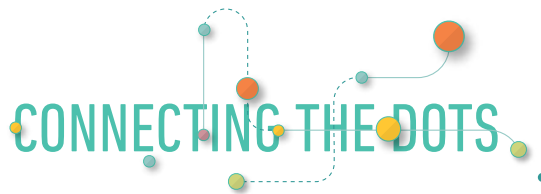


# CONNECTING THE DOTS

THE COORDINATION  
CHALLENGE FOR  
THE OPEN GOVERNMENT  
PARTNERSHIP IN SA



OPEN DEMOCRACY  
ADVICE CENTRE  
TRANSPARENCY IN ACTION



**THE COORDINATION CHALLENGE FOR THE OPEN  
GOVERNMENT PARTNERSHIP IN SA**

2016. Written by Gabriella Razzano, of the Open Democracy Advice Centre.  
Funding provided by Making All Voices Count.



OPEN DEMOCRACY  
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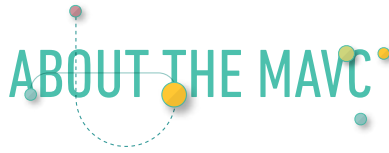
MAKING ALL  
VOICES COUNT

A GRAND CHALLENGE  
FOR DEVELOPMENT



2016

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# ABOUT THE MAVC

MAKING ALL  
VOICES COUNT

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FOR DEVELOPMENT

This research was conducted with the financial support of Making All Voices Count. Making All Voices Count is a programme working towards a world in which open, effective and participatory governance is the norm rather than the exception. This Grand Challenge focuses global attention on creative and cutting-edge solutions to transform the relationship between citizens and their governments. Making All Voices Count is supported by the U.K. Department for International Development (DFID), U.S. Agency for International Development (USAID), Swedish International Development Cooperation Agency, and Omidyar Network (ON), and is implemented by a consortium consisting of Hivos, the Institute of Development Studies (IDS), and Ushahidi. The programme is inspired by and supports the goals of the Open Government Partnership.

*Disclaimer: The views expressed in this publication do not necessarily reflect the official policies of Making All Voices Count or our funders.*

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# ABOUT ODAC



OPEN DEMOCRACY  
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The Open Democracy Advice Centre (ODAC) is a leading expert in access to information and freedom of expression in South Africa and on the continent. Registered in 2001, we have driven strategic litigation on the Promotion of Access to Information Act and Protected Disclosures Act, and remain at the forefront at parliamentary advocacy on laws relating to transparency and good governance. We also perform various forms of monitoring and research through applied and comparative research, which form the evidence-base for our other activities.

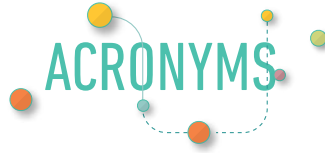
ODAC has been highly engaged in issues that relate to the Open Government Partnership (OGP) since its inception in September 2011. South Africa was one of the eight founding countries of the OGP; ODAC was engaged in submissions for the very first National Action Plan submitted by the South African government, and participated in the drafting of the subsequent two. We have also engaged in direct research activities in relation to the OGP previously, and completed a comparative review of the OGP in relation to other existing review mechanisms, which can be viewed here: [http://opendemocracy.org.za/images/docs/OGP\\_in\\_context\\_report.pdf](http://opendemocracy.org.za/images/docs/OGP_in_context_report.pdf).

ODAC believes that the OGP presents an incredible opportunity for the advancement of transparency in South Africa, if the process is implemented effectively. It provides an opportunity for exciting projects that “stretch government beyond its current baseline” to advance open government. However, for these projects and ambitions to become a reality, interdepartmental coordination needs to function properly.

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# ACRONYMS

**ATI** - Access To Information

**DPSA** - South African Department of Public Services and Administration

**IRM** - Independent Review Mechanism

**NAP** - National Action Plan

**OGP** - Open Government Partnership

**PDM** - Permanent Dialogue Mechanism



# ABSTRACT

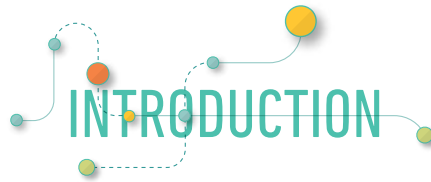
The Open Government Partnership (OGP) initiative stands as an important opportunity for the advancement of open government data domestically. Yet, a reflection on existing OGP initiatives seems to indicate that coordinating different government departments and agencies is not necessarily a priority. Coordination is difficult; thus, without focused and specific interventions, it will be challenging to achieve. Coordination needs to be a goal in and of itself.

This lack of coordination between governments and agents is especially concerning in the context of the need to advance open data commitments, which are so greatly enhanced when coordination is prioritised.

Coordination interventions therefore need to be developed, but they must be developed through a considered investigation of endogenous and exogenous factors that might be influential. By considering case studies, this research extrapolates lessons that might inform the promotion of open data commitments made under the OGP process in South Africa (clearly distinguishing between coordination of the OGP process more broadly versus coordination of specific commitments made), and the practical interventions that will achieve this. It is hoped that this demonstration of applied research might inform initiatives to enhance coordination in other national contexts as well. These interventions move beyond institutional solutions– such as the establishment of a Permanent Dialogue Mechanism (PDM) – as they seek to deal with both structural and individual concerns within the country-specific context.

It emerges that the OGP can have a role as an institution, and the domestic implementation of the process also presents a significant opportunity for the advancement of open government data. Considered interventions to drive coordination, however, must be established.

Please note that while some communications and responses from respondents have been cited within this research, this does not mean that those respondents sanction or endorse the research outcomes described.



# INTRODUCTION

In April 2016, Cape Town was host to the Africa Regional Summit of the Open Government Partnership (OGP). In his opening address, the new CEO, Sanjay Pradhan, differentiated strongly between the first five years of the OGP and the next five years.<sup>1</sup> The sentiment was simple: The next five years should focus on making real change in the lives of citizens, rather than on building the OGP itself. The OGP is, in other words, moving to an era of implementation.

Universally, implementation is so often the problem child in attempts to advance progressive policies and laws. Yet it is an area that doesn't necessarily have focused research that seeks to answer the more practical questions about promoting our ideals, such as *how* do we do this?

This research seeks to address specifically *how* implementation might be improved, through enhancing inter-departmental coordination on open data commitments. Worryingly, very little of the OGP conversation so far has practically considered how we can get a variety of departments (and not just lead agencies) to coordinate to make OGP commitments a reality.

Getting departments and agencies to coordinate can be challenging, but the experience in the South African OGP context suggests that exploring possible lessons in this area may be a necessity for future implementation. If we can't provide the full 'solution' itself, we can at least provide some proposals for enhancing coordination. In order to do this, we examine literature and participatory research, refined through specific case studies, to understand both the endogenous and exogenous contextual factors that may influence coordination, and propose interventions that may assist to advance the goal of coordination in these contexts. We do not attempt to "solve" interdepartmental coordination within governments; we simply seek to ascertain potential interventions that may help us improve coordination within the OGP domestic context in particular.

There is a distinct thematic reason that coordination has been brought to our attention within the OGP - because open government data is seen as a priority objective for OGP activities. Open government data as a policy area requires a particular focus on coordination, and it is our central hypothesis that, if we cannot get departments to work

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<sup>1</sup> Pradhan, S. (2016), "Opening Remarks: Civil Society Day", *Open Government Partnership Africa Summit, 4-6 May 2016*, Century City Conference Centre, Cape Town.



together on the OGP, we certainly won't be able to get them to share data in a meaningful way. Open data projects present a microcosm of the broader structural problems between agencies and departments that prevent them from functionally collaborating.

## INTRODUCTION TO THE OGP (AND OGP COORDINATION)

As the OGP is the policy space in which we research, it is vital to provide a brief outline of its structure and functioning.<sup>2</sup> It is also worth establishing to a level the *status quo* of the OGP in relation to coordination efforts presently undertaken by countries. Established in 2011, largely under the political leadership of President Obama of the United States, the OGP is a multilateral initiative, which aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance.<sup>3</sup> There were eight founding countries, one of which was South Africa. There were, at the time of drafting this, 70 countries voluntarily participating in this initiative.<sup>4</sup>

In order to participate in the OGP, through a voluntary mechanism, countries are required to meet “minimum eligibility criteria” based on their achievements in four broad transparency areas: Fiscal transparency, access to information, public officials’ asset disclosures, and citizen engagement. Once a country is eligible, it sends a letter of intent to the OGP (and signs the OGP Declaration), then begins the process of consultation required to develop a set of commitments encompassed in a National Action Plan (NAP). These commitments need to “stretch beyond current practice” in advancing transparency in that country.

A core function of the OGP is acting as a review mechanism, which monitors the degree of fulfilment of self-assigned commitments of participating governments.<sup>5</sup> This is done through an independent review mechanism (IRM) that monitors participating countries’ implementation of OGP commitments according to each country’s NAP. The IRM compiles annual independent reports for each participating country, with the aim of increasing “national-level dialogue and inter-country conversation”.<sup>6</sup>

2 Open Government Partnership (2016) *About*, available at <http://www.opengovpartnership.org/> (accessed 07.07.16).

3 Ibid.

4 Open Government Partnership (2016) *Participating Countries*, available at <http://www.opengovpartnership.org/countries> (accessed 07.07.16).

5 For a comprehensive review of how the OGP functions within the context of, and in comparison to, other human rights review mechanisms, see Razzano, G. (2015) *A Review of Reviews: Considering the Open Government Partnership in context* (South Africa: ODAC), available at: [http://opendemocracy.org.za/images/docs/OGP\\_in\\_context\\_report.pdf](http://opendemocracy.org.za/images/docs/OGP_in_context_report.pdf) (accessed 26.05.16).

6 Open Government Partnership (2016) *About the IRM*, available at <http://www.opengovpartnership.org/irm/about-irm> (accessed 25.07.16).

This is important for our research. While participation in the OGP forms a sort of government project that, when domestically implemented, replicates pre-existing government processes, the OGP itself also has its own particular stages and requirements; most noticeably, a demand for public participation at all stages of the process (drafting, signing, and even implementation). Furthermore, civil society is in fact embedded within the OGP's own structures, with civil society representatives sitting on the Steering Committee alongside government representatives. More specifically, it emerges that there are two main types of interdepartmental coordination stages to bear in mind: Coordinated participation in the OGP generally during development of commitments and other participation stages (such as representation in Summits), and coordinated participation in the implementation of *specific* commitments.

Looking at the current OGP environment for inter-departmental coordination, governments typically elect a lead agency to coordinate the OGP process, and individual lead agencies to implement specific commitments. Looking at South Africa as an example, the lead agency for the OGP is the Department of Public Services and Administration (DPSA). When a commitment is drafted in the required OGP template, other departments with which the lead agency will need to work with must be specified. In practice, however, this step does not aid coordination, given the cursory manner in which it is undertaken by drafters. In the current OGP Plan for South Africa,<sup>7</sup> there is a specific commitment to develop a pilot government open data portal, which is being led by the Chief Director of E-Enablement, in the DPSA. This portal has ambitions for a variety of data sets from “across the three spheres of government, enabling citizens and businesses to easily access government data”. This would of course include data from both horizontally and vertically divergent agencies and departments. Yet, when providing details of the other agencies that will be engaged with on the implementation of the commitment made, they are phrased as succinctly as: “GCIS, Innovation Hub, DTI”.<sup>8</sup> A cursory examination reveals a concerning lack of considered coordination at this preliminary stage. This is not unique to South Africa; in Canada's most recent NAP, also relating to its commitment to an open data portal, the other agencies are sparsely referred to as: “Treasury Board of Canada Secretariat working with provinces, territories, and municipalities”.

7 Department of Public Services and Administration (2016) *The 3rd South African Open Government Partnership Country Action Plan, 2015-2017*, available at <http://www.opengovpartnership.org/country/south-africa/action-plan> (accessed 26.05.16).

8 The GCIS refers to Government Communications and Information Services (a Ministry), Innovation Hub (a tech hub partnership between Gauteng Provincial Government and businesses), and DTI as the Department of Trade and Industry (a Ministry).

We can at least take a broad and preliminary snapshot of how coordination is currently being initiated through the data available from the OGP IRM reports, which focus on how the process of the OGP has been undertaken in different countries.<sup>9</sup> A review of the OGP Explorer<sup>10</sup> shows that only 19.6% of reviewed countries have a forum for regular dialogue between departments. These forums take a variety of structures, for instance:<sup>11</sup>

- **Canada: OGP Advisory Board;**
- **Georgia: Mixed Steering Board with rotating chairmanship;**
- **Ghana: Multi-Stakeholder National Steering Committee in line with the international one;**
- **Mexico: Technical Secretariat composed of a member of civil society and representatives from two government agencies;**
- **Peru: Multi-Sectorial Commission to follow-up the country's action plan composed of 5 government agencies and five civil society representatives;**
- **United States: Government/civil society teams around specific commitments.**

The data available for countries that have been IRM assessed demonstrates that generally (95%), countries *administer* OGP solely through one branch of government. In 81% of the countries reviewed, there was a single lead agency for leading/managing the OGP process (replicated in South Africa for instance). Furthermore, a President or Prime Minister was directly involved in the OGP in 47% of the cases, and in all but one of the countries reviewed (Georgia) the executive government was involved in the drafting or implementation of the OGP plan.

More specifically, only 72% of countries had multiple government agencies or a working group involved in their OGP process. The reason I describe this as 'only', is because it says nothing about the level or degree to which those agencies in fact participated. It would surely not be unreasonable to assume that significant portions of agencies within those three quarters were only involved in a cursory manner. Outside of that speculation, and more troubling, how can a quarter of the countries participating in the OGP only involve a single agency, when their commitments are required to be ambitious and crosscutting?

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9 This is made freely available as data through three forms of databases accessible here: <http://www.opengovpartnership.org/irm/irm-reports> (accessed 26.05.16).

10 The OGP Explorer is a tool, created by the OGP, which collates all the IRM data in one central portal, and provides simple tools for analysing that data online.

11 Open Government Partnership (undated) *Civil Society Engagements*, available at: <http://www.opengovpartnership.org/how-it-works/civil-society-engagement/implementation#sthash.WSLM2EZh.dpuf> (accessed 26.05.16).

## RESEARCH QUESTIONS

United States: Government/civil society teams around specific commitments. Considering this introductory background, this research sought to answer three core research questions, namely:

1. Do open data commitments require coordination to be effective?
2. If the answer to the first question is yes, or even maybe, by looking at cases of the best and worst practice in relation to inter-departmental coordination for implementation of OGP commitments, can we determine lessons that can be applied to advance South Africa's commitments?
3. Relatedly, can interventions such as the OGP process, or more specific solutions, enhance the potential for inter-departmental coordination, or are exogenous contextual factors (such as political or legal factors) too influential?

While the third question seems to be a pre-requisite for answering the second question, we believe this cannot be assumed. The third question seeks a degree of universality, whereas the second limits itself to South Africa. These questions can be summarised as broadly considering whether institutional arrangements can impact on pre-existing domestic contexts, when coordination of open data is required.

We examine these questions within the South African context, because of South Africa's particular history of its OGP participation. In spite of joining the OGP in 2011 with a NAP, Cabinet approval of the commitments was not obtained in the first year after the process was initiated. This gave rise to a seemingly intractable problem: How can departments be expected to implement commitments that involve them, which for all intents and purposes they know nothing about?

## METHODOLOGY

The selected methodology for this research was heavily influenced by its roots as practitioner-based participatory action research.<sup>12</sup> Given the desire to both leverage the lived experience in this area of work, and also focus on identifying practical opportunities for existing practitioners in the area, it was clear that a qualitative framework would be the most appropriate.<sup>13</sup> The framework was guided by the research questions.

To explore the preliminary considerations on the OGP, open data, and South Africa in particular, we undertook desktop research into the theoretical background, and more specifically into case studies that might produce insights into factors worthy of consideration in the South African context. In order to provide greater detail and insight, this was supplemented with interviews and event participation.

12 Babbie, E. and Mouton, J. (2004) "The Practice of Social Research" (South Africa: Oxford University Press), p.64.

13 Ibid.

The *status quo* of coordination strategies in the OGP demonstrated that it was not a strongly structured or frequently considered area of work. Consequently, the interviews remained semi-structured for two key reasons: Firstly, to build trust and ease between interviewer and interviewee and improve the potential conversation flow, and secondly, because we did not wish to block ourselves off from areas of inquiry we may not have properly foreseen during the initial stages of our research design.<sup>14</sup> This is consistent with standard qualitative interview techniques:

*“Design in qualitative interviewing is iterative. That means that each time you repeat the basic process of gathering information, analyzing it, winnowing it, and testing it, you come close to a clear and convincing model of the phenomenon you are studying... The continuous nature of qualitative interviewing means that the question is redesigned throughout the project (Rubin and Rubin, 1995:46-47).”<sup>15</sup>*

While questions were iteratively developed in response to both previous interviews and specific contextual factors, the semi-structured interview questions that guided the process were developed considering the three main research questions, and were outlined as:

- What makes opening government data successful?
- What are the challenges of opening government data?
- Can you provide examples of successful inter-departmental coordination?
- How have you experienced inter-departmental coordination?
- How has the Open Government Partnership functioned?
- How does the Open Government Partnership contribute to, or derive from, the goal of open government data?

The event attendance formed part of the action research methods incorporated. These events were attended both as opportunities to identify more interviewees or other information sources, and to participate in the research area and develop learning outcomes from that participation. Specific events attended included:

- The OGP Africa Regional Summit, 4-6 May 2016, hosted at the Century City Conference Centre, Cape Town, with specific panel participation at:
  - Financing the Implementation of the OGP (5 May, 16:00); and
  - Accountability for Results: APRM and OGP synergies for governance accountability in Africa (6 May, 09:00).
- The Data Technical Working Group Meeting (Economies of Regions Learning Network (ERLN)), 18-19 April 2016, hosted at the DoubleTree by Hilton Hotel, Cape Town.

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<sup>14</sup> A list of the interviews, and relevant details, are contained in Appendix B.

<sup>15</sup> Ibid, p. 289.

The selection of the case studies was also iterative, deriving from the literature, interviews and event attendance. As mentioned above, few countries have specific coordination mechanisms, which meant the sample pool of case studies was small. However, our first case studies were selected particularly on the basis of the strength of their open data focus (hence the selection of Canada and the United Kingdom). We also included local case studies in South Africa, in order to gain first-hand knowledge of the South African context for coordination. After attending the OGP Africa Summit, we were alerted to the interesting comparisons with Malawi that could be drawn – made all the more interesting by that country’s recent joining to the OGP process.

We used our practical interventions in the OGP, facilitated by event attendance and interviews, to draw considered context-specific results and recommendations. The objective underscoring the research questions - to identify practical recommendations and considered intervention points - mitigated against being drawn too strongly to academic concerns.

## **ASSUMPTIONS**

There is an assumption that coordination between departments would result in better implementation of open data projects. There is also a more fundamental assumption: a belief that there are lessons that can be derived on coordination that will have a general application, as opposed to being South African-specific. In reflecting on this assumption, though, we have chosen to limit our recommendations to non-exhaustive factors, which can be *considered* in implementatio (and would need to be tested) rather than provide exhaustive pre-requisites.



# BACKGROUND THEORY AND LITERATURE

## INTRODUCTION

At its simplest, inter-departmental coordination aims to coordinate different agencies towards achieving **common goals**.<sup>16</sup> This is seen as beneficial, as it improves service delivery, reduces expenditures, and ensures inter-sectoral responses to inter-sectoral problems.<sup>17</sup>

There is a significant amount of literature devoted to coordination. However, it is worth noting that there is little indication of specific types of coordination structures that are *a priori* necessary conditions for effective coordination, with endogenous and exogenous contextual differences often being influential.<sup>18</sup>

This also goes some way to validating our chosen objectives: We have chosen to only explore contextual factors and possible interventions, rather than prescribe a definitive coordination necessity. This is also useful for advocacy objectives.<sup>19</sup>

Accordingly, the background literature is first examined in order to outline problems with coordination. Then, exploring possible intervention types and considerations, these are divided into those that focus on institutional or structural interventions, and those that focus more directly on interventions that target the agents or individuals that shall coordinate. The background literature is then used to demonstrate the links between coordination and open data.

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16 Serrano, R. (2002) *What Makes Interagency Coordination Work? Insight from the Literature and Two Case Studies* (Inter-American Development Bank: Washington), p. 1.

17 Ibid.

18 Serrano (n 16) p. 6.

19 Bakvis, H. and Juillet, L. (2004) "The Strategic Management of Horizontal Issues: lessons in Interdepartmental Coordination in the Canadian Government", presented at *Smart Practices Toward Innovation in Public Management*, June 16-17 2004, Canada, available at: <http://faculty.arts.ubc.ca/campbell/sog-conf/papers/sog2004-bakvis-juillet.pdf> (accessed 26.05.16).

## PROBLEMS WITH COORDINATION

The problem with coordination in the public sector is that it is potentially complicated by the powerful social and political forces at play, which may influence how specific groups coordinate.

Many of the problems stem from the very nature of organisations themselves, and have been noted to be:

- “Each agency seeks to preserve its autonomy and independence;
- organizational routines and procedures are difficult to synchronize and coordinate;
- organizational goals differ among collaborating agencies;
- constituents bring different expectation and pressure to bear on each agency”.<sup>20</sup>

These are at heart problems of power, and discussions of power in this context are far from esoteric. Organisations seem to rile against coordination, which is not surprising to some degree, since organisations are comprised of individuals, and power has direct behavioural impacts on individual agents within organisations. Certainly, then, *assuming* agencies (and their agents) will coordinate and automatically embrace shared goals, is not the correct starting point.

Exploring ideas of power provides a good theoretical background for understanding the issues around coordination. A useful understanding of power defines it as “...the network of social boundaries that delimit fields of possible action”, as opposed to freedom which allows the boundaries to be defined.<sup>21</sup> Thus, power is what limits or constricts. In a very real sense, power can be exerted through laws, or simply through pressure. And, as will be demonstrated later when we consider the ERLN case study, *perceived* boundaries – when officials presume that laws may limit their power to act – can mean individuals are less willing to coordinate on sharing open data (or even other forms of information).<sup>22</sup>

How departments and agencies “account” and are evaluated also impacts coordination. Traditional accountability frameworks tend to focus on internal departmental practices, which act as a “disincentivisation” for “horizontal practices”.<sup>23</sup>

It thus clearly begins to emerge that there are behavioural, as well as structural (political factors, policy issues, organisational issues) inhibitors to policy integration.<sup>24</sup> Conversely, this may also mean that there are opportunities for improving coordination in similar areas.

20 Weiss (1987) cited in: Serrano (n 15) p. 1.

21 Gaventa, J. (2006) “Finding the Spaces for Change: a power analysis”, *IDS Bulletin*, 37: 6 November 2006, 23-33, p. 26.

22 Data Technical Working Group Meeting (Economies of Regions Learning Network (ERLN)) 18-19 April 2016, hosted at the DoubleTree by Hilton Hotel, Cape Town.

23 Bakvis and Julliet (n 19) p. 13.

24 Meijers, E. & Stead, D. (2004) “Policy integration: what does it mean and how can it be achieved? A multi-disciplinary review”, presented at Berlin Conference on the Human Dimensions of Global Environmental Change: “Greening of Policies – Interlinkages and Policy Integration”, available at: [http://userpage.fu-berlin.de/ffu/akumwelt/bc2004/download/meijers\\_stead\\_f.pdf](http://userpage.fu-berlin.de/ffu/akumwelt/bc2004/download/meijers_stead_f.pdf) (accessed 02.02.16), p. 6.



# OPPORTUNITIES AND INTERVENTIONS

## INTRODUCTION

In the general literature, significant attention is paid to specific forms of opportunities for enhancing coordination. Underscoring these is the understanding that, by intervening at certain stages and in certain thematic areas, we might be able to correct the political environment to facilitate coordination.

## INSTITUTIONAL AND STRUCTURAL ARRANGEMENTS

### *Questions on leadership and centrality*

It is not uncommon for 'top-down' approaches of organisational and departmental management to be frowned upon, not only in terms of coordination, but for their broader efficacy. However, political leadership is needed to drive cooperation in government, and also to provide authority for decision-making in coordination structures when they exist.<sup>25</sup> Such political leadership needs to focus on driving *coordination* itself, not just the shared goals a group of agencies or departments might wish to achieve.<sup>26</sup>

Having a central agency can be a vehicle for providing leadership within a policy-type structure (in our examples, either within the OGP or the national embodiment of the OGP). Central agencies have been shown to have a profound impact on the scope of management within departments to drive coordination, largely because they take the lead on driving a particular policy.<sup>27</sup> When we consider standard government policy making procedures, there is a reason why a specific department usually drives the policy agenda: It responds to a specific problem, but can also act as a champion for ensuring the policy is led through all the required channels. However, coordination of mechanisms like the OGP is different; they require coordination in the development of the programme itself, making coordination an even higher priority than in other policy environments.

A central agency can almost be viewed as a “necessary evil” for providing the will, as well as the tools for coordination as part of its programme-leading function.<sup>28</sup> Building trust, regardless of the structures selected, is a central activity for ensuring coordination.<sup>29</sup>

25 Bakvis and Juliet (n 19) p. 14.

26 Meijers and Stead (n 24), p. 8.

27 Bakvis and Juliet (n 19), p. 5.

28 Ibid, p. 13.

29 Bardach, E. (1998) *Getting Agencies to Work Together: The Practice and Theory of Managerial Craftsmanship* (Washington, DC: Brookings Institution Press) p. 275.

## ***Coordination structures***

When joint policies are required, or joint implementation of programmes envisioned, the organisational solution is typically to set up particularly focused structures. Inter-ministerial committees for policies, and task teams for thematic and project concerns, are seen as an institutional solution for facilitating coordination and dialogue.

When we consider coordination structures within vertical and horizontal coordination ambitions more directly, we see that bureaucracies can use their strengths to remedy their weaknesses – by encouraging bureaucrats to design simpler and better bureaucratic systems to reach the common goal identified for coordination.<sup>30</sup> This is a continuation of some of the issues considered when reflecting on leadership; coordination needs to be an end in and of itself.

How a coordination structure is set up – for instance its size or demography – has been shown to impact its effectiveness.<sup>31</sup> How a structure is arranged should thus consider what the structure *seeks to achieve*. Research has provided its own definition: “Involve only those who are indispensable”.<sup>32</sup> When we reflect on this, it begins to seem necessary that a structure which is established to facilitate the OGP *policy making* aspect will have different requirements to structures that seek to facilitate *specific* OGP commitments. All the while, the efficacy of the structures will remain guided by the shared goal.

The OGP promotes as best practice a need for all countries to establish a permanent dialogue mechanism (PDM) or a Multi-Stakeholder Forum for the OGP in the country, to ensure effective implementation.<sup>33</sup> While spoken about largely in terms of government and civil society collaboration, a variety of different options have been incorporated in different countries, but (as addressed earlier), less than 20% of the countries in fact have a forum for regular dialogue.

## ***Communities of knowledge and practice***

As mentioned, coordination cannot simply be achieved with a top-down approach. Thomas tellingly notes in considering different forms of government coordination structures that having the President, or top-level inter-agency committees, taking the lead, will not be enough to ensure coordination; it may simply be enough to provide the appearance of coordination.<sup>34</sup>

30 Serrano (n 16), p. 12.

31 Ibid.

32 Meijers and Stead (n 24).

33 A report on Multi-Stakeholder Forums will soon be released by the OGP IRM and will be available for download from here: <http://www.opengovpartnership.org/how-it-works/civil-society-engagement/implementation>.

34 Thomas, C. “Public Management as Interagency Cooperation: Testing Epistemic Community Theory at the Domestic Level.” *Journal of Public Administration Research and Theory*, J, 7: 2, 221-246, p.223.

Studies have indicated that *solving a pressing problem* is the most important incentive for promoting coordination.<sup>35</sup> Within the OGP, this clearly has interesting and important implications. The “global crisis of accountability”, which motivated the establishment of the initiative, can serve as a powerful central motivator for discussions on coordination. This does mean, however, that active steps should be taken to demonstrate directly to those we wish to participate in sharing open data *how* this data contributes to accountability.

Investing energy in infrastructural concerns may not be sufficient; rather, successful case studies demonstrate that it is *epistemic* communities, i.e. communities of knowledge and expertise that support each other, which form the most successful examples of inter-agency coordination.<sup>36</sup> While the term epistemic is very particular to certain academic environments, it is the idea of communities centred around knowledge that should be focused on. Interpersonal connections are key to driving real coordination.<sup>37</sup> It is not surprising that “shared expertise” acts as a conduit for coordination, given the ease with which group goals can be identified.

## INDIVIDUAL AND AGENT TARGETED ARRANGEMENTS

### *Incentivising*

Coordination might be achieved through incentivising participants in a policy or programme environment to coordinate. This is partially based on the assumption that coordination goes against ‘natural’ organisational behaviour, and must be actively encouraged. The incentive types available have been summarised as:

1. Financial advantage;
2. Political gain;
3. Professional values;
4. Problem solving, i.e. being incentivised by more effective performance;
5. Uncertainty reduction; and
6. Legal mandate.<sup>38</sup>

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35 Serrano (n 2) p. 2.

36 Thomas (n 34), p. 246.

37 Bardach (n 29), p. 268.

38 Serrano (n 16), p. 2.

We see here that the researchers consider incentivisation in terms of motivation – seeing the first three as voluntary forms, and the last three as ‘forced’ forms.<sup>39</sup> This is such an important piece of research, because it prioritises a form of voluntary condition as the best type of incentive intervention, i.e. problem solving. It makes it clear that we first need to get agencies to *agree* to coordinate.<sup>40</sup> It is considered a pre-condition.

There are other forms of incentivisation worth considering, such as financial advantage through shared funding, or through individuals’ performance management. Financial feasibility has been publicly touted as a direct inhibitor of OGP implementation; so if group funding can be facilitated from the budget, it would naturally seem like a strong incentive for fostering coordination.

### ***Communication strategies***

Not surprisingly, communication emerges as a strong theme within the public administration research on coordination. Another friendlier term for communication is “information exchange”, which clearly bears resonance in an open data context.<sup>41</sup> So what are the communication strategies proposed for coordination? Meetings are a common method used, as is email communication.<sup>42</sup> Face-to-face meetings – if well utilised – can foster innovative thinking, which is especially beneficial at the stage of policy design and planning.<sup>43</sup> Innovation requires “...a ‘spaghetti model’ where the skills in weaving the strands together are what matters”.<sup>44</sup>

Committees, or similar institutions, play a key role in fostering inter-organisational dialogue and the exchange of information as a physical manifestation of communication.<sup>45</sup>

## COORDINATION AND OPEN DATA

Preliminary examinations of the literature also provide substance for considering the links between coordination and open data, which our research hypothesis to some degree assumes. At its simplest, we can see that organisations will need to coordinate at the very least to provide a variety of data sets.

39 Ibid, p. 8.

40 Ibid, p. 9.

41 Bakvis and Julliet (n 19), p. 4.

42 Ibid.

43 Bessant, J. and Venables, T. (2010) *Creating Wealth from Knowledge: Meeting the Innovation Challenge* (UK: Edward Elgar Publishing), p. 387; Agranoff, R. (2012) *Collaborating to Manage: A Primer for the Public Sector* (USA: Georgetown University Press).

44 Ibid.

45 Bakvis and Julliet (n 19), p. 14.

## Moldova

Moldova's key open data project, the Open Government Data initiative, was established in 2011.<sup>46</sup> The Open Government Partnership was leveraged to grow the initiative (with Moldova submitting its first NAP in 2012), with a direct development being the establishment of the Civil Society Working Group on E-Government/Open Government.<sup>47</sup> Yet, a key challenge to the open government data environment was the different standards of data collation and retention used, and most pertinently: "There is no inter-departmental coordination within institutions in opening data".<sup>48</sup> This proved a challenge given the significant amount of data sets the main portal sought to collate.

There are also practical, technical considerations, such as those of linked data. Good data is linked to other relevant data. This requires data to be in standardised formats, and to be centrally housed so it can be organised and categorised, as well as using consistent schematics. Open data won't be possible, and *good* open data won't be possible, if departments cannot work together to generate and provide it. Data collection and classification needs to be harmonised so that statistics are comparable, vertically and horizontally.<sup>49</sup> The United Kingdom open data portal was cited as an example of where linked data needed to be undertaken as a considered project, because the government had not adequately coordinated with that in mind in the preliminary stages.<sup>50</sup> Open government data is not a "rigid government IT specification", but rather demands *productive* dialogue among data providers, users, and developers.<sup>51</sup> In other words, the technical conundrum is also a very human one; an open data portal will require very specific conversations, by very specific communities, in a coordinated manner.

46 Manolea, B. and Cretu, V. (2013) "The influence of the Open Government Partnership (OGP) on the Open Data discussions", *ePSIplatform Topic Report* No. 2013 / 10, October 2013, available at [https://www.europeandataportal.eu/sites/default/files/library/201310\\_the\\_influence\\_of\\_the\\_ogp\\_on\\_the\\_open\\_data\\_discussions.pdf](https://www.europeandataportal.eu/sites/default/files/library/201310_the_influence_of_the_ogp_on_the_open_data_discussions.pdf) (accessed 08.07.16), at 12.

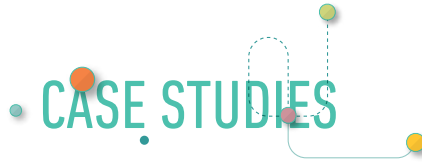
47 Ibid, p. 14.

48 Mazilo, V. (2014) *Open Data Initiative in Moldova – what are the key challenges as of today?!*, available at: <http://opengov.si.md/507-open-government-and-transparency-in-decision-making/> (accessed 26.05.16).

49 Mo Ibrahim Foundation (2016) *Strength in Numbers: Africa's Data Revolution*, (Mo Ibrahim Foundation: Dakar), available at <http://s.mo.ibrahim.foundation/u/2016/05/16162558/Strength-in-Numbers.pdf> (accessed 26.07.16).

50 Shadbolt, N. et al. (2012) *Linked Open Government Data: Lessons from Data.gov.uk*, available at <http://eprints.soton.ac.uk/340564/4/Linked%20OGD.pdf> (accessed 26.05.16).

51 Ibid, p. 9.



## INTRODUCTION

Case studies from a variety of contexts were examined, in order to consider in more detail the influence of endogenous and exogenous factors on coordination, and to inform coordination structures and interventions.

## INTERNATIONAL CASE STUDY: CANADA

### COORDINATION STRATEGIES

Canada is an interesting case study both generally and for its specific OGP involvement. A 2004 paper titled *“The Strategic Management of Horizontal Issues: Lessons in Interdepartmental Coordination in the Canadian Government”* analysed different strategies undertaken in the Canadian context to enhance coordination. These were namely the “Innovation Strategy”, the “Urban Aboriginal Strategy”, and the “Climate Change Policy and Climate Change Secretariat”.<sup>52</sup>

The “Urban Aboriginal Strategy” demonstrated the benefits of improving communication for enhancing coordination. While there is no need to get into the details of the nature of the strategy, research demonstrated that its broader effectiveness began to change when it focused on flagship projects and then initiated these projects, by first sending direct communication (through letters) from the Clerk to the departments whose cooperation was deemed essential, outlining the strategy and requesting support.<sup>53</sup> The notion that the flagship projects may have better coordination results is of course a boon for the OGP, given the nature of the commitments drafted. However, the effects of direct communication may be more instructive. Considering the literature, that communication strategies improve coordination is unsurprising, given the need to build trust and shared investment in goals. However, it also shows how those interpersonal interventions can have an impact even on high-level horizontal coordination within distinctly political contexts.

<sup>52</sup> Bakvis and Juliet (n 19).

<sup>53</sup> Ibid, p. 10.

Strong leadership from a central agency has been viewed as crucial in the Canadian context.<sup>54</sup> In line with the research above, such central leadership is in fact most profound when it focuses on coordination *as one of its central objectives*.

## OGP COORDINATION

How does this coordination focus translate at the OGP level? As seen earlier, it may not necessarily reflect in detail in the OGP template, but it does manifest strongly in the substance of the commitments, particularly those relating to open data. The Canadian OGP Plan 2014-2016 has a strong open data sentiment. Most interesting for our purposes, however, is that one of the commitments specifically seeks to advance coordination in relation to data. The commitment (called “Open Data Canada”) states:

*“The Government of Canada will work with provinces, territories, and municipalities to break down barriers to integrated, pan-Canadian open data services through the establishment of common principles, standards, and licensing across all levels of government”.*

This therefore directly acknowledges vertical and horizontal coordination as a necessary condition for the advancement of good open government data. While it does necessitate the establishment of a dedicated steering committee, it also speaks in detail of the need for the committee to not only source data, but also establish policies that will encourage and standardise data release. It may not be phrased as a form of coordination commitment, but in its essence it very much is.

In assessing progress on this commitment, the IRM<sup>55</sup> noted:

*“Open Data Canada is a starred commitment. It aims to remove existing jurisdictional barriers to realizing the full potential of open data. Significant progress in important milestones for this commitment have been accomplished. Given the complexity of pan-Canadian discussions, full implementation of this commitment could be potentially transformative. Moving forward, it is important to prioritize further actions on open data standards and raising awareness among citizens that may be interested in using data governed by the Open Government License”.*

At a broader level, the IRM also recommends the establishment of a permanent dialogue mechanism (in Canada, the current arrangement is an “Advisory Panel”, which the IRM notes is not being utilised significantly). Even when countries take active steps to foster dialogue, the form of mechanism they select may be ineffective for the particular context.

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<sup>54</sup> Ibid, p. 17.

<sup>55</sup> Franco, M. (2015) *Independent Reporting Mechanism (IRM) Progress Report 2014-2015: Canada*, available at: [http://www.opengovpartnership.org/sites/default/files/Canada%2014-15\\_PublicComment\\_Eng\\_1.pdf](http://www.opengovpartnership.org/sites/default/files/Canada%2014-15_PublicComment_Eng_1.pdf) (accessed 26.05.16). Non-finalised draft – still subject to public comment.

Strained resources were a contextual factor, particularly noted to have affected development in this commitment. More broadly, it was reflected on as thus:

*“Currently, it is difficult to know the budget dedicated to OGP. The IRM researcher could only find one commitment with an explicit budget. In the February 2014 federal budget, the government announced \$3 million Canadian to be contributed to an Open Data Exchange (ODX), which later became one of the commitments in the second national action plan. The \$3 million is to be matched by funds from technology companies. Lack of resources was noted by almost all government interviewees as an issue with a negative impact on the timely implementation of commitments, and on their ambitiousness. For the most part, those inside government are only able to build commitments around work that they are already engaged in, as there are no resources available to establish new initiatives. In many cases, implementation of the open government action plan is adding additional work with no additional resources at a time when cuts to the public service have already stretched existing personnel”.<sup>56</sup>*

This was affected by the political transition and the federal elections held in October 2015, but was also a problem cited in other OGP IRM reviews.<sup>57</sup> While financial feasibility has been considered largely in terms of implementation of OGP commitments, it has become apparent that it would also affect coordination. A lack of a dedicated budget for either the process or the implementation of the commitments would:

- **Make facilitating direct coordination through meetings and communication strategies difficult;**
- **Diminish the incentive for departments to coordinate on implementation of specific commitments; and**
- **Diminish the potential for establishing shared goals (or even shared mental models) through strategies such as training or planning interventions.**

Additional budget for the Canadian Open Data Commitment has just been allocated from the federal budget, and it is hoped that this will increase the potential of the Open Data Steering Committee to coordinate among departments.<sup>58</sup>

<sup>56</sup> Ibid, p. 10.

<sup>57</sup> See for instance Price, S. (2015) *Independent Reporting Mechanism (IRM) Progress Report 2014-2015: New Zealand*, available at: [http://www.opengovpartnership.org/sites/default/files/New%20Zealand\\_IRM%20Report\\_public%20comment.pdf](http://www.opengovpartnership.org/sites/default/files/New%20Zealand_IRM%20Report_public%20comment.pdf) (accessed 26.05.16), p. 7. Non-finalised draft – still subject to public comment.

<sup>58</sup> M. Francoli (personal communication, 23.05.16).



## INTERNATIONAL CASE STUDY: UNITED KINGDOM (UK)

The UK's OGP participation has been heavily influenced by open data commitments. It thus provides an important case study for considering factors that may influence open data. The UK's first NAP was submitted in 2011, and was used to leverage the open data projects and strategies that had already been launched politically, with the "open data work starting in 2009".<sup>59</sup> Culminating in public consultations on the UK's new transparency strategy "Making Open Data Real",<sup>60</sup> then Prime Minister David Cameron wrote letters to Cabinet and government staff in 2010, calling for the opening of government data as a demonstration of significant executive political will.<sup>61</sup> This political energy followed the transparency crisis revealed by the scandal that followed the release of Members of Parliament's expense claims.<sup>62</sup> The political drive was widespread "...with accountability concerns being present in all 2010 party manifestoes".<sup>63</sup>

The first NAP was comprised almost entirely of open data commitments, as an attempt to implement the transparency strategy. While later NAPs were more detailed, open data remained a consistent theme. In fulfilling these commitments, though, it was noted in the 2013-2015 IRM report that there was a "need to convince senior managers of the benefits of opening up and linking data" – an issue replicated in the South African context (addressed later).<sup>64</sup> The UK government also utilised knowledge communities – exemplified in the Data User Group of open data stakeholders – to drive initial consultations and implementation of open data (the group's mandate ended in 2015).<sup>65</sup>

Significant to the UK's experience has been how the political context has influenced the successful implementation of open data initiatives.<sup>66</sup> That particular political history has resulted in framing the creation of a shared goal of open data *directly* as an accountability mechanism. Successful implementation is indicated by the broad array of data sets that have been made available, from a variety of departmental sources, with almost 35,000 data sets currently available. The portal itself is also proving to be successful; since its launch, it has seen almost 8 million visitors, around 80% of which are from the United Kingdom itself (which goes some way to supporting its accountability ambitions).<sup>67</sup>

59 E. Stewart (personal communication, 07.07.16).

60 HM Government (2011) *Making Open Data Real: A Public Consultation*, available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/78884/Open-Data-Consultation.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/78884/Open-Data-Consultation.pdf) (accessed 19.07.16).

61 Rogers, S. (2010) *Government data: full text of David Cameron's letter pledging to open up the datasets*, available at <https://www.theguardian.com/news/datablog/2010/jun/01/government-data-david-cameron-letter> (accessed 19.07.16).

62 Evans, R. (2010) *Britain 'seen as more corrupt' since MPs expenses scandal*, available at: <http://www.theguardian.com/politics/2010/oct/26/britain-corrupt-mps-expenses-scandal> (accessed 19.07.16).

63 E. Stewart (personal communication, 07.07.16).

64 Worthy, B. (2-15) *The Independent Reporting Mechanism: United Kingdom Progress Report 2013-2015* (Open Government Partnership: Washington), available at: [http://www.opengovpartnership.org/sites/default/files/IRMReport\\_UnitedKingdom\\_Oct%202015\\_0.pdf](http://www.opengovpartnership.org/sites/default/files/IRMReport_UnitedKingdom_Oct%202015_0.pdf) (accessed 25.07.16), p. 15.

65 Ibid

66 E. Stewart (personal communication, 07.07.16).

67 Data.gov.uk (2016) *Site Usage*, available at <https://data.gov.uk/data/site-usage#totals> (accessed 20.07.16).

Despite the strong influence of the political context, the UK also demonstrates how an active civil society, versed in open data, can contribute to driving implementation of open data goals. For instance, OpenCorporates was cited in a 2015 report as a critical role player in former Prime Minister David Cameron's 2013 pledge to the OGP to open up the UK's beneficial ownership data.<sup>68</sup> This was in fact confirmed by a quantitative study undertaken on the fulfilment of OGP commitments, which noted the direct role a strong civil society has in successful implementation of commitments that are considered to have a high impact.<sup>69</sup>

## REGIONAL CASE STUDY: MALAWI

Malawi recently submitted its first NAP and, in so doing, has established itself as an interesting case study in regional examinations of the OGP and coordination.<sup>70</sup> Although Malawi joined the OGP in 2013, it only submitted its first NAP in April 2016, centring its Plan on five broad commitments to:

1. Pass and implement an ATI law;
2. Improve citizen participation;
3. Improve the National Integrity System and fight against corruption;
4. Enhance public sector reforms and public service delivery; and
5. Join the Extractive Industry Transparency Initiative.<sup>71</sup>

Institutionally, Malawi has established an OGP Steering Committee, which includes government departments, members of civil society, and members of Parliament. With regards to a lead agency, the OGP is placed within the Office of the President and Cabinet. While this may be beneficial for establishing political investment, there is a corresponding concern: Given the ultimate level of political authority in the Office of the Presidency, if the President did not in fact support the OGP, the independence of his Office could mean coordination efforts were quashed.<sup>72</sup> This lends support to other conclusions, that reflect on the fact that top-down initiatives alone may not be enough to drive effective coordination.

When the NAP was first submitted, there were questions from external actors that related to the Plan's broad and principle-based commitments, which did not resemble

68 Read the full case study at: Hogge, B. (2015) *Open Data: Six Stories About Impact in the UK* (Omidyar Network: London), p. 25-29.

69 Berliner, D. (2015), "Ambition and Realities in OGP Commitments: Analysis of commitment completion across countries using hierarchical models", in International Research Development Centre, *Advancing Open Government and Evaluating its Impact*, pp 1-31, available at [http://www.opengovpartnership.org/sites/default/files/working\\_groups/IDRC%20OGP%20Research%20Papers.pdf](http://www.opengovpartnership.org/sites/default/files/working_groups/IDRC%20OGP%20Research%20Papers.pdf) (accessed 18.07.16), p. 2.

70 The research for this section on Malawi is with full reference to Razzano, G. (2016) *Malawi and the OGP* (South Africa: ODAC), available at: <http://opendemocracy.org.za/images/docs/publications/malawi-and-the-ogp-edit.pdf> (accessed 26.05.16).

71 Government of Malawi (2016) *Malawi's First National Action Plan: 2016-2018*, available at <http://www.opengovpartnership.org/country/malawi/action-plan> (accessed 08/07.16).

72 Razzano, G. (n 71), p. 3.

the typical projects included that had simple indicators for success (think for instance of the Open Data portal commitments of countries such as South Africa or Canada). When we reviewed the NAP, however, it became clear that the objectives – which related largely to institution building and implementation of laws – were consistent with the country’s accountability priorities.<sup>73</sup> While this was instructive for a feasibility study, it also raises interesting questions about how – particularly within the OGP context – the differences between policies and programmes and projects might impact both coordination and potential implementation. From a practical perspective, identifying and bringing together the departments needed to “improve citizen participation” across the government would seem like a more challenging task than bringing together the technical community required by a project in some form of data portal. The group would be significantly larger, but also more difficult to define. The content of the commitment, and not just the context in which the commitment is to be implemented, will therefore potentially impact coordination.

The Malawian example is also important for demonstrating how concerted coordination at the planning and drafting stage results in commitments that are synergistic with the broader needs of the country concerned.<sup>74</sup> This in turn improves the chances for voluntary incentivisation through agreement to be advanced, which was outlined earlier when considering types of incentivisation.<sup>75</sup>

Malawi will only now start implementing their OGP NAP, so we are not yet able to review the effectiveness of their coordination mechanisms per se. However, this case study provides great insight into the variety of actors involved, and into how the nature of the commitments themselves brings a contextual consideration into play.

## NATIONAL CASE STUDY: ERLN DATA TECHNICAL WORKING GROUP

ERLN is a coordination structure and ‘community of practice’ of development practitioners from within the government, an initiative of GTAC within the National Treasury. It thus stands as a South African example of a knowledge community for coordination.

The ERLN’s structure is divided into working groups, which aim to both target the specialisation of knowledge and increase the potential for collaborative projects, given the common focus of the groups. As part of this research, we engaged with the Open Data Working Group over several months, which culminated in attendance and

73 See for instance Human Rights Council (2015) *Report of the Working Group on the Universal Periodic Review Mechanism: Malawi, A/HRC/WG.6/22/L.1*, available at [http://www.upr-info.org/sites/default/files/document/malawi/session\\_22\\_-\\_mai\\_2015/a\\_hrc\\_wg\\_6\\_22\\_l1.3.pdf](http://www.upr-info.org/sites/default/files/document/malawi/session_22_-_mai_2015/a_hrc_wg_6_22_l1.3.pdf) (accessed (30.05.15).

74 REINFORD

75 *Ibid.*, p. 8.

presentation at the quarterly Working Group Meeting, which rotates around the country so that different provinces bear the costs of hosting.

In order to coordinate, the group focuses on communication – through email and face-to-face meetings. These are considered integral to ensuring coordination:

*“It is about fostering individual relationships; [it is about] trust building”.*<sup>76</sup>

The meetings in particular are worth discussing<sup>77</sup>. What the group does successfully is focusing on project reports and planning, as well as addressing topical queries jointly decided on by the group. The project focus keeps the group action-orientated and focused on implementation. This has meant fairly successful collaboration.

Perhaps more importantly, the group dynamics demonstrated real shared vision and commitment. In meetings, a common refrain was the importance and power of open data. This is the shared objective described in the literature. A culture of joint problem solving requires *interpersonal* collaboration, and this is reflected in the dynamics and focus on interpersonal sharing within the group.<sup>78</sup> The ERLN Working Group meeting had 48 participants; including among them were external actors and expertise, which contributed additional insights, though the meeting focused mainly on projects and implementation problems.

One of the most significant lessons from the group was their identification of a particular *problem* of implementation. We were in fact invited to speak on the topic, and its presentation and subsequent discussion presented an important consideration that has not come out strongly in the literature. This is the problem of the conflicting legal paradigms, which make data sharing and coordination on data a challenge. In South Africa, there is no over-arching open data law or national policy. Instead, the legal environment that can potentially have an impact on data is influenced by the:

- *Promotion of Access to Information Act 2 of 2000;*
- *Public Administration Management Act 11 of 2014;*
- *Electronic Transactions and Communications Act 25 of 2002;*
- *Intellectual Property Rights from Publicly Financed Research and Development;*
- *Copyright Act 51 of 2008;*
- *Protection of State Information Bill* (awaiting signature of the President); and
- *Minimum Information and Security Standards* (policy).

Laws on intellectual property, state obligations for public service, classification of records and access to information, all converge to form a legal environment which is unclear and inconsistent.

<sup>76</sup> K. Pearson (personal communication, 28.01.16).

<sup>77</sup> ERLN Meeting (n 23).

<sup>78</sup> Bardach (n 27), p. 268.

A very real consequence arises for the potential for coordination on open data; the legal uncertainty results in very real human fear. Several of the participants approached us individually and during the session, to comment on their doubts about sharing data interdepartmentally, let alone with the public, because they were unsure of the possible legal ramifications. The legal environment results in a ‘chilling effect’, which is a human fear response behaviour that has not been spoken of very broadly. This is important to consider – what interventions can be used to improve agents’ confidence in our attempts to coordinate? Two additional obvious interventions can be considered. The first is training, which the ERLN did in fact incorporate through our presentation. The second is reflecting on the role of policy. While we have dealt with the importance of coordination on policy to a degree, what hasn’t yet been addressed is the role of policy in improving coordination. Policy clarity on the legal environment could be helpful.<sup>79</sup>

## NATIONAL CASE STUDY: AFRICAN PEER REVIEW MECHANISM

In 2014, we conducted research on the intersections between the OGP and other review mechanisms, which included the APRM.<sup>80</sup>At the latest OGP Africa Summit, the connections between the two mechanisms were strongly and convincingly argued. Established in 2003, the African-focused initiative has much it can teach the OGP, as an existing and established review mechanism that also relies on coordination.

The early days of the APRM in South Africa were met with mixed success rates for coordination.<sup>81</sup>With the DPSA as lead agency, at the time of initial implementation the Minister of the Department was Geraldine Fraser-Moleketi, who possessed significant political clout.<sup>82</sup> Her strength assisted in driving coordination with other departments who due to her influence were more willing to share data, in particular for monitoring and measuring implementation of recommendations. This highlights the political contexts that can influence coordination in an initiative.

While participation is a focus of the APRM process, there was initially little instruction in the APRM documentation on how to implement participation internally.<sup>83</sup>A governing council was established, which included civil society members, but was led by the Minister.<sup>84</sup>Subsequent supplementary guidelines were instituted, which specifically advised: “Where possible, [the council] should be chaired by a non-state functionary”.<sup>85</sup> This change was for a good reason – and well demonstrated in the South African example.

79 Z. Aboobaker (personal communication, 31.05.16).

80 Razzano (n 7).

81 S. Gruzd (personal communication, 18.05.16).

82 Ibid.

83 Herbert, R. and Gruzd, S. (2008) *The African Peer Review Mechanism: Lessons from Pioneers* (Johannesburg: South Institute of International Affairs), p. 23.

84 Ibid, p. 28.

85 Ibid.

By having a Minister in the lead role, and especially a Ministers on the council, input from civil society was not able to voice itself strongly. There was also an impact on the coordination between departments; realistically, Ministers were not able to be frequently present, and most often sent delegates instead. This meant that the composition rotated and shifted, which would diminish the potential for trust building and coordination, but also meant that mandates were not always clear. There was in fact a specific example:

*“[S]everal Secretariat staff and council members said that the Minister of Finance, Trevor Manuel, who had attended very few council meetings, was dissatisfied with the draft report presented at a council meeting held on the eve of the Kliptown conference, which precipitated the emergency meeting of 3 May 2005. This suggests that ministers had limited involvement and engagement with the report up to that point”.*<sup>86</sup>

This demonstrated that inter-departmental buy-in had not been obtained, and that this lack of coordination was directly associated with the fact that Ministers, given their time schedules and commitments, had been unable to regularly attend. How institutional arrangement is structured, particularly in relation to its participants, will impact the efficacy of coordination.

The APRM more broadly demonstrated the key roles that can be played by the lead agency, which were cited to include *inter alia*.<sup>87</sup>

- Signalling government intent;
- Building understanding and relationships with the National Governing Council;
- Ensuring effective government-civil society interactions;
- Affording access to government departments and documents for research agencies.

This is important for considering the OGP; a lead agency should be key to keeping the focus of the shared goal apparent, and actively building coalitions for coordination. This is consistent with the research findings in the literature – a lead agency’s role can be integral.

An important political aspect to be considered, which arose in the APRM process, is the particular role South Africa plays on the continent as a political lead, as noted by former President Thabo Mbeki:

*“It is natural that the rest of the continent will watch this process very carefully. They have expectations of this country that they don’t have of other countries on the continent”.*<sup>88</sup>

This consideration of the regional context is important. If South Africa can demonstrate innovative and considered coordination practices, it can have a significant impact on OGP activities and how they are implemented in the region.

<sup>86</sup> Ibid, p. 277.

<sup>87</sup> Ibid, p. 31.

<sup>88</sup> Ibid, p. 255.

## CONCLUSIONS

The case studies described are instructive about the contextual factors at play. The Canadian case study demonstrates the importance of direct communication for fostering coordination, but also how focus on a clear and identifiable shared goal assists coordination. It also confirmed that open data requires specific considerations of coordination. The exogenous influence of financial arrangements should also be considered.

The United Kingdom case study demonstrates how, in spite of a pre-existing open data initiative, the OGP assisted in driving open data imperatives. This was aided, when open data was identified as a shared goal, by linking its value to accountability. The exogenous influence of politics should also be considered.

The Malawi case study demonstrated that top-down coordination mechanisms are not enough. Importantly, too, the content of OGP commitments influences the efficacy of structures put in place to achieve them. Both these points support a view which promotes different and considered arrangements for enhancing coordination at the broader point of planning and participation, or through arrangements around implementation of specific commitments. The exogenous influence of institutional needs (which in this case influenced the commitments selected) should also be considered.

The national case study of the ERLN demonstrated how knowledge communities, with a clear focus on open data, form strong coordination groupings. The exogenous influence of law and policy should also be considered.

The national case study of the APRM demonstrated how its selection of participants affected performance on coordination. Notably, it demonstrated that a lead agency is well placed to signal government intent, build understanding and relationships (in the OGP), and ensure effective coordination. The exogenous influence of institutional arrangements should also be considered.

When we consider the context of the OGP, the main interventions exemplified related to the establishment of a form of PDM. However, the case studies also demonstrate that exogenous factors in the institutional, financial, legal, and political spheres might affect coordination, and any initiatives implemented. Different interventions can be incorporated to reflect on these factors. It is thus clear that coordination is difficult to achieve successfully; it should only be focused on when it is an essential condition for achieving a development goal.<sup>89</sup> So, any solutions recommended should be limited and evidence-based.

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89 Serrano (n 15), p. 33.

# APPLICATION AND ANALYSIS.

## MODEL

Considering the case studies and theory, patterns and considerations begin to emerge. If we wish to consider how to foster coordination, we need to first consider **endogenous and exogenous factors of relevance to coordination**. Then, reflecting on those, we can make recommendations on **interventions and strategies for enhancing coordination**.

Moving towards providing a framework for considering different types of interventions, the literature tends to have fairly prescriptive and technical intervention recommendations. However, it has become clear that the reflexive and mutually reinforcing relationships between structural elements and individual actor elements mean that detailed divisions inevitably lead to overlaps. Why not then apply a broader and more ‘problem’ focused division for categorising interventions?

These interventions thus need to be contextualised within the process they seek to engage with. In this research, it is the OGP. More specifically, this research aims to consider how coordination might be facilitated within the OGP. This research has uncovered two chief types of coordination in this regard: Coordination on the formal OGP process, and coordination on the implementation of specific commitments. This provides us with a very simple framework for outlining interventions that might be pursued as part of the recommendations made:

	STRUCTURAL	INDIVIDUAL
OGP PROCESS		
OGP COMMITMENT IMPLEMENTATION		

Diagram 1: Intervention Framework



## SOUTH AFRICA: THE CONTEXT

To consider the South African context to a satisfactory degree, so that it can provide content for answering the research questions, we need to consider both the generalised environment, but more particularly the environment as it specifically relates to the OGP and open data.

### **SOUTH AFRICA'S OGP COMMITMENTS**

While the nature of South Africa's OGP involvement is considered throughout this research, it is worth outlining the nature of South Africa's OGP Commitments, the third National Action Plan having just been tabled.<sup>90</sup> It is noteworthy that the First National Action Plan, tabled in 2011, only had one open data commitment – and it was only in relation to conducting a *feasibility* study on a potential open environmental data portal. As an outline, the third National Action Plan has eight Commitments, summarised as:

- **Strengthening Citizen-Based Monitoring through the Department of Planning, Monitoring and Evaluation working with three service delivery departments;**
- **Open Budgeting initiatives with the South African National Treasury;**
- **Improving citizen participation through enhancing the Back to Basics Programme;**
- **Development of an integrated portal for environmental management information;**
- **Institutionalisation of Community Advice Offices as part of the wider access to justice networks;**
- **Development of a pilot Open Data Portal for South Africa;**
- **Roll-out of an Open Government Awareness Raising Campaign by the Department of Government Communications and Information Services; and**
- **Implementation of South Africa's action plan for the G20 High Level Principles of Beneficial Ownership Transparency by implementing a register of legal persons.**

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90 Department of Public Services and Administration (n 9).

## POLITICAL CONTEXT

South Africa is currently in an interesting political period, and this affects how decisions are made and implemented. The African National Congress has dominated the political landscape since independence, and currently holds a 62.15% majority in the National Assembly. However, in-party contestations for power and external controversies relating to the President have meant an unsettling time in South African politics ahead of the local general elections in 2016.<sup>91</sup> The political environment in relation to transparency is, however, of more direct relevance to this research.

It is noteworthy that when we first considered the future of the OGP in South Africa, an environmental scan of the transparency environment raised concerns about South Africa's ability to implement transparency commitments given the political climate of retrogressive steps against transparency.<sup>92</sup> The institutional and legal concerns will be reflected on later, but the extent of public corruption in South Africa is a glaring indication of the broader political transparency environment, and is seemingly on the rise.<sup>93</sup> Corruption and fraud in South Africa are estimated to cost citizens in excess of R100 billion a year.<sup>94</sup> A further example of the specific problem of political transparency concerns the lack of transparency in relation to political party funding in South Africa, with no legislative requirements, nor political practice, of revealing private sources of funds.<sup>95</sup> Turning to the transparency environment specific to the implementation of foreign-sourced transparency initiatives such as the OGP, it is disturbing that South Africa recently sided with restrictive countries such as China and Russia in attempts to weaken the United Nations' resolution on Internet Freedom.<sup>96</sup> This is representative of a pattern of behaviour in relation to Internet freedoms in particular.<sup>97</sup>

What about the more specific experiences of the OGP? While the President was one of the founding eight country signatories of the OGP, the Cabinet did not approve involvement until after South Africa joined. However, South Africa does currently hold the Chair of the OGP. To determine the political appetite for the OGP moving forward in South Africa, it will be increasingly important to observe how local government actors are formally incorporated into the OGP process.

91 For an example see: *The Economist* (2016) *The Moment of Truth*, available at: <http://www.economist.com/news/middle-east-and-africa/21696518-jacob-zuma-has-survived-ruling-he-broke-law-his-grip-anc?zid=304&ah=e5690753dc78ce91909083042ad12e30> (accessed 05.07.16).

92 Razzano, G. (2012) "Transparency in South Africa: A civil society review to facilitate South Africa's Open Government Partnership Interventions" (South Africa: ODAC), available at [https://opengovernmentafrica.files.wordpress.com/2012/08/transparency\\_in\\_sa\\_20121.pdf](https://opengovernmentafrica.files.wordpress.com/2012/08/transparency_in_sa_20121.pdf) (accessed 05.07.16).

93 Davis, D. (2010). *Corruption and Transparency*. Available at: <http://www.opendemocracy.org.za/wp-content/uploads/2010/10/Corruption-and-Transparencyby-Judge-Dennis-Davis.pdf> (accessed 01 November 2011), p.1.

94 Shulz-Herzenberg, C. *Testing the right to access to information—financial disclosure of South African Politicians Assets and Interest*. Paper presented at IPOC, 1 December 2009.

95 Razzano (n 21) p.10.

96 Vermeulen, J. (2016) *Why South Africa voted against Internet Freedom*, available at <http://mybroadband.co.za/news/internet/170791-why-south-africa-voted-against-internet-freedom.html> (accessed 26.05.16).

97 Esterhusyen, A. et al (2014) "South Africa in the international arena: privacy, security and Internet governance", in D. Lettinga & L. van Troost, L. (eds.), *Shifting Power and Human Rights Diplomacy: South Africa* (Amnesty International: Netherlands), p. 94.

The OGP process in South Africa had a slow political start, due in some sense to the lack of Cabinet approval from its inception. This created a strong political inhibition of interdepartmental coordination in particular. And there is still evidence that suggests a lack of ministerial coordination. Adv. Pansy Tlakula noted at the OGP Africa Summit, for example, that at South Africa's previous report to the African Union Commission on Human and Peoples Rights, the Department of Justice and Constitutional Development failed to mention South Africa's OGP involvement.<sup>98</sup> Interventions need to ensure that political actors are aware of, and engage with, South Africa's OGP plan.

South Africa has taken a strong lead in driving OGP on the continent. As such, it should be encouraged to take the lead on promoting best practices in relation to interdepartmental coordination for better OGP implementation. It becomes clear, however, that if OGP participation and coordination are to be improved, the political involvement of all parties needs to be directly acknowledged from early in the commitments process.

## FINANCIAL CONTEXT

As evident when we consider Malawi, the broader economic environment need not impede the potential for implementation of OGP commitments.<sup>99</sup> Regardless, in South Africa there is no dedicated budget for the implementation of OGP commitments. Because the DPSA is the lead agency, it bears the burden of the costs of facilitating coordination, and it is also the lead agency on a variety of review mechanisms, including the APRM and the OECD Anti-Bribery Convention. The DPSA has the only dedicated OGP budget; other departments may have financial obligations in terms of specific commitments, but those would come from existing budget lines. This raises an interesting question: How much can commitments "stretch beyond current practices", when they inevitably have to fall within existing projects to be financed? More particularly for coordination, the financial pressure on the DPSA is significant, and constrains their ability to focus on inter-departmental coordination (as opposed to civil society and state coordination).

There is also, of course, the potential to consider financial initiatives as an intervention type and not merely as a contextual consideration. In South Africa, the public service is encouraged to incentivise performance through financial incentives such as bonuses, particularly within the Senior Management Service (SMS).<sup>100</sup> These kind of contextual factors may present an opportunity. When we consider how to improve coordination on the OGP – as opposed to just improving the context in which OGP exists – we could consider the opportunity for incentivising individual coordination through the inclusion of OGP commitment implementation indicators within the performance management

98 OGP Africa Regional Summit 4–6 May 2016, hosted at the Century City Conference Centre, Cape Town, *Accountability for Results: APRM and OGP synergies for governance accountability in Africa Panel* (6 May, 09:00).

99 Razzano (n 71).

100 See for instance the recommendations at: Department of Public Services and Administration (2007) *Employee Performance Management and Development System*, available at <http://www.dpsa.gov.za/dpsa2g/documents/ep/2007/EPMDS.pdf>.

frameworks of implicated agents. In order to do this, though, the departments in which these agents work must be included in the planning of commitments, and must also (obviously) be aware of commitments that involve them. This also flags the question of how evaluation entities may be brought closer to the OGP process.

## LEGAL AND POLICY CONTEXT

The *Constitution of South Africa*, 1996, entrenches a requirement for cooperative governance, which underpins intergovernmental relations. This is given legislative effect through the *Intergovernmental Relations Act* 13 of 2005. It is an understanding of cooperation in terms of vertical cooperation, i.e. cooperation between the National, Provincial, and Local levels of government. When understood this way, research in South Africa has focused on how lack of coordination impacts particularly on the functioning of local government.<sup>101</sup> This body of research has made particular suggestions worth noting, including ensuring adequate funding for mandates, and enhancing performance management monitoring and evaluation (reflected on above when reviewing financial factors).<sup>102</sup> The implementation of the laws is problematic, especially at the level of local government coordination. This is important, as the local government context is of growing relevance within the OGP process.

A key policy consideration for moving forward with the OGP, particularly as an opportunity that might exist for advancing shared goals to enhance motivation for coordination, is the National Development Plan 2030.<sup>103</sup> For consistency, and to advance political buy-in, drafting of commitments and training on the OGP should consistently refer back to it, as it is the chief policy document for advancing development in South Africa.

As seen in our case studies, the legal frameworks in relation to open data are inconsistent. While the *Promotion of Access to Information Act* 2000 (PAIA) is supposed to be the overarching law in relation to information and data access, in effect, laws that prevent or discourage disclosure (such as the *Copyright Act*, *Electronic Transactions and Communications Act*, *Intellectual Property Rights from Publicly Financed Research and Development*, *Protection of State Information Bill*, and *Minimum Information and Security Standards*) seem to be the majority, and certainly appear to have the most influence on the behaviour of individual actors.<sup>104</sup> The lack of an overarching open data policy is a noticeable lacuna. Subnational policies (such as that of the City of Cape Town) may exist, but a consolidated framework that might be able to counteract the impact of the statutory inconsistencies is lacking.

101 Nzimakwe, T. & Ntshakala, T. (2015) "Intergovernmental Relations and Cooperative Governance" *Journal of Public Administration*, 50: 4, p. 838.

102 Ibid.

103 National Planning Commission (2011) *Our future – make it work: National Development Plan 2030*, available at: <http://www.gov.za/sites/www.gov.za/files/Executive%20Summary-NDP%202030%20-%20Our%20future%20-%20make%20it%20work.pdf> (accessed 26.05.16).

104 ERLN Meeting (n 23).

There are also policy gaps that relate to the practical environment necessary for facilitating open data. No overarching open data policy means inconsistency of data standards, though in practice South African officials do try to subscribe to a shared technical standard.<sup>105</sup> Moreover, and even more problematically, there is inconsistency in the data schema used by different departments.<sup>106</sup> This means that trying to consolidate open data sets from different departments (as is being done by Mr. Aboobaker under Commitment 6), entails significant practical difficulties in combining them and marking them up. Open data is particularly valuable when multiple data sets can be “mashed-up”, which means consistency in format and schema should be a priority.

## INSTITUTIONAL CONTEXT

The broader institutional support for transparency in South Africa suffers from a common refrain that implementation drags behind establishment. The integrity of institutions established to advance transparency has been threatened in recent years. Some examples were seen in the political interference in the prosecutorial and auditing (integrity) institutions of South Africa. The National Prosecuting Authority has been ripped apart for several years now by political interferences and crises. The Director of Public Prosecution Mxolisi Nxasana was given a golden handshake to leave his position after it was discovered he had an undisclosed murder charge; this has followed a long series of either dismissals or withdrawals within the leadership of the Prosecuting Authority all attributable to political interference, such as that of Vusi Pikoli, Mokotedi Mpshe, Menzi Simelane, and Nomgcobo Jiba.<sup>107</sup> The “Hawks” are the South African Directorate for Priority Crime Investigation under the South African Police Services. They controversially replaced the disbanded “Scorpions” (the National Prosecuting Authority’s Priority Crimes Unit) due to political forces in 2009, and continue to exist even after the Constitutional Court held that the legislation that brought them into existence did not ensure sufficient independence. The head, Anwa Dramat, resigned his position after being suspended for his involvement in the rendition of a group of Zimbabwean citizens, also under a cloud of controversial additional political motivations.<sup>108</sup> Even the South African Revenue Service (SARS) has in recent years begun to feel such pressures of interference. In 2015, SARS Commissioner Ivan Pillay also resigned under political pressure, ostensibly because of the secret spy

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<sup>105</sup> Z. Aboobaker (personal communication, 31.05.16).

<sup>106</sup> Ibid.

<sup>107</sup> Razzano, G. (2015) “South Africa: Legislative and Implementation Gaps to Promote Right to Information and Fight Corruption” in C. Estalella (ed.), *State of Right to Information in Africa Report 2015* (Africa Freedom of Information Centre: Uganda), p. 84.

<sup>108</sup> Ibid.

unit that had been formed within the Service.<sup>109</sup> As seen when considering the Malawi case study, reaffirming institutional integrity can be the subject of OGP commitments and OGP support; this is because such weaknesses impact the success of any potential transparency commitment.

There is also the problem, seen in bureaucracies all over the world, of the administration of government (and even policy-making) occurring in silos. Particularly when it comes to e-government, this renders “siloeed” technical solutions inefficient (and consequently a wasted effort when considered against South Africa’s public service priorities).<sup>110</sup>

Another specific institutional concern – which is also an opportunity – in South Africa is the establishment of an Information Regulator. PAIA, South Africa’s access to information law, previously had a degree of institutional oversight from the South African Human Rights Commission, but its power was limited, and recourse for PAIA was largely placed within the remit of the court. It has long been argued by civil society groups that another form of oversight was necessary, to help increase the currently low level of compliance with the law.<sup>111</sup> In 2014, the Protection of Personal Information Act was passed with provisions made for the establishment of an Information Regulator that would also have oversight over PAIA. While this is an exceptional opportunity, there have been delays in establishing the office, which should remain a priority.<sup>112</sup> It is particularly concerning that the appointments may be turning into a political hotbed, which would increase the risk of interference seen in other institutions of note. The Regulator presents an immense opportunity for the enhancement of the OGP commitments on open data; particularly if it takes a role in covering the lacuna currently seen in the open data policy environment.

We now turn to consider how the institutional environment may have impacted the OGP. The DPSA is the lead agency of the OGP, but so far it has not seemed to play a strong lead in engaging departments in the OGP. For instance, even though an open environmental management information data portal was a commitment contained in the first NAP in 2011, the Department of Environmental Affairs was seemingly not involved in the first year, and only became aware of its involvement later. As was noted in the IRM report, when considering the commitment in the second NAP (as it was again included), the problems relating to the portal were directly associated with lack of coordination:

*“The FSE cites the failures to co-ordinate between the various government departments and to enforce existing policy as key challenges with environmental compliance”.<sup>113</sup>*

<sup>109</sup> Ibid, p. 85.

<sup>110</sup> Visser, W. & Twinomurizi, H. (2008) “E-Government and Public Service Delivery: Enabling ICT to ‘Put People First’ – A case study from South Africa”, *Systemics, Cybernetics and Informatics*, 6: 6, pp. 36-41 at 39.

<sup>111</sup> Razzano, G. (2015) *Accessing Information: What we know from user experiences* (ODAC: South Africa), available at: [http://opendemocracy.org.za/images/docs/publications/PAIA\\_Users.pdf](http://opendemocracy.org.za/images/docs/publications/PAIA_Users.pdf) (accessed 25.07.16).

<sup>112</sup> Gqirana, T. (2016) *Info regulator vote postponed*, available at <http://www.news24.com/SouthAfrica/News/info-regulator-vote-postponed-20160526> (accessed 06.07.16).

<sup>113</sup> Open Government Partnership (2015) *Independent Reporting Mechanism: South Africa Progress Report 2013-14*, (Open Government Partnership: Washington), available at: [http://www.opengovpartnership.org/sites/default/files/IRMReport\\_SouthAfrica\\_final.pdf](http://www.opengovpartnership.org/sites/default/files/IRMReport_SouthAfrica_final.pdf) (accessed 20.07.16).

The DPSA has focused on driving citizen participation to a degree, and has been heavily involved in the drafting of commitments. However, the coordination activities of *departments*, as a central driver of a common OGP goal, do not seem to have been part of the role the DPSA has taken on, a role the APRM case study demonstrated to be important in the South African context. This was only made worse by the lack of a dedicated PDM. This means that coordination is not achieved through scheduled meetings or interventions, but relies almost entirely on ad-hoc interventions by the DPSA, most often through emails.

A fairly direct and obvious example of institutional silos presenting difficulties in coordination on the OGP is the division between the Integrated Open Environmental Management Commitment and the Pilot Open Data Portal. There is no overlap in the identified coordinating departments and officials.<sup>114</sup> While the data explored for the Open Data Portal is obviously broader, it is clear that a degree of coordination between the two commitments would have benefits. If we compare this to the United Kingdom's example of commitments on open data, while they specified separate open data thematic areas, they included commitments which have coordinated objectives for all areas of data, such as Commitment 11 to improve use of all data sets.<sup>115</sup>

## CONCLUSION

By considering South Africa's broader transparency context, and its OGP participation, a pattern emerges that seems to confirm that domestic contextual factors heavily influence the potential implementation and coordination of the OGP. In fact, many of the issues and opportunities within South Africa's OGP process are consistent with those in the broader environment. Nevertheless, examining the contextual factors systematically enables us to identify specific opportunities for intervention, which may result in better coordination and better OGP implementation as it relates to open data.

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114 Department of Public Services and Administration (n 9).

115 Cabinet Office (2016) *Policy Paper: UK Government National Action Plan 2016-2018*, available at: <https://www.gov.uk/government/publications/uk-open-government-national-action-plan-2016-18/uk-open-government-national-action-plan-2016-18#commitment-11-better-use-of-data-assets> (accessed 20.07.16).

## SOUTH AFRICA: INTERVENTIONS

Given the contextual factors considered in South Africa, and reflecting on the research, an outline of the interventions that could potentially be introduced is tabled below:

	STRUCTURAL	INDIVIDUAL
OGP PROCESS	<ul style="list-style-type: none"> <li>• Specific budget</li> <li>• PDM</li> <li>• Lead Agency: Coordinator (including communications) and driver of shared goals</li> </ul>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Goal identification</li> <li>• Communication</li> </ul>
OGP COMMITMENT IMPLEMENTATION	<ul style="list-style-type: none"> <li>• Specific budget</li> <li>• Knowledge communities</li> <li>• Open data policy</li> <li>• DPME for evaluation</li> </ul>	<ul style="list-style-type: none"> <li>• Signed commitments by implicated departments</li> <li>• Knowledge communities</li> <li>• Training (laws)</li> <li>• Performance evaluation</li> <li>• Communication</li> </ul>

Diagram 1: Proposed interventions for South Africa

### ***OGP Process/Structural***

#### *Specific budget*

A specific budget should be allocated to the lead agency to facilitate coordination between departments. The financing of this may be made simpler if a PDM is established, as funds could be directly allocated.

#### *PDM*

Of particular relevance to the OGP environment given the case studies examined, is the establishment of a PDM that incorporates key departments for driving the OGP process. This would be departments that already have strong coordination and planning roles to play, such as the Department of Cooperative Governance, and the Department of Performance, Monitoring and Evaluation. From a political perspective, the Presidency could be included as well. To include the concerns raised about driving policy, the National Planning Commission could also be represented. To ensure data consistency, Statistics South Africa (StatSA) could also play a role. Having departments involved that have a strong link to thematic areas of importance (such as StatSA) helps build the foundations for knowledge communities that will drive the implementation of specific commitments.



### *Lead agency*

The lead agency should be encouraged to move from a 'lead' role, to focusing on coordination as one of its primary functions. This could include providing training and tools for coordination, in conjunction with the OGP and its peer learning responsibilities. Furthermore, the lead agency should ensure a focus on shared goals; both OGP specific, and in relation to the National Development Plan.

## ***OGP Commitment Implementation/Structural***

### *Specific budget*

Specific budgets could be allocated for the fulfilment of joint projects between departments. These joint funds will encourage coordination, but more importantly, implementing projects that stretch government practice beyond its current baseline. This would necessarily mean involving the National Treasury in assigning specific OGP funds outside the general funds provided to the DPSA.

### *Knowledge communities*

Rather than relying on the PDM as the key structure for coordination on specific commitments, knowledge communities should be developed around specific topics, and encouraged to meet more regularly than the PDM – similar in form to the ERLN Working Group. This would be aided by a more concerted attempt to provide details on other involved agencies in the OGP Commitments template.

### *Open data policy*

In relation to open data activities specifically, a central open data policy should be developed that encourages government actors to release data in standard formats (and with standard schema etc.), and empowers them within the legal framework (similar to the ambitions of the Canadian “Open Data Canada” commitment). This is necessary for creating an enabling environment for open data commitments.

### *DPME*

The Department of Planning, Monitoring and Evaluation has a Management Performance Assessment Tool. The DPME could potentially be encouraged to include specific OGP projects and programmes, which are included in the commitments, as key performance areas for assigned departments.

## ***OGP Process/Individual***

### *Training*

Training should be conducted for actors within the PDM, on the goals and values of the OGP, as well as on tools and strategies for coordination. This should ideally be driven by the DPSA as lead agency.

### *Goal identification*

Agents and officials involved in the OGP should be encouraged to consider the OGP as encapsulating multiple objectives. In order to drive the importance of open data, such data should be contextualised in its relationship to the advancement of accountability.

### *Communication*

Communication should be regularly encouraged through email and face-to-face meetings, and attendance should be regular to maintain the efficacy of the PDM, or any alternative structures established for the advancement of the OGP.

## ***OGP Commitment Implementation/Individual***

### *Signed commitments by implicated departments*

One of the most direct and practical mechanisms for ensuring a degree of buy-in for coordination from the point of submission of the OGP NAP is ensuring that departments and specific actors or agencies implicated in commitments in any significant capacity sign acknowledgement of the commitments, which are then submitted to the OGP. These signatures would merely be acknowledgments of the content, and not contractual undertakings for fulfilment.

### *Training*

Training should be conducted for actors within the different knowledge communities on the goals and values of the OGP, as well as on tools for fulfilment of the commitments, and any specific legal concerns.

### *Performance evaluation*

Implicated departments and agents could have their OGP commitments incorporated into their annual performance management framework.

## FUTURE RESEARCH AND ADVOCACY

The findings suggest several potential areas for future research or advocacy. The first is to consider the role of financial arrangements for the OGP in terms of potential implementation, as well as coordination, in the domestic environment.

While lessons have been learnt, and contextualised within the South African framework, there is also an opportunity to test some of the more specific recommendations (such as the signing of commitments, etc.) in other domestic contexts as well.

# CONCLUSION

In conclusion, we turn back to the main research questions that originally motivated this analysis:

1. Do open data commitments require coordination to be effective?
2. If the answer to the first question is yes, or even maybe, by looking at cases of the best and worst practice in relation to inter-departmental coordination for implementation of OGP Commitments, can we determine lessons that can be applied to advance South Africa's commitments?
3. Relatedly, can interventions such as the OGP process, or more specific solutions, enhance the potential for inter-departmental coordination, or are exogenous contextual factors (such as political or legal factors) too influential?

The research was able to obtain findings with strong practical application, which assist in informing how commitments can be best implemented through improved coordination.

## COORDINATION AND OPEN DATA COMMITMENTS

Open data commitments provide a useful framework for exploring coordination, because coordination is such an important part of implementing a successful open data project. It is not just about ensuring that data is shared in the right formats and schema, but also ensuring that the value of open data for advancing accountability is continually underscored as a shared objective. As one of our respondents noted, if you want departments to commit to open data, "...you have to show them value".<sup>116</sup> Moreover, data is more interesting when more actors can be involved effectively; there is in fact much open data out there, potentially ready for exciting opportunities and conclusion-drawing, but it is the failure to coordinate those data sources that impedes progress.

## LESSONS ON COORDINATION FOR SOUTH AFRICA

It is clear that coordination does not happen automatically. In fact, research seems to suggest that coordination may usually require intervention to work. Since it is difficult to get coordination to work well, it should only be focused on when it is an essential

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<sup>116</sup> Z. Aboobaker (personal communication, 31.05.16).

condition for achieving a development goal.<sup>117</sup> This is important for our research, as the open data environment specifically seems to require coordination.

The South African context can learn much from the global lessons on coordination, which demonstrate that both structural and individual factors have a reflexive influence on one another; the importance of driving interpersonal connections among agents should never be overlooked.

The OGP process in South Africa has had a mixed start in terms of success. It was a response to the South African environment, and to the specific decisions the South African government has taken in terms of the implementation of OGP. Perhaps most importantly, there is a notable lack of emphasis on getting departments and agencies to work together on the OGP – whether it is on the OGP process itself, or in relation to the implementation of specific commitments. Furthermore, changing the role of the lead agency to perform more of a coordination function could have a remarkable impact on furthering the OGP's open data agenda.

At the very least, there are strategies that should be tested in the South African OGP process to try advance coordination on open data. Discussions must move from investment in the idea of open data to taking the practical steps necessary to make this a reality for the real advancement of accountability. These steps must consider that the kind of coordination needed to drive the broader OGP process will be different to the kind of coordination needed to drive achievement of specific OGP commitments.

## THE RELATIONSHIP BETWEEN OGP AND CONTEXTUAL FORCES

In South Africa, there are clearly strong domestic forces that have influenced both the decisions made in terms of how to implement the OGP, and how open data commitments are positioned and implemented. Lack of legal clarity negatively affects the ability of agents to share data; and financial limitations of the lead agency make prioritising coordination through specific structures difficult. The broader institutional environment for the advancement of transparency is being weakened, though opportunities are emerging for those focused on an open data agenda. Low political awareness or investment in the OGP is a consequence of low departmental coordination.

Yet, these influences do not prevent an endogenous process such as OGP from influencing coordination more positively; they merely provide detail for understanding the contexts in which different interventions might be applied. The important role of domestic forces in the potential for implementation was reiterated by other case studies, from the importance of political impetus in the United Kingdom, to the institutional

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117 Serrano (n 15), p. 33.

priorities and structures of Malawi in its OGP process. These domestic forces can be both inhibiting and enhancing. The research suggests that, while these influences

are important for thinking about how best to implement the OGP and its open data commitments, they should be properly considered if we wish to intervene for positive implementation.

The OGP requires coordination in all its phases, which include both the OGP process (and design of commitments), and the implementation of specific commitments. However, the research suggests that the OGP itself could assist in influencing implementation; both as a specific advocacy opportunity and as an agent.

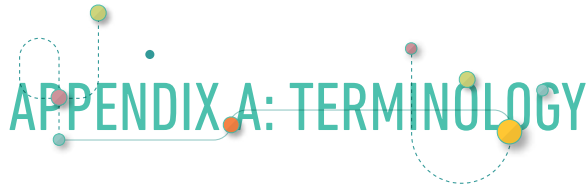
The OGP provides an important opportunity to drive the message of the importance of open data as a mechanism for achieving accountability, and activists and agents should use the platform to drive this message. The research suggests that in so doing, effective advocacy would focus on the context in which the OGP is being implemented domestically.

The OGP can also be an agent of influence, particularly in relation to coordination; it is an opportune moment in the mechanism's history to begin advocating practical implementation messages, such as improved inter-departmental coordination. This would be particularly effective in relation to peer learning initiatives for building knowledge communities. It can also promote the PDM as a flagship institution for driving coordination. And just as pragmatically, the existing commitment template could be altered to include acknowledgement of commitments by their assigned agents.

Opportunities exist, right now, both globally and domestically, to build open data initiatives as a mechanism for promoting accountability. However, these opportunities will not be properly exploited if the actors involved continue to work in silos, particularly since when dealing with such silo's we are too often "blind to our blindness".<sup>118</sup>

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118 Quoting D. Kahneman: Tett, G. (2015) *The Silo Effect* (Simon & Schuster Publishers: New York), at p. 2.



# APPENDIX A: TERMINOLOGY

**Contextual factors** are characteristics of the domestic environment ( social, political or economic) that may impact coordination.

**Exogenous factors** are factors that influence a process from outside the process itself. **Endogenous factors** are factors from within the process that render an effect.

**Interdepartmental coordination** is best understood as “any joint activity by two or more agencies that is intended to increase public value by their working together rather than separately”.<sup>119</sup>

**Horizontal coordination** is coordination between departments, including coordination across Ministries.

**Vertical coordination** is coordination between tiers of government, such as National, Provincial, and Local government within the South African context. Due to the nature of the OGP, the focus is generally on horizontal coordination, although vertical coordination is also addressed.

**Departments and agencies** may sometimes be referred to interchangeably. However, agency is considered in our context to be a more broadly encompassing term than department. A department can be understood as a sector of government (national, provincial, or local) that focuses on a particular interest.

**Open data** is data that can be freely used, re-used, and redistributed by anyone - subject only, at most, to the requirement to attribute and share-alike. Open data projects, and commitments, are used in this research to refer to projects or commitments that have open data either as a central objective, or as a central mechanism for the achievement of an objective.

**Policies, programmes, and projects** are considered to be three distinct areas, which we strive to use consistently. A policy is a set of plans/actions agreed on by a particular government, government department or party, but is broader than a programme – it outlines the main principles for determining later activities. The programme is then the action plan, with multiple activities based on that policy. A project is a specific activity (which needs to be consistent with a policy and programme). In this research, we consider policy to be a more principled expression of planning that outlines objectives, and the programmes and projects the methods of actualising these objectives.

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119 Ibid, p. 6.

## APPENDIX B: LIST OF INTERVIEWS

INTERVIEW/RESPONDENT	TITLE	DETAILS OF INTERVIEW	JUSTIFICATION
Lesly Baesens	Programme Officer, the OGP Independent Review Mechanism	29.03.16, Telephone	Provided insight into potential international case studies.
Joseph Foti	Programme Director, the OGP Independent Reporting Mechanism	25.04.16, Email	Provided insight into OGP research landscape.
Steven Gruzd	Head of Governance and APRM Programmes, South African Institute of International Affairs, South Africa	18.05.16, Telephone	Provided detail on the South African APRM case study.
Mary Francoli	IRM Researcher, Canada	23.05.16, Email	Provided detail, and confirmed detail, in relation to the Canada case study.
Kirsten Pearson	Technical Advisor, Economic Development, Government Technical Advisory Centre (National Treasury), South Africa	28.01.16, In person	Provided detail in relation to the ERLN Working Group case study.
Zaid Aboobaker	Chief Director, E-Government Architecture (DPSA), South Africa	31.05.16, In person	Provided detail in relation to South Africa's open data environment and the functioning of the OGP within the DPSA.
Eleanor Stewart	Head of Transparency, Foreign Commonwealth Office, United Kingdom	07.07.16, Telephone	Provided detail in relation to the United Kingdom Open Data Portal case study.
Reinford Mwangonde	Executive Director, Citizens for Justice, Malawi	03.05.16, Email	Provided detail in relation to the Malawi OGP case study.



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