shouldn't be neglected as well, given that not everyone is yet online and reaching every citizen who is going to be affected by a certain policy is crucial. One important element in this entire process is to provide all these in a 'clear language' for those whose feedback is being sought. Often, Government agencies, Ministries place documents for public comments, and later, complain that citizens do not provide any feedback or even if they do provide, this feedback is not a very qualitative one. One of the core challenges lies in the fact that most of the policy documents are written in a sophisticated and complicated language, often overloaded with terms and notions which are aimed at experts and consultants rather than at regular citizens. Clear language and especially clear administrative language is a civil right. It gives citizens the possibility to participate and have their voices heard. Issues meant to be common can be made common with the language. Good and open governance is about good language. Diplomatic missions and diplomats have a great role to play in delivering policy consulted documents to the diasporas in a clear language, especially to those who are on temporarily basis abroad and are still affected by the decisions the government makes back home. In case of Moldova this is very relevant given that there are unofficially more than 1 mln. of Moldovans working abroad (mostly in EU countries and Russia).

What are the current practices of Moldovan and Maltese diplomatic missions in terms of providing access and information to the Diaspora, civil society organizations, and the community at large in general from the lens of representatives of the diplomatic missions themselves?! Note: information provided in the table below is based on the surveys filled in by the missions.

Moldova	Malta
<p>Most commonly shared tools and practices of the Moldova missions relate to: press-releases, information being made available mostly on the Embassy’s page and on MFA’s page, interviews with Ambassadors, interacting with representatives of the diaspora, organizing cultural events, conferences, round table meetings, reunions, fairs, personal blogs of the Ambassadors, information billboards within the premises of the Embassies, mailing lists, via mobile, Skype, facebook and other social network tools. Last year, a National Bureau for Diaspora has been launched by the Government and it also serves as a bridge between citizens at home, diaspora and the missions abroad.</p>	<p>Maltese missions use a number of similar tools to interact, engage and inform their Diaspora by means of consular issues, organized Diaspora events and the Directorate for the Maltese Living Abroad (DMLA). A number of Maltese Diplomatic Missions publish periodical publications (in e-news or printed material format) and information is on the Ministry’s website. Visits of Maltese political personalities to Diaspora countries are planned and assisted by Mission officials.</p> <p>Diplomatic issues are a small portion of the news content provided.</p>

4.2 Level 2 Consultation

In order to receive feedback on any public policy documents, sectorial strategies, local initiatives, or any other, government should seek opinions and views of the citizenry. To receive citizens’ feedback it is important that government provides information to citizens beforehand and conducts a highly qualitative level 1. If the government manages to also make *open data* available in user-friendly, machine readable formats, in a disaggregated form – that would indeed facilitate a greater participation of citizens in the consultation processes.

However, consultation is not only about open data and having had access to information prior to it. Proper consultation implies both online and offline platforms where citizens could express their views/opinions on the issues being consulted. Some examples of public consultation tools include:

- Public policy - enabling / supporting citizens to engage constructively with policy makers on public policy issues.
- Public debate - enabling / supporting citizens to be aware of their civic rights and responsibilities, collectively deliberate on priority issues and/or express their opinions and concerns.
- Public budgets - enabling / supporting citizens to understand and influence decisions about the allocation of public resources, monitor public spending and hold government actors accountable for their management of public financial resources.

Physical space of the missions is an important element of the consultation component, along with how conveniently are they located in regards to where their beneficiaries are. When one talks about physical space, especially in the context of the diplomatic missions, many would argue given that the bigger the country the more difficult it is to get into the embassy, as it is built as a ‘fortresses’ rather than open, citizen-friendly spaces. “Architecture is inescapably a political art, and it reports faithfully for ages to come what the political values of a particular age were.” (Senator Daniel Patrick Moynihan, 1999)

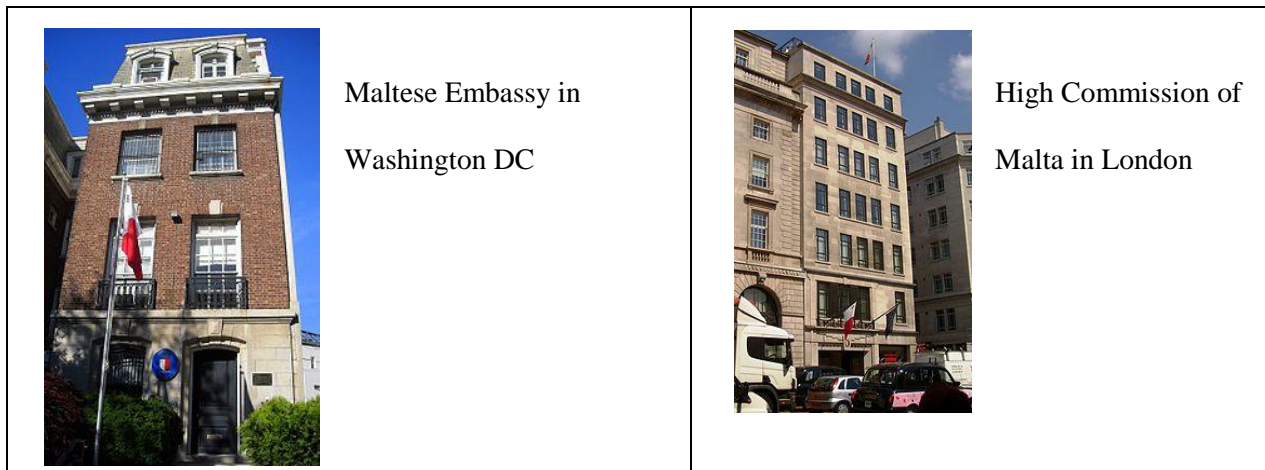
A reflective note on Embassies as “fortresses”. Neither Moldova nor Malta have the capacity, resources, and most probably the need to build fortress embassies. Their embassies are often located in small size building and most often with no security at all. So, in the context of the smaller states with limited budgets and limited diplomatic presence – there is no either the physical space for conducting consultation meetings or there is no staff who would be able to conduct an open, participatory and interactive consultation process.



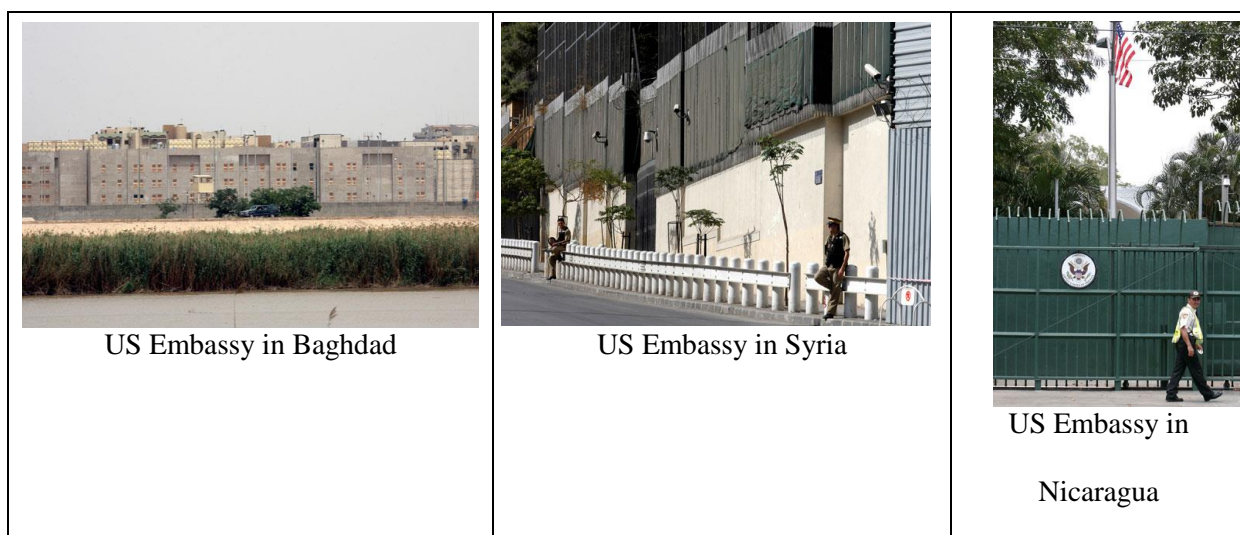
Moldova Embassy in UK



Moldova Embassy in Washington DC



One of the most eloquent examples of often labeled “fortress embassies” are US Embassies which are seen as heavy-handed and imperialistic.



With an open eye one could see their tall walls, numerous guards, thorough security checks – all limiting openness and interaction with the citizens, as the examples of Embassies in the above photos⁴³. And yet, U.S. diplomacy continues to function in these settings, regardless of the fact that US is one of the key founders of the Open Government Partnership and it is Obama’s Presidential Memorandum on Transparency and Open Government from back to January 21, 2009, instructing the Office of Management and Budget to promulgate an Open Government Directive. The memorandum established transparency, participation, and collaboration as the hallmarks of open government across the Government. Regardless of these, US Foreign Service personnel hosts visitors, interact with locals outside the walls, and provide citizen services, all despite the allegedly inaccessible nature of the

⁴³ Source of the pictures: <http://www.theguardian.com/world/gallery/2009/oct/29/us-embassy-buildings-security>

facilities of US diplomatic missions. Many still share that diplomatic missions look more like sterile military outposts than inviting, citizen-friendly diplomatic facilities. Even architects in Europe acknowledge the fact that the tendency for US to move its diplomatic missions to the outside edges of cities is "a very negative development". The only exception is the US Embassy in Berlin right next to



the historical Brandenburger Tor - an in-your-face, very secure fortress of a building, already fondly referred to by the people of Berlin as "Fort Knox", built as required along the new guidelines for standard US Embassy design which contractors have to follow.

The issue of the Embassies being ‘fortresses’ has two facets: on one hand should local officials raise complaints about fortress embassies, those complaints have to be heard. On the other hand, most local officials would prefer to work with a secure embassy over one which is open and unthreatening, but vulnerable. Having for examples a U.S. Embassy or consulate attacked is a disaster for the host country⁴⁴. While the goal of the US Open Government Initiative, in line with the USA’s commitments as part of OGP, is to make information and decision making processes in federal agencies accessible to citizen examination and input, and in so doing *create democratic structures* that “facilitate citizens' social and political judgment” about the outcomes of government work, diplomatic missions have to re-think the tools and approaches they use in fostering and promoting in practice this agenda. As Loeffler⁴⁵ wrote “the inaccessibility of these buildings coupled with the new standardized design, may be harming efforts to portray America as an open society.”

In his post on “Designing for diplomats: the architecture of paradoxes”⁴⁶ Jovan Kurbalija challenges the true citizen-engagement power of the fortress embassies and provokes us to imagine a day when embassies will be located at local bazaars where people mingle and interact freely. “It would certainly return diplomacy to its early origins”.

While it might be complicated to re-think the current architecture for the embassies from the perspective of the ‘bazaar’ type of engagement, open government principles by bringing more

⁴⁴ The Value of Fortress Embassies, by Nick Pietrowicz, a State Department Diplomatic Security Special Agent since 2002, who served previously as RSO in Chisinau (2008-2011) - http://www.afsa.org/Portals/0/value_fortress_embassies.pdf

⁴⁵ <http://janeloeffler.com/documents/49-FSJ-Embassy-Design-Security-vs-Openness.pdf>

⁴⁶ <http://www.diplomacy.edu/blog/designing-diplomats-architecture-paradoxes>

openness, participation and inclusiveness in the architecture of the embassies, there is still a great potential in re-thinking and re-designing ways diplomatic missions engage citizens in policy making. However, in doing so, one needs to look at both openness and security dimensions equally. “People in any government agency who are in positions of authority have to understand that the issue of security and openness are both important and they sometimes argue in opposite direction. It is those in authority who need to understand the importance of openness, to understand that it makes an enormous difference both symbolically and practically if a public building is welcoming to the public or if it shuts itself in a fortress” (Justin Breyer)⁴⁷

It is clear that missions have to find the right balance when it comes to decisions regarding security vs. physical space and ways this space could be more openly used for consultation purposes both with diaspora and the community at large. And even if the buildings are small, but friendly (like it is the case of Moldova and Malta missions abroad), one important element relates to the degree to which there is a diverse spectrum of methods and tools for the proper consultation. *Can missions be transformed into open ‘bazaars’ when the voice of the citizens needs to be heard? Are today’s missions ready for this?*

Below are responses from respondents on the tools missions use today to consult both diaspora, civil society and the community at large in general.

Moldova	Malta
<p>Most of the respondents highlighted that consultations carried by the missions are around migrant problems in the first place. This is done via face-to-face interaction, online communication platforms, newsletters, MFA and missions’ web pages, etc. However, the general observation relates to the fact that the perceived role of the mission is more about “informing” and “access to information” than it is about</p>	<p>Full consular support is available in most Missions in countries where most the Diaspora reside. The Council for the Maltese Living Abroad (CMLA) established by Act XX of 2011 provides the necessary legal <i>consultative tools</i> for the Diaspora through their respective councilors to formulate policy and address grievances. One of the respondents highlighted that: “Our Mission do not engage in public debates neither</p>

⁴⁷ <http://janeloeffler.com/documents/49-FSJ-Embassy-Design-Security-vs-Openness.pdf>

<p>“consultation”. Even if the “Law on transparency in the decision making process”⁴⁸ clearly states that all central public authorities and their subordinating agencies have to respect the law, which includes consultation of citizenry at different stages of the decision making process, application of this law by the missions remains mostly at Level 1 (providing access & information). One of the main arguments is that “we respond to the orders we get from our MFA in the first place”. However, one of the respondents shared that is familiar with www.particip.gov.md platform and refers to this platform when discussing with diaspora representatives. Note: this platform is a consultative platform set by the pro-European Government couple of years ago.</p>	<p>on foreign policy issues of Malta and less so on policy issues of the host country. Indeed we do not interfere in the sovereignty of host countries”.</p>
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Neither Moldova nor Maltese diplomatic missions have shared examples of consultations carried out via online tools such as thematic webinars, online meetings, others. Additionally, missions do not perceive their role as being the one to carry out consultations via round table meetings, or interactive public debates, or using open space technology - which could be embedded into the festivals and fairs the missions are organizing on a regular basis anyway. Missions do spend resources for festivals and fairs to share the national traditions, these events gather an impressive number of diaspora representatives and could be explored from the perspective of the open space technology indeed. The biggest advantages of these tools are:

- All the issues regarding a particular theme or subject matter that most relevant and important to the participants will be raised;

⁴⁸ <http://lex.justice.md/md/329849/>

- All of the issues raised will be addressed by those participants who are most qualified, with initiative and capable of getting something done on each of them;
- In a very short time one can get a very comprehensive list of most important ideas, discussion, data, recommendations, conclusions, questions for further analyses, and next steps well documented and ready to be shared with the rest of the community members and keep conversation going;
- Ownership for the implementation of at least some of the ideas will be much higher and there will always be volunteers to assume some tasks and responsibilities.

So, diplomatic missions especially those with reduced human capacity and resources could indeed explore on the potential of people interested to engage and assume certain roles and become open spaces, ‘open bazaars’ for their citizens to engage in policy dialogue around the most important to them issues.

4.3 Level 3 Participation in decision-making

Active participation in decision-making means that citizens themselves take a role in the exchange on policy-making, for instance by proposing policy-options. To propose different policy options, citizens need data to base their analyses on, to argue the different alternatives and solutions they are proposing. Most of the governments are representative democracies, in which the citizens elect representatives to run the government on their behalf and vote on matters such as the passing of laws. The Open Government debate brings participatory democracy into ‘play’. And the main difference between representative democracies and participatory democracies is that in participatory democracies, all eligible citizens can vote on these matters themselves.

In a participatory democracy, also called a direct democracy, every citizen gets engaged and has the opportunity to play an active role in the government. It was President Abraham Lincoln, who stated back in 1863 “that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.” Those words have been quoted ever since as the supreme vindication of representative government⁴⁹. For a representative government to be successful, it is considered that it must be localized in a region with a relatively small population, and from this perspective both Moldova and Malta have all the potential to build on

⁴⁹ <http://blogs.telegraph.co.uk/news/danielhannan/100246622/150-years-ago-today-abraham-lincoln-praised-government-of-the-people-by-the-people-for-the-people-but-the-words-were-not-his/>

it. This is because large numbers of eligible citizens are hard to coordinate/manage, and it could lead to endless debates and votes without actually getting anything concrete in the end. Citizens themselves must also have an active interest in the success of their governments for participatory democracy to be as effective as hoped.

A nationwide participatory democracy could be difficult to manage, in some contexts it may not work at all - particularly there, where authoritarian regimes have been in place for decades or more. Those contexts might need a sort-of-transition-democracy. However, the optimists see a great potential that modern technology could play in allowing citizens to have greater participation in government. There have been several initiatives during the past years on 'open cities', 'open capitals', - and actually many small towns within representative democracies use a form of direct democracy at their town meetings. Allowing each citizen on the town level a vote and a role in the government is believed to lead to a more active, caring and interconnected community. The participatory democracy model allows citizens to prioritize what is important to them, based on their real needs and context, rather than relying on representatives to address issues for them and decide what is important. So, this opens up opportunities for public debates, interactive community sessions on community problems, participatory sessions of different community groups to debate on areas of priority for funding, or for renovation, for subsidization, etc. Technology could indeed bring an additional value as it is through technology that opinion polls, 'voting' on community solutions, Yes/No polls could be organized and allow citizens to express their position vis-à-vis certain areas.

Are diplomatic missions today ready to play the role of facilitator of citizen engagement in policy making?! What are current practices of the missions of Moldova and Malta in this regards?

Moldova	Malta
<p>Respondents shared that the missions they represent make sure citizens/diaspora representatives are provided with all the facilities they need for voting (whenever elections take place in Moldova). It is intended to ensure a high quota of participation of diaspora in November 2014 Parliamentary elections, and conducting continuous evaluation/assessment of the degree to which diaspora community could contribute more actively to the implementation of the governmental policies and ways they could engage in advancing more actively the EU integration agenda. One concern raised was related to the fact that missions do not have the mandate to carry out citizen-engagement in policy making or decision making, rather ‘execute’ the MFA’s agenda.</p>	<p>Maltese respondents shared some of the next steps that missions could undertake in increasing citizen participation in policy making/decision making:</p> <ul style="list-style-type: none"> Increase awareness amongst Government Ministries and Departments of the need to rope in consulting the CMLA and the DMLA in all issues relating, directly or indirectly with the Diaspora issues; Diaspora will have the possibility to submit comments, suggestions and grievances to the DMLA; Increase videoconferencing meetings of CMLA; Reducing the timeframe gap between one Convention of the Maltese Living Abroad and another; The granting of voting rights to Diaspora on a local and European level by means of European Citizenship Initiatives and the Constitutional Commission; and, Malta will comply with a future EU Diaspora Policy.

4.4 Level 4 Participation in monitoring & evaluation

The broad spectrum of different online tools to help keep track of the quality of public services, to rank certain public institutions or servants, to vote for the most opened and committed authorities, to signal problems and areas which need immediate consideration – all these are part of monitoring and

evaluation processes which citizens should be able to engage in to keep their government officials accountable for their work/commitments/promises. Today, more than ever, there is a continuously growing recognition among governments and civil society that citizens and communities in general have an important role to play when it comes to enhancing accountability of public officials, reducing corruption and improving the quality of public service delivery. That is why, monitoring and evaluation, also framed as social accountability tools, are so crucial for the Level 4 of citizen engagement in policy making and they work best when both citizens and the public sector find mutual benefit and value in their use. Citizens can contribute a lot in improving transparency and influencing public sector decision making. Public officials benefit from transparent management and improved legitimacy. Thus, social accountability has become an attractive approach to both the public sector and civil society for improving governance processes, service delivery outcomes, and improving resource allocation decisions.

The effective delivery of public services to the citizens is crucial for poverty reduction and development goals. However, it is not enough to concentrate purely on ‘supply side’ mechanisms.

There is also a need to capacitate the ‘demand side’ of service delivery so that users of public services are better informed of their rights and are enabled to exercise their rights by monitoring the quality of public services and holding the government and service providers accountable.

Experiences from around the world have demonstrated that using information on the performance of service providers by both government and civil society actors can lead to considerable enhancement of public transparency and accountability which in turn leads to higher quality standards in service delivery.

Of course, tools applied for this purpose should be participatory in nature allowing citizens groups and communities to assess the performance of service providers and benchmark and monitor the quality of their services. Citizens transpose themselves into an ‘expert’ role and the good aspect about it in addition to the above, is that this helps to build the capacity of local people to analyze, reflect and take action. This process is not easy, particularly there were there is no ‘tradition’ of citizen oversight and Moldova is a very eloquent example in this sense. Having the legacy of the former soviet regime where citizens had no voice at all on any decisions made by the Government, makes it hard today to convince both the citizens and the public authorities for participatory monitoring and evaluation.

Often, resistance towards social accountability tools departs from a wrong understanding of the meaning/purpose and the fear that someone will be ‘named and shamed’ for the wrongdoings. As of today, 39 countries are already part of Global Partnership on Social Accountability (GPSA) – which supports civil society and governments to work together to solve critical governance challenges in developing countries. It aims to create an enabling environment in which citizen feedback is used to solve fundamental problems in service delivery and to strengthen the performance public institutions. Ultimately, this helps countries to improve development results and to reach the goals of ending extreme poverty and fostering shared prosperity⁵⁰.

Civil society⁵¹ has played an important role in having Moldova opt in GPSA back in November 2012 by coordinating all the steps of the process among civil society, government and the World Bank. Today, Moldova civil society is already implementing two important GPSA supported initiatives focusing on education and health care sector.

Here are some examples of most common social accountability practices which could be embedded by the diplomatic missions and MFA in general⁵²:

Government function (local or central)	Social accountability process	Examples of social accountability mechanisms and tools
Public policies elaboration, planning, strategy development	Participatory policy making: from planning to monitoring the implementation and evaluation	Local issue forums; deliberative polling; consensus conferences; public hearings; citizens’ juries
Budgets and Expenditures	Budget-Related Social Accountability Work	Participatory budget formulation; alternative budgets; independent budget analysis; performance-based budgeting; public education to improve budget literacy; public

⁵⁰ <http://www.thegpsa.org/sa/about/where-we-operate>

⁵¹ Coordination of the process was carried out by the civil society working group on e-Government/Open Government part of National Participation Council, lead by Veronica Cretu

⁵² Social Accountability Sourcebook, Chapter 3, Methods and Tools

		expenditure tracking surveys social audits; transparency portals (budget websites) ⁵³
Delivery of Public Services	Social Accountability in the Monitoring and Evaluation of Public Services	Public hearings; citizens' report cards; community scorecards; public opinion polls; citizen's charters
Public Oversight	Social Accountability and Public Oversight	CSO oversight committees; local oversight committees; ombudsman

In line with the above, what is the role of diplomatic missions in ensuring that diaspora and the citizenry in general get to have a voice when it comes to ways to improve public service delivery, policy making processes, and social accountability in general?

From the interviews and surveys filled in by the respondents of both Moldova and Malta diplomatic missions it is evident that missions do not see their role in ensuring citizen participation in monitoring and evaluation or in implementing any of the above tools or practices. From their perspective, the role of the diplomatic missions should limit at the first level – that of providing access and information!

However, missions could indeed play a much more role in ensuring citizen engagement in monitoring and evaluation and here are few examples:

1. Missions could provide representatives of the diaspora and of the community at large with the opportunity to express and share their feedback on the quality of the services delivered by the missions (both online and offline). Offline they should have simple, user-friendly surveys that could be filled in by those benefiting from mission's services. Online – a separate rubric on the mission's web page soliciting feedback on the service delivery, on the quality of the web page, seeking input on ways to improve both the page and the services of the missions would make a great difference. Right now these tools (at least the online ones) are not available.
2. Missions can act as 'facilitators' and 'intermediaries' of the citizen-engagement process in monitoring and evaluation related to any of these: public policy making, budgets & expenditure, delivery of public

⁵³ <http://wheredoesmymoneygo.org/> is one of the examples

services, and general public oversight. Missions could provide space (both online and offline) for diaspora and community at large to provide feedback on any public services, reforms, strategy implementation and delivery that feedback back home, to the Government (both local and central) via MFA, civil society networks and partnerships, donors. They should also place on their web pages banners of any relevant source of information/web page related to national participation platforms, interactive applications on education, health, roads, others.

To sum up on the four levels of citizen engagement: in order to implement the above four levels or stages of citizen engagement in policy making, one would argue that it requires a great deal of commitment, high level political support and significant improvements in the public sector. Public sector should embrace a long-term vision on citizen engagement in policy making, openness towards change, become receptive to new ideas and accept that good ideas might come from everyone and everywhere, and address the sensitive and pressing human needs. Public sector needs not only ‘open government reformers’ who are emerging out of the currently evolving OGP movement around the world, but also strong leadership and managerial skills across all the sectors, ethical public management systems which will guarantee their citizens credibility and trust.

In line with the above, Ministries of Foreign Affairs could start playing the ‘champion’ role in the public sector and be among the first Ministries in promoting ambitious open government reforms in their particular sector. As an example, in the Open Government Partnership member countries, Sweden⁵⁴ is one of the countries in which the entire open government agenda is coordinated by the MFA and some of the concrete examples of the type of commitments MFA is responsible for, include:

- Playing a leading role in the Building Block on Transparency;
- Contributing to further define the work towards an EU Transparency Guarantee;
- Implementing the commitments in the Busan Partnership document;
- Engaging in the Open Aid Partnership and promoting ICT4D;

In addition to the above, MFA could also engage more actively in promoting open government via parliamentary diplomacy.

⁵⁴ <http://www.opengovpartnership.org/country/sweden>

4.5 A note on the Parliamentary Diplomacy and Open Government

Both Malta and Moldova are parliamentary representative democratic republics and there is a great potential for the members of the Parliament to engage more actively in the Open Government Agenda. Open Government is still perceived by many government and civil society representatives in the OGP member countries as an agenda being predominantly ‘anchored’ within those public institutions that have to deal with e-government, e-services, open data, anti-corruption, transparency, much more than with the diplomacy in general. However, given the increasing interest today towards open government, good governance, democracy and diplomacy in general, this chapter has already addressed a wide range of modalities in which diplomatic missions could engage more actively in the open government work. Mainly, because when one thinks about diplomacy today, it is normally to address embassies and ambassadors as core actors in promoting the interests of their citizens in bilateral and multilateral matters, and provide citizens with venues to express their position vis-à-vis policies being made.

However, governments may have a different perspective on an international issue, such as open government for example, and here is where the representation function of a parliament in international relations comes into play. “Parliamentary diplomacy is the means by which two or more parliaments conduct an ongoing dialogue with regard to key international issues”⁵⁵.

Parliaments are one of the key state institutions of a democratic society which play a crucial role in the promotion of good governance, open government and democracy. Parliaments have the task to ensure “government of the people, by the people, for the people... “ (Lincoln, 1864) and in doing so, parliamentarians have to actively engage in developing and promoting laws, policies, and practices that promote open government, good governance and democracy.

Parliaments have to be open, transparent, inclusive and accountable. To be fully representative, there must be free and fair elections and citizens must have access to information about proceedings, legislation, policy and modalities they can engage in continuous dialogues around emerging and stringent issues with the parliamentarians.

Maltese Parliament for example, besides participating actively in European institutions and their activities, takes part in other international parliamentary fora, including the Parliamentary Assembly of the Organization of Security and Cooperation in Europe (OSCE), the Parliamentary Assembly of the

⁵⁵ <http://www.agora-parl.org/resources/aoe/parliamentaryinstitution/parliamentary-diplomacy>

Council of Europe, the Euro-Mediterranean Parliamentary Assembly (EMPA), the Inter-Parliamentary Union and the Commonwealth Parliamentary Association (CPA). Malta, along with Cyprus and Britain, remains an active member of the Commonwealth of Nations.

In Moldova, “Parliamentary diplomacy is getting better and better”, as per deputy Minister of Foreign Affairs, Iulian Groza (June 2014), “but there is a lot of work to be done still”.

Indeed, nowadays, parliamentarians should try their best at orientating themselves internationally. While for many Moldovan Parliamentarians this might be still challenging, given language barriers, others, Maltese parliamentarians have everything they need to do so. Given that one of the main duties of the parliament is to scrutinize government’s policies, including its foreign policies – because, it is mainly “that policy area has proven to be the most difficult area for parliament to check government actions and approaches in a satisfactory way.(Hamilton G, 2012). By engaging in "parliamentary diplomacy", they can attempt to reduce this "international democratic deficit" as best as possible”.

Additionally, parliamentary delegations can add “pluralism” to diplomacy, especially when different political coloratura is being brought together, which would indeed be an indicators of a healthy and well-functioning democracy.

Parliamentary diplomacy could be accomplished through two methods – institutionally or individually.

Institutional diplomacy is when the Speaker of a parliament takes part in bilateral and/or multi-lateral meetings with other Speakers to learn about key issues, to share, reflect and discuss about the impact of these issues and try to identify and promote solutions to them. There are networks of parliaments that promote such meetings. The Inter-Parliamentary Union is the largest network of national parliaments and holds regular workshops and assemblies to discuss various matters. The Commonwealth Parliamentary Association is the largest network in the world with both national and sub-national parliaments and is focused on countries that have some linkage to the Westminster system of parliament.

One of the core challenges of institutional diplomacy is seen in the fact that that the Speaker, shares the perspective of the entire parliament, while he may be from one parliamentary group. Which means that he/she may not be able to prioritize some issues that may be a priority for other representatives of the Parliament. In OGP there is a lot of talk these days about the open government reformers and here

is where the individuals' approach to parliamentary diplomacy could be accomplished - via networks of like-minded parliamentarians who might play a significant role in advancing their national open government agendas. These networks could provide key political actors within a country to have a better understanding of and appreciation for the challenges faced by political leaders from neighboring countries around their open government agenda.

Regardless of which method is employed, both can be a valuable means of dialogue and an alternative means of advocating for more ambition in open government. Members of the parliaments are key political actors who have both the power and the capacity to influence government decisions.

Currently, there is no evidence on Moldova or Malta addressing open government via parliamentary diplomacy.

This is definitely one promising opportunity for both countries, given that the increased democratization around the world and in the countries under the research, calls for more awareness and acknowledgement of the value parliamentary presence adds to the international debate and movement around open government.

5 Conclusions and recommendations

Open government agenda has been gaining more momentum over the past decade. It is widely acknowledged that greater openness and transparency benefits not only citizens but also government itself, by making decisions and services more efficient, safeguarding against corruption and misgovernment and increasing citizen-participation in policy making. The future of government is with the citizens, and today technology has empowered citizens by providing them with the opportunities to be more vocal, act as ambassadors of their communities and be able to challenge their elected ones about their capacity and openness to address public concerns and requests. It is no longer governments alone that will respond to these emerging developmental challenges – multi-stakeholder partnerships and groups are needed: Government to Citizens (G2C), Government to Business (G2B), Business to Citizens (B2C), Citizens to Citizens (C2C), Diplomats to Citizens (D2C), others. There is a lot of work done around getting citizens more aware of the rights they have when it comes to their governments and ways to engage with them. Just as an example, TI Ukraine, has prepared, as part of Open Governance project in Ukraine a visual illustration of how citizens could demand or influence their government:



Figure 14 TI Ukraine: influencing your government

The above figure, clearly illustrates both the demand for open government as well as the pressure that will be on the governments in the years to come. This paper has presented the current progress made around the open government agendas in Moldova and Malta, and addressed ways diplomatic missions

could be more actively promoting open government agenda in the years to come from different perspectives.

From the figure above it is obvious that open government is not all about the government/s?!

Open government without a corresponding increase in an informed, engaged citizenry is no solution and one of the first places to start focusing attention when developing a more inclusive and open government is on the people being governed. That is why one of the most critical questions to ask is what capabilities and information do *citizens* need most to meet the challenges they face and how can the government (both central and local) respond to these challenges?

While Malta has a very politically active population capable to scrutinize the government, Moldova's population is still very weak in this regards. One would argue that indeed, Malta has a long standing history of democracy, becoming independent from UK back in 1964, while Moldova is an independent country since 1991. However, both countries have a lot to work and improve on when it comes to their open government agendas and bringing their own citizens closer to the policy making processes.

Citizens have different means today to pressurize the government, and the government should be able to address those pressuring issues. Here are a number of recommendations which both Malta and Moldova could build on in order to have a successful implementation of their open government commitments:

Across the sectors both, Moldova and Malta:

- Broader access to government data and other documentation, the ability to contribute information and perspectives to decision making processes and the possibility of responsible engagement with government (be it local or central) on decision making processes are incremental democratic actions that lie at the heart of the open government;
- A substantially new and expansive approach to democratic governance may be implemented at local and central government level, supported by new technologies that may now significantly re-design and re-think the relationship between citizens and government;
- Policy documents across sectors have to be prepared and made available in a clear language for all citizens to be able to understand, respond and engage around them;
- Acknowledge parliamentary diplomacy as an important part of the foreign political activities of the parliamentarians, particularly around the issues of open government;

- Open government agenda is not just about the technology or the e-government, it is much more than that. Anchoring it in the human/culture/behavior related changes and reforms will lead towards success;
- Public sector needs more than ever open-minded, open-thinking reformers for an open government to be fully embraced. Reviewing the core competences needed today for the public servants to be able to address today's challenges is vital;
- Institutionalizing open government practices by both central and local governments is key: support for initiatives on open data, open schools, open health, open cities, open municipalities, others would help bring and develop new thinking and behavior patterns both in government and among citizens;
- Innovating beyond the technology – rethinking and re-designing frameworks and approaches related to policy making and citizens' role in this process is instrumental;

Opportunities for diplomatic missions of both, Moldova and Malta:

- Diplomatic missions are crucial actors in the democratization processes, and their role in open government should be strengthened more, starting from transparency, openness and accountability practices they could embed as part of their work and towards playing the role of the 'facilitator' of citizen-engagement in policy making, by building closer connections and 'bridges' among key stakeholders;
- Diplomatic missions could become part of broader public sector reforms by making open government data, services and decisions open – all enabling more collaboration and increased bottom-up processes, participative forms of public service design, implementation and evaluation;
- Diplomatic missions could become models of success among public sector institutions, and be at the heart of this transformation - by becoming more opened, working on the principles of collaboration, transparency and participation and functioning within an open governance framework;
- MFA and diplomatic missions in general, could embed the OGP planning cycle as part of the regular policy making cycle within the sector;
- MFA and diplomatic missions should participate more actively in the international and regional events dedicated to OGP, during which countries promote their country reports, updates and learn from the others.

Specifically on Malta:

- While Malta has solid mechanisms in place related to stakeholder consultation, efforts around these mechanisms, best practices, lessons learned should be made visible internationally as well;
- Should Maltese Government continue being interested in being a member of OGP not only de jure but de facto and play a more active role in the OGP, it should re-state its interest, conduct self-assessment report on the implementation of the country's first national action plan and appoint a specific government representative to be responsible for communication and outreach around OG. An IRM report should be conducted and that process should immediately feed into the elaboration of the second national action plan on open government;

Specifically on Moldova:

- Moldovan government should continue investing efforts around the implementation of the 2nd National Action Plan (for 2014) and elaborate the next plans in close partnership with the civil society;
- Ensure sustainability of the efforts around open government by working closely with Ministry of Education (in Moldova case) on the process of institutionalizing an 'open government' curriculum starting from primary grades to high school - infusing the concept across subjects such as "civic education";
- Moldova MFA could become the first central public institution to pilot the participatory approach to policy-making which will be elaborated as part of Moldova's second national action plan on Open Government throughout July 2014-July 2015, by the Government in partnership with Open Government Institute Moldova and e-Governance Academy of Estonia.

And finally, to conclude, an open government is a smart and responsive government.

It does not serve its citizens only via e-services or smartphones; it is transforming itself from inside by getting out of its "comfort zone" and is able to:

- Listen to its citizens their concerns, solutions, ideas, recommendations, needs and makes sure no one is left behind;
- Inform its citizens through all means and channels and ensures that information is available 24/7 in a clear, simple and understandable language;
- Engage with its citizens in policy making;
- Protect its citizens, especially the most disadvantaged ones – children, migrants, minorities, etc);

- Inspire and encourage by being accountable, getting things done on time;
- Learn – it learns from mistakes and changes, and thus, becomes more effective today than it was yesterday;
- Educate – an open and smart government educates and infuses new ways of thinking in its policies, initiatives and interaction with the citizenry: it educates by acting as a model of success.

So, an open and smart government is an on-going effort of internal organizational transformation until government institutions have expanded effectively beyond their “four walls” to have a 360 degree views of constituents⁵⁶. Diplomatic presence is needed in OGP now more than ever in order to be able to anchor national open government reforms more efficiently in the post-2015 development framework and not only. The role of the national open government reformers, including diplomats, could be crucial in helping improve the international negotiations around these issues.

⁵⁶ <http://idc-cema.com/eng/events/57151-smart-government-forum-2014>

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7 Appendixes - Sample of a questionnaire used for the purpose of research paper

Purpose of the research: The purpose of this research survey is to assess the degree to which diplomatic missions of Malta/Moldova follow and implement the principles of open and transparent government, endorsed by the Government of Malta/Moldova when joining the Open Government Partnership (OGP)⁵⁷ in 2011 and signing the Open Government Declaration⁵⁸. The main goal is to look into specific tools and practices applied by the diplomatic missions in deepening and broadening their engagement with citizens, into ways they engage citizens in decision-making processes both in home country and abroad including expatriates and immigrants, as well as contribute to any of the five Open Government Partnership grand challenges. The survey is intended for high level representatives of the diplomatic missions of Malta/Moldova accredited abroad, to governmental representatives of Malta/Moldova engaged in the Open Government Agenda and country's Action Plan on Open Government. Results of the survey will be used for the purpose of the dissertation paper on "The role of diplomatic missions in Open Government" and will serve as a foundation for conclusions and recommendations on the subject matter.

Research survey questions:

A) Maltese/Moldova diplomatic missions and citizen participation in decision making processes – current practices:

1. How do Maltese/Moldova diplomatic missions engage or interact with civil society on foreign policy, e.g. through parliamentary committees/parliamentary diplomacy?	
2. What are the current tools Maltese/Moldova diplomatic missions use to encourage public debates on diplomatic issues?	
3. What are the ways through which diplomatic missions inform local civil society about international negotiations?	
4. To what extent Maltese/Moldova diplomatic missions share about EU's diplomacy with local constituencies?	

B) E-diplomacy – how does it respond to citizen engagement?

1. Ways Maltese/Moldova diplomatic missions interact with expatriates and/or immigrants (local events, Embassy/consulate web page, social media tools, interactive applications, others)?	
2. What consular support is available to expatriates and/or immigrants to engage in decision making processes back home	

⁵⁷ <http://www.opengovpartnership.org/about> - Open Government Partnership (OGP)

⁵⁸ <http://www.opengovpartnership.org/about/open-government-declaration> - Open Government Declaration

(consultations on policy related documents, elections, other)?	
3. What are the future plans to increase the role of expatriates and/or immigrants in decision-making processes of the country of origin?	

C) Malta's/Moldova's Diplomatic missions and the five grand challenges of the Open Government Partnership (OGP):

- What are specific ways in which Maltese/Moldova diplomatic missions contribute to any of the five grand challenges of the Open Government Partnership:

<p>Improving Public Services—measures that address the full spectrum of citizen services including:</p> <ul style="list-style-type: none"> ○ <i>Health,</i> ○ <i>Education,</i> ○ <i>Criminal justice,</i> ○ <i>Water,</i> ○ <i>Electricity,</i> ○ <i>Telecommunications,</i> ○ <i>And any other relevant service areas, by fostering public service improvement or private sector innovation;</i> 	
<p>Increasing Public Integrity—measures that address:</p> <ul style="list-style-type: none"> ○ <i>Corruption and public ethics,</i> ○ <i>Access to information,</i> ○ <i>Campaign finance reform,</i> ○ <i>Media and civil society freedom,</i> ○ <i>Any other.</i> 	
<p>More Effectively Managing Public Resources—measures that address:</p> <ul style="list-style-type: none"> ○ <i>Budgets,</i> ○ <i>Procurement,</i> ○ <i>Natural resources,</i> ○ <i>Foreign assistance,</i> ○ <i>Any other.</i> 	
<p>Creating Safer Communities—measures that address:</p> <ul style="list-style-type: none"> ○ <i>Public safety,</i> ○ <i>Security sector,</i> ○ <i>Disaster and crisis response,</i> ○ <i>Environmental threats,</i> ○ <i>Any other.</i> 	
<p>Increasing Corporate Accountability—measures that address corporate responsibility on issues such as the:</p>	

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|--|--|
| <ul style="list-style-type: none">○ <i>Environment,</i>○ <i>Anti-corruption,</i>○ <i>Consumer protection,</i>○ <i>Community engagement,</i>○ <i>Any other.</i> | |
|--|--|

Thank you in advance for your support and cooperation!