



The Role of Government Communication in Open Government

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Question

To what extent have government communication units or ministries adopted the principles of 'open government' (transparency, participation, and accountability)? Are there examples where this has contributed to policymaking or service delivery?

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1. Summary

Open governance is a policy agenda, popularised by President Obama in 2009, which aims to improve the transparency, accountability and participation in government by providing open access to government information (Mills, 2016). The OECD encourages its members to adhere to the open governance principles of responsiveness, transparency and inclusive societies (OECD, nd). This rapid literature review on the role of government communication in facilitating open government in transitioning or developing countries was unable to find literature that specifically refers to government communication. The literature on open governance initiatives discusses the role of government in a broader sense and does not usually disaggregate government actors in terms of ministries, agencies, or units. It is therefore difficult to highlight the specific role played by government communication in fostering open governance.

This literature review was compiled using material from academic and policy literature, as well as reports produced by the Open Government Partnership (OGP, 2019a and 2019b). The review focuses on three regions: Eastern Europe, Latin America and Africa. There is a very limited literature on government communication. This review found two articles that theorise about the role of government communication in policy-making. Neither of these articles mentioned open governance (Howlett, 2009; Solar et al., 2014). There is a modest literature on open governance and particularly the implementation of the OGP, but these articles do not specifically mention the role of government communication. However, this literature does refer to government in the broader sense, and may offer some useful lessons on the role of government actors in the implementation of open governance initiatives. The limited evidence is drawn mainly from case studies that discuss the implementation of the OGP or other open governance initiatives.

The term open governance is more likely to be used in literature on high-income countries (Laboutková, 2018; McGee & Edwards, 2016; Misuraca & Viscusi, 2014). The literature from transitioning or developing countries tends to refer to open data or e-governance. Open data is one aspect of an open governance agenda which focuses specifically on making government data available through reusable datasets. There has been a tendency to reduce open government to open data in both high income and developing countries (Misuraca & Viscusi, 2014). The e-government approach was popular in the mid-2000's and focused on achieving transparency and accountability through the provision of digital public services. The e-government agenda appears to have given way to the open data approach, especially in developing countries (Misuraca & Viscusi, 2014, McGee & Edwards, 2016).

Political will emerges as an important factor in the success of open government initiatives (Scrollini & Durand-Ochoa, 2015). It is also necessary to ensure that government representatives who participate in such initiatives have meaningful decision-making power. Civil society organisations (CSOs) play an important role with regard to holding the government accountable to its open governance commitments. In countries where civil society is traditionally weak, CSOs have less influence over government. However, international summits on open governance provides an opportunity for CSOs to engage with government on more equal terms (Airas et al., 2016). International pressure is important for encouraging governments to adhere to the commitments in their OGP National Action Plans. In some countries like the Czech Republic and Costa Rica, other motivations, such as compliance with European Union regulations and the desire to join the OECD, respectively galvanised implementation of the OGP (Airas, 2016; Laboutková, 2018).

The key findings with regard to the impact of open governance are as follows:

- The OGP has been most successful in terms of improving the availability of budget information in the health sector (Open Government Partnership, 2019a);
- The availability of data on the judiciary in Latin America is limited. Open governance initiatives were largely successful in improving access to judicial data in Chile. Similar initiatives were less successful in Argentina and Uruguay, primarily because stakeholders were unfamiliar with the concept of open governance (Elena et al., 2014); and
- The Kenyan Open Data Initiative was successful in terms of providing access to information on education and health care services (Jesuit Hakimani Centre, 2014). The data usage is notably higher in urban areas. Data usage was lower in rural areas as people relied on intermediaries, such as traditional chiefs, for access to public information; and
- Open government requires the input and co-operation of a broad group of stakeholders that includes government, CSOs and private sector firms. There must be civic ownership of the openness process with the aim of strengthening democracy (Ramírez-Alujas & Dassen, 2014).

2. Adoption of open government

According to the OECD, open government encompasses “the transparency of government actions, the accessibility of government services and information and the responsiveness of government to new ideas, demands and needs” (Laboutková, 2018). Discussions about open government commenced in the late 1990s but gathered momentum in 2009 when President Barack Obama signed a memorandum on transparency and open government. Obama committed to establishing a system of transparency, public participation and collaboration. It was assumed that such openness would strengthen democracy, and promote the efficiency and effectiveness of government (Baltador & Budac, 2014, McGee & Edwards, 2016). The Obama administration’s Open Government Initiative¹ included various public consultation mechanisms across diverse policy areas, to provide opportunities for all interested parties to access an extensive range of government databases (World Bank, 2009). In 2011, at the 66th General Assembly of the United Nations, 46 states joined to launch the Open Government Partnership (OGP) that was initiated by the United States and Brazil (Baltador & Budac, 2014). The primary aim of the OGP was to make governments more open, accountable and responsive to citizens (Open Government Partnership, 2019b). Members undertook firm commitments, reflected in their national action plans, to promote transparency, empower citizens, fight corruption and utilise new technology to improve governance (Laboutková, 2018). Membership has grown and in 2020 there were 78 country and 20 local² members. A country is eligible to join the OGP if it can demonstrate performance in four key areas: **fiscal transparency, access to information, public official asset disclosure, and citizen engagement** (Mills, 2016). Kenya was the first African country to join the OGP in 2011, and was followed by Tunisia, Morocco and Ghana (Schwegmann, 2012).

¹ The flagship programme of the Open Government Initiative was a data sharing platform known as Data.gov. India has emulated this platform via its Open Government Platform (Mlsucara & Vicusi, 2014).

² Local members can be municipalities.

A diverse range of government actors, including ministries and government agencies, are involved in implementing the OGP in developing countries. Local civil society organisations, regional civil society networks (such as *Allianza Regional por la Libre Expresione Informacion* in Latin America, and *WANGONET* in West Africa) international NGOs (such as *HIVOS*) and United Nations agencies (like *UNICEF*) are also involved in various open governance initiatives (Elena et al., 2014; Misuraca & Viscusi, 2014).

Open data and e-governance

The literature from developing countries is more likely to discuss open data, open data governance, or e-governance rather than open government. Several developing countries initially focused on e-governance, where there was an emphasis on making public services more accessible and accountable through the use of digital tools. More recently, there has been a shift towards open data. The terms open data and open data governance are used interchangeably in the literature. “Open data is data that can be freely used, reused and redistributed by anyone for any purpose” (Laboutkova, 2018: 354). There is a debate in the literature regarding the extent to which open data is able to achieve open governance. McGee & Edwards (2016) argue that governments can remain opaque, even if access to technical data is vastly increased. Therefore, open data should not be conflated with open governance. Similarly, Misuraca & Viscusi (2014) cynically state “that if in the past the race was about how many e-services were available online now the game seems to be: how many datasets are available online?” Both advanced and emerging economies are investing in open data platforms without clear objectives. In addition, critical issues such as format compatibility, licensing, risks of misuse, legal and organisational implications, and other technical issues tend to be overlooked. There is a pervasive view in the policy literature that transparency alone is not enough to ensure open government (Baltador & Budac, 2014). Organisations such as McKinsey and the Omidyar Foundation have published reports on the economic impact and commercial value of open data. Furthermore, based on a review of the OGP in Latin America it appears that both open data and e-government are more effective when implemented as part of a broader open government policy (Ramírez-Alujas & Dassen, 2014).

Government communication and policy

The World Bank recognises that effective government communication is vital to promote the legitimacy of government (World Bank, 2009). Such communication must be **two-way**, as governments must demonstrate that they are willing and able to listen to citizens as well as incorporate their needs and preferences into policy processes. Howlett (2009) observes that governance was moving towards pro consultation modes which included the use of instruments to promote citizen empowerment such as freedom of information legislation, the use of public performance measures, e-government and increased use of government surveys and advertising (Solar et al., 2014). More recently, the OECD has noted that effective public communication together with a robust media information ecosystem are critical enablers of open government reforms (OECD, nd). The OECD proposes the following pillars for effective public communication:

- Institutional and governance systems for delivering effective public communication;
- Core competence in public communication; and
- Media and information ecosystems which support transparency and accountability.

Figure 1 depicts the OECD framework for public communication, which outlines the linkage between aforementioned pillars for effective public communication and the principles of open governance (transparency, integrity and accountability).

See: **Figure 1: OECD Framework for Public Communication and Open Governance**, Source: OECD, nd, p. 2, <https://www.oecd.org/gov/public-communication-and-media-for-a-more-open-government-flyer.pdf>

The media ecosystem includes government, public and private sector media, social media companies, non-governmental organisations (NGOs) and citizens (Ismail, 2019). The media ecosystem envisages a complementary relationship between the private media and government communication. In several countries the private media plays an important watchdog role in terms of holding governments accountable (Ismail, 2019). However, communication from government is essential for building support for government policies and hence supports the legitimacy of the government. An effective media ecosystem requires that both private media and government communication units have adequate capacity to perform their functions and improve transparency (OECD, nd).

The OECD observes that most governments have not fully exploited the links between open government and public communication. Data from the OECD surveys reveals that in most countries open governance and government communication objectives are not aligned (OECD, nd). Countries in the developed world have relatively high capacity for providing two-way communication with citizens. In contrast, governments in developing countries have limited capacity to engage with citizens (World Bank, 2009). **According to the World Bank many governments do not provide adequate information to the public**, and therefore the public is not able to hold them accountable for managing public finances:

“The government communication functions in developing countries are dreary backwaters of low skill. In many of these contexts communication positions are lacking in government offices – even when establishing them would make sense. They are left vacant when they do exist, or are assigned a civil servant’s secondary, low priority tasks. Ministries of information are seen as propaganda machines – with the primary purpose of pushing out information bias toward ‘any government in power’– with no real capacity to engage in meaningful dialogue with constituents agencies, and bureaucracies charged with collecting and managing government data and statistics are often under-resourced and frequently lack the capacity to carry out their mandates.” (World Bank, 2009).

Consequently, **there are only a few successful examples of building government communication capacity in developing countries**. Success stories are usually limited to one sector or thematic area, and do not represent systemic or government-wide improvement (World Bank, 2009). Moreover, many countries lack the capacity to improve internal communication among government agencies. Likewise, in some developing countries, the capacity of the private media is limited and it may not adequately fulfil its watchdog role. Hence, donors have provided aid in the form of media assistance in some developing countries (Ismail, 2019).

This literature review was able to find only a couple of articles that discuss government communication and policy. There is no reference to open governance in these articles. Howlett (2009) discusses government communication as a policy tool. The first challenge was the absence of a clear definition of government communication. Howlett (2009) proposed that government communication be regarded as a generic name for a wide range of governing instruments that utilise government informational resources to influence and direct policy actions, by either providing or withholding information or knowledge from societal actors. Howlett (2009)

believes that government communication can affect the following stages of the policy cycle: agenda setting, policy formulation, decision-making, policy implementation and policy evaluation. However, Howlett (2009) does not provide any specific examples of how government communication can be used to influence policy.

3. Lessons from OGP implementation

There is some literature on the implementation of the OGP. This includes reports produced by the OGP, and case studies of OGP implementation in the academic or grey literature. Although this literature does not explicitly refer to the role of government communication it offers some useful lessons for government actors involved in the OGP.

Health budget transparency

There are no recent cross-country comparisons on budgets or spending in the health sector. **Budget transparency is the most successful outcome of the OGP National Action Plans** (Open Government Partnership, 2019). An improvement in project level budgeting and expenditure in the health sector is evidence that many low- and middle-income countries have implemented their health sector commitments. This greater transparency enables national and international actors to obtain a better understanding of national priorities with regard to horizontal interventions, like primary or prenatal care. It also provides useful data on vertical interventions, such as pandemic prevention or anti-smoking. It is therefore possible to compare policy or political priorities with actual implementation of the programmes (Open Government Partnership, 2019a).

An assessment conducted by the Overseas Development Institute and International Budget Partnership in seven African countries found that macroeconomic data and overall budget spending for health was mostly available for all seven countries between 2010 and 2012. Only two countries in the study, Liberia and Uganda, listed specific expenditures such as expenditure on medicine. A few countries disaggregated data at the subnational level (Open Government Partnership, 2019). The International Budget Partnership also conducted a survey in 30 low- and middle-income countries to determine if there was project level budgeting data for health. The study found that OGP countries have project line items in their budgets that list expenditure for specific health projects, although there is considerable variance in the number of projects which are reported in the national budget. The majority of countries (80%) had clear objectives for each programmes and 75% specified indicators and targets for the programme (Open Government Partnership, 2019). Only 40% of countries provided performance-based lines for the programmes or for health policy areas. Some countries such as Indonesia, Jordan, Mexico, Morocco, Peru and Serbia provided outcomes-based indicators, such as reducing new cases of tuberculosis. Although transparency is critical, its effectiveness is curtailed when there is limited scope for accountability in public oversight. There is growing acceptance of the need for participation and accountability in the health sector. Civil society organisations (CSOs) play an important role in enabling poor communities to exert voice and accountability. OGP members like Mongolia and Uruguay are supporting advocacy efforts in marginalised communities in partnership with the Global Partnership for Social Accountability (Open Government Partnership, 2019a).

OGP case studies

This rapid literature review was able to find the following case studies of OGP implementation in the regions of interest.

Czech Republic

The Czech Republic joined the OGP in 2011 under government resolution number 691. The Department for Coordinating the Fight against Corruption leads open governance in the Czech Republic (Laboutková, 2018). The first and second National Action Plans highlighted three objectives: (1) adoption of the new act on civil service, (2) streamlining the system of free access to information, and (3) improving access to data and information. An independent reporting mechanism was used to assess the extent to which the Czech government made progress with regard to its National Action Plan. Assessing the implementation of the National Action Plan was difficult because the commitments did not explicitly discuss how the values of open government would be achieved. However, an IRM assessment in 2017 gave the Czech Republic score of 70.37% for actual completion of its National Action Plan (Laboutková, 2018). Some of the main achievements included the adoption of a new civil service law which was specified in the first National Action Plan. This was an important step in the fight against corruption. However, since it was also part of the Czech Republic's commitment to the European Union, there was greater incentive to pass this law. The IRM review of the Civil Service Act concluded that the Act was important for the internal responsibility of government, but it needed to include a greater focus on public oversight. Moreover, adopting the Act was not adequate to ensure that the objectives of the first National Action Plan were met. The Czech Republic has adequate freedom of information legislation, but it lacks a system for monitoring the access of information. Some monitoring of access to information is undertaken by the Open Society Fund which records cases of disputes relating to information regulation (Laboutková, 2018). Likewise, international indices such as the Global Right to Information Rating also provide some data on the extent to which freedom of information is accessible. **These data sources revealed that the government had many avenues for denying access to information requests.** Essentially the commitments in the first National Action Plan were very ambitious and none were entirely fulfilled. The second National Action Plan had less ambitious targets and focused on specific objectives. For example, the Ministry of Interior had to provide legislative guarantees and methodological support for ensuring that data was open and accessible (Laboutkova, 2018).

Overall, there was little engagement with civil society during the creation and formulation of the National Action Plans (Laboutkova, 2018). Political actors in the Czech Republic tend to regard NGOs and civil society as a nuisance. Furthermore, there was a negative perception in the domestic media that the government was more responsive to demands of international institutions than to the needs of citizens. Laboutkova (2018) concludes that the Czech Republic has not adequately used the potential of the OGP to advance anti-corruption reform. This is due to the following factors: commitments in the OGP National Action Plans were regarded as part of a broader anti-corruption strategy, which received less attention from politicians and public officials. Political representatives lacked commitment to greater political openness and accountability. In addition, civil society was weak and unable to hold the government accountable (Laboutkova, 2018).

Romania

Romania joined the OGP in 2012 after fulfilling the eligibility criteria relating to fiscal transparency. Baltador & Budac (2014) assessed open governance in Romania by considering four indicators of open governance: open budget data, access to information, wealth disclosures for high ranking civil servants, and citizen engagement. Romania has relatively modest scores on the open budget index (77 out of 100), which indicates that the government provides the public with partial information on its budgeting and financial activities. It is therefore difficult for citizens to hold the government accountable with regard to public spending. Baltador & Budac (2014) note that Romania's position on the Economist Intelligence Unit democracy index (59 out of 167) indicates that it can be regarded as a flawed democracy. Therefore, they conclude that citizen engagement is modest in the country.

Although Romania had passed laws on access to information prior to joining the OGP, the legislation has not been enforced largely because there are no sanctions for disregarding this law. Romania has a good track record when it comes to enforcing financial disclosures, which were published on the website of the relevant government agency. Overall, Baltador & Budac (2014) conclude that progress on open government in Romania has been limited.

Latin America

A study was conducted to determine whether the OGP has promoted more accountable, open, and responsive government in Costa Rica. The research focused on two themes: the institutionalisation of the open government agenda in Costa Rica and the unification of the e-procurement system to reduce corruption (Airas et al., 2016). In 2012, President Chinchilla made a commitment to the OGP, but the open government agenda was essentially limited to e-government. Later, in 2014 when Costa Rica hosted the OGP America Summit, the new government of President Solis Riviera broadened the remit of open governance to include open data. Moreover, open government became a political agenda which focuses on anti-corruption, transparency and participation (Airas et al., 2016).

Costa Rica aspired to join the OECD and regarded improved open governance as a means of boosting its international recognition (Airas et al., 2016). There were three missions from the OECD related to the OGP implementation, during which OECD experts assessed the level of compliance with their standards for public governance. The 2013 OGP Summit in London provided the Costa Rican government with another opportunity to push the judicial branch to commit to enacting an internal openness policy. Similarly, the Open Parliament Alliance was an opportunity for the legislature to initiate open government reforms, although according to Airas et al. (2016) little progress has been achieved.

The OGP has supported a broader reform agenda in Costa Rica through the following mechanisms (Airas et al., 2016):

- International and regional events provide platforms where members of civil society can exert their influence on government;
- Financial and technical cooperation through the OGP support unit has influenced the design and content of some open government initiatives and promoted cooperation, and
- The IRM reports and National Action Plans have become a means to apply pressure on government to adhere to its commitments regarding open government.

During the second National Action Plan there was an improvement in engagement between the government and civil society organisations (Airas et al., 2016). However, a permanent citizen engagement mechanism has not yet been established. In 2013 CSOs involved with the open governance initiatives created an entity named Red-C which was a coalition of organisations working on issues related to open government. Red-C was able to jointly push for three seats on an upcoming National Commission to discuss open government. During the second National Action Plan, an international NGO, HIVOS, supported consultation between government and CSOs. However, organised civil society engagement was difficult to arrange, and consequently a small group of CSOs played a critical role by pressuring the government to create a broader citizen participation process (Airas et al., 2016).

The relevant stakeholders in the second National Action Plan include the political hierarchy, bureaucracy, and civil society as depicted in figure 2.

See: Figure 2: Stakeholders in the OGP Process in Costa Rica (2014 -2015), source: Airas et al., 2016, p. 10, <https://www.globalintegrity.org/resource/log-costarica/>

The OGP became part of a four-year national development plan. However, the open government process was not able to achieve the unification of the e-procurement system, because there were too many conflicting interests which could not be balanced. Pro-reform leaders at the head of government failed to disseminate knowledge about the open government process, as well as the benefits of openness more broadly across the public sector (Airas et al., 2016). Hence, it was not possible to overcome the institutional resistance within government departments to altering the procurement system. Airas et al. (2016) claim that the open governance initiative has not been able to build effective coalitions that would influence the power dynamics in the country.

Ramírez-Alujas & Dassen (2014) conducted a review of OGP national action plans and policies in 15 Latin American member states. The following recommendations were offered for improving the implementation of the OGP (Ramírez-Alujas & Dassen, 2014):

- Open government in Latin America should be a cross-cutting policy across the public sector ;
- Government is an important but not the only stakeholder in the OGP process. CSOs, private sector businesses should be included and civic ownership of the process is essential;
- National action plans must address the needs of local communities; and
- The provision of public information and the protection of personal data must be balanced in order to build an open society where relationships among all actors contribute to the democratic space.

OGP challenges

The literature on the implementation of the OGP discusses two broad groups of actors: government and civil society. However, the literature does not disaggregate these actors further, therefore it is not possible to highlight or isolate the role of government communication in fostering open government. Scrollini & Durand-Ochoa (2015) reviewed the implementation of the OGP in Latin America. Although this review does not explicitly refer to the role of government communication, its assessment of the role of government more generally is interesting. The following challenges were highlighted:

Trends in open governance

Scrollini & Durand-Ochoa (2015) identified two trends that affect the state of open governance in the world. (1) Domestic and international demands for transparency are encouraging many countries to adopt laws that enhance access to information, transparency and public participation in policy-making processes, and (2) Governments are placing restrictions on the media and civil society, thus rendering it difficult for civil society to oppose national governments.

Political will and commitments

During the first quarter of 2013, the OGP undertook an evaluation of 15 member countries which had produced national action plans (Scrollini & Durand-Ochoa, 2015). The evaluation ascertained that political will is essential in order for National Action Plans to be taken seriously and implemented. Countries must have a strong commitment to fostering a collaborative relationship between government and civil society. Such commitment is most needed in countries which do not have a history of strong collaboration between government and civil society.

It is necessary for the government representatives involved in the OGP to have high levels of decision-making authority (Scrollini & Durand-Ochoa, 2015). So far, Mexico is one of the few countries which has ensured that its OGP government representatives have adequate decision-making power. Many governments in the Latin American region have proposed National Action Plans that “do not push the boundaries of the transparency, participation and accountability in the domestic framework”. Instead, governments push an agenda that is already underway and which can be easily fulfilled. Commitments made by government were also criticised because they were disconnected from actions, and therefore less likely to lead to real change in the daily lives of citizens. Scrollini & Durand-Ochoa (2015) recommend that governments commit to more ambitious National Action Plans.

Coordination

In Latin America the OGP became a forum which brings together CSOs and regional networks involved in transparency and accountability (Scrollini & Durand-Ochoa, 2015). The platform facilitates the development of new methods of engagement between government and civil society to further the aims of transparency, participation and collaboration. However, coordination challenges affect both civil society and government.

Scrollini & Durand-Ochoa (2015) observe that a diverse range of government representatives at both national and local level are involved in OGP fora. Although involving a wide range of government representatives is critical for creating a degree of legitimacy, it is essential to have a strong national secretariat or open government point of contact within the government which could bring the other public agencies to the table. However, time constraints restrict the extent to which civil society and government are able to meet and engage in dialogue.

Weak or under representative civil society

In Latin America the weaknesses of civil society were highlighted as a challenge for implementing the OGP (Scrollini & Durand-Ochoa, 2015). The sectors of civil society that engage with government should become more representative and cover a broader range of interests and

agendas. For example, in Peru it has been difficult to include remote communities living in the Andean and Amazonian regions due to language and distance. Civil society needs to become organised and work in a collaborative fashion with government. A platform for dialogue between governments and civil society is needed to maintain the relationship. In multilingual and multi-ethnic societies it is difficult for consultations to be fully inclusive (Scrollini & Durand-Ochoa, 2015).

IRMs

Independent reporting mechanisms (IRMs) were adopted by the two founding members of the OGP in Latin America, Brazil and Mexico. However, the success of IRMs is limited. The IRMs did not lead to the second round of National Action Plans, but they were useful in evaluating the consultation process and promoting dialogue between civil society and government to some extent (Scrollini & Ochoa, 2015).

4. National governments and open governance initiatives

This rapid review was able to identify the following examples of the implementation of open government. The role of government is discussed, but the literature does not highlight the contribution of government communication specifically.

The judiciary in Chile, Argentina and Uruguay

The judiciary in many Latin American countries has been resistant to open government and open data initiatives due to its conservative tradition. A study on the openness of judiciary branch data and its impact was conducted in three countries (Elena et al., 2014). The study is based on the assumption that openness and transparency in the judiciary should be a standard practice, since the judiciary is a public service. A comparative assessment of the open data in the judiciary in Chile, Argentina, and Uruguay yielded the following results:

- Chile obtained a higher score for open governance in the judiciary, followed by Argentina and Uruguay;
- The law on access to information in Chile includes penalty mechanisms. Decisions on budgetary information and statistics are published. This includes information regarding new case numbers, pending cases, and cases collected by jurisdiction and type of court. Data is available in spreadsheets and small datasets which can be reused. All rulings are published in Word and PDF format. The judiciary makes data available for personal or academic purposes, but does not allow it to be used for commercial purposes and this limits the reusability of the information.
- In general, judiciary officials in Chile have greater knowledge about open data compared to their counterparts in Argentina or Uruguay.
- In Argentina, judicial information is not available in formats which can be accessible without a software license. A lot of information is published in PDF format which limits reusability. The vast majority (75%) of officials in the judiciary who were interviewed were not familiar with the concept of open data.
- Although Uruguay has a transparency policy at the national level and laws on access to public information, the judiciary branch is lagging behind in terms of open data. Statistics and budget information are only published in PDF format which curtails reusability of the

data. Rulings and other significant decrees are published in PDF format or scanned directly from hardcopy files. A majority (60%) of judiciary officials and data users said they were unfamiliar with the concept of open data.

Overall, none of these countries provide data which meets the requirements for open data. The data were not universally accessible to all citizens because they were published using formats that required users to have certain software licences (Elena et al., 2014). However, these countries have made progress in terms of moving towards providing open data on the judiciary.

In Chile, 100% of officials who were interviewed claimed that they used the information which was published. Such information was valuable for the analysis of an implementation of various laws and resolution. The information from the Chilean judiciary was also useful in terms of proposing bills for improving the functioning of the courts. However, Chilean officials and users concede that if the data were provided with a greater degree of analysis they would have a better understanding of the data. There was consensus among Chilean officials that the data was useful in terms of improving the performance of the courts (Elena et al., 2014).

Like Chile, 100% of officials in Argentina and users stated that they use the information generated by the judiciary branch in their daily work. The data were used for desk research and it contributed to gender policies, a gender chart and other visual aids for the Office of Woman of the Supreme Court of Justice. However, there was no evidence that the data was used to improve the productivity of the courts or the quality of court processes in Argentina (Elena et al., 2014). Data users would like to obtain access to the curriculum vita of judges, data which improves the transparency of judicial appointments and statements of wealth for key members of the judiciary. Half the respondents claimed there was no mechanism to use the information in a systematic way (Elena et al., 2014).

In Uruguay, officials used the information produced by the judiciary branch to stay informed of the latest trends in jurisprudence and for various judicial tasks. There was an information vacuum with regard to the length of judicial processes, the number of hearings held and failed, curriculum vita of judges and other aspects of the judiciary. Hence, there was a desire for more data to be publicly available. All the officials agreed that the information was used to improve the performance of the courts in Uruguay. The Supreme Court used the data to inform their decisions on sanctions and promotions. Moreover, the data was useful for planning new court locations (Elena et al., 2014).

Kenya Open Data Initiative in urban slums and rural settlements

Kenya has promoted itself as a leader in open data in Africa. The Kenyan constitution emphasises citizen participation. The Kenyan Open Data Initiative is a nationwide government programme that focuses on providing national and local data (Jesuit Hakimani Centre, 2014). The goal of the initiative is to make government data on development and demographics, as well as statistical and expenditure data, available in useful digital formats for researchers, policymakers, ICT developers, and the general public. A number of datasets have been made available, and it is anticipated that the provision of data may enhance citizen participation and improve the engagement between the government and the public (Jesuit Hakimani Centre, 2014). The categories of data and examples of datasets in the Kenyan Open Data Initiative are listed in Table 1 (overleaf).

A study was conducted to assess the extent to which the Kenyan Open Data Initiative was assisting marginalised communities and groups to gain access to key social services and

information. Other objectives of the study were to understand the way in which people use information provided by the Open Data Initiative, assess public trust in the information, and identify opportunities for improvement. The study was conducted in two urban slums in Nairobi and Mombasa and a rural settlement in Isiolo county. A mixed methods approach, which encompassed focus groups, in-depth interviews and survey questionnaires, was conducted (Jesuit Hakimani Centre, 2014). The main findings of the study were as follows:

- The majority of Kenyan citizens utilise government information. 81% of urban and 57% of rural respondents, respectively, stated that they looked for government data in the past two years;
- There is a mismatch between the data which citizens want and the data which is available;
- Most people access data through local information intermediaries (such as traditional chiefs, community centres, churches, or mosques) rather than government data portals. However, intermediaries often lack connections to the wider data sources. Only one third (33.5%) of urban respondents, and just over one quarter (27.8%) of rural dwellers used the government data portal; and
- Most respondents were interested in information concerning health and education. People were particularly interested in information relating to the number of bursaries, the overall performance of the Kenya Certificate of Primary Education and the Kenya Certificate of Secondary Education, as well as information on the number of schools. People also require information on disease outbreaks, the number of hospitals or health centres and information on the number of doctors and nurses.

Table 1: Types and Examples of Data in the Kenyan Open Data Initiative

CATEGORY	EXAMPLES OF DATASETS
Environment And Natural Resources	<i>2009 Census Volume II Table 9: Households by main mode of Human Waste Disposal by district</i>
Agriculture	<i>Livestock population by type and district</i>
Counties	<i>Local Authority and Constituency Development Fund Expenditures, County estimates, Kenya Shillings</i>
Education	<i>KCPE Exam Scores 2006 To 2010</i>
Employment	<i>2009 Census Vol II Table 4: Activity Status by County</i>
Energy	<i>Availability of Energy Sources, by District -2009</i>
Financial Sector	<i>IMF World Economic Outlook 2011 Kenya GDP Per Capita Projections</i>
Health Sector	<i>County Illness Rates vs Spending and Bed Net Usage</i>
Poverty	<i>Poverty Rate by District</i>
Population	<i>2009 Census data on number of households, population by male and female, area in square kilometers, and population density by sub-location</i>
Public Finance	<i>Public Expenditure Audited Accounts 2002/3-2009/2010 and Budget 2010/11</i>
Transport and Communication	<i>2011 Traffic Incidences from Desinventar</i>

Source: Jesuit Hakimani Centre, 2014, p. 8, licensed under [Creative Commons Attribution-ShareAlike 2.5 South Africa \(CC BY-SA 2.5 ZA\)](https://creativecommons.org/licenses/by-sa/2.5/za/), <http://www.opendataresearch.org/project/2013/jhc.html>

Digital tools for accountability and transparency in Kenya and South Africa

Technology can be used to enhance transparency and accountability through a variety of tools including social media platforms, off-the-shelf software platforms such as Ushahidi or Frontline SMS, paid subscriptions to cloud services, mobile apps, web interfaces as well as using hardware such as tablet computers for surveys (Wilson & de Lanerolle, 2016). A survey based on 247 organisations in South Africa and 40 Kenyan organisations was conducted to determine how online tools are chosen by organisations involved in transparency and accountability. In addition, 38 in-depth interviews were conducted in both countries. The study found that less than a quarter of the digital transparency and accountability initiatives were regarded as successful. The key problem was low uptake by users. Many organisations involved in transparency and accountability lacked detailed knowledge about the tools that were utilised (Wilson & de Lanerolle, 2016). The study concludes that a trial should be undertaken before adopting a digital tool for transparency and accountability. The trial provides useful information about the effectiveness and appropriateness of tools. However, trials were not done mainly because local organisations did not choose the tools that was used. In many cases donors or foreign partners (Wilson & de Lanerolle, 2016) preselected the tools. There were also time and resource constraints particularly since high-tech projects usually required more time to implement. This study offers the following recommendations:

- Investigate existing tools and determine which are already in use;
- Conduct trials with multiple tools to identify hidden challenges as well as determine which tool is most effective for the objectives of the initiative;
- Start the research and trials earlier, and
- Anticipate low uptake rates and plan for further iterations as digital tools often need to be customised for particular uses.

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