



Report Title:	New Zealand's future approach to the Open Government Partnership		
Report No:	2023-0321		
Date:	20 December 2023		
To:	Hon Nicola Willis, Minister for the Public Service		
Action Sought:	Discuss this briefing with officials	Due Date	19 January 2024
Contact Person:	Hugo Vitalis, Deputy Commissioner Integrity, Ethics and Standards		
Contact No:	9(2)(a) privacy		
Encl:	Yes - four appendices attached	Priority:	Medium
Security Level:	IN CONFIDENCE		

Executive Summary

1. As Minister for the Public Service, you are responsible for leading New Zealand's membership of the Open Government Partnership (OGP), and delivery of the fourth OGP National Action Plan (NAP4). This briefing advises on:
 - a) OGP and emerging risks to the delivery of NAP4,
 - b) a review of OGP to identify improvements, and
 - c) options for managing OGP into the future, including the recommended option of withdrawing from OGP membership.

Open Government Partnership and delivery of NAP4

2. OGP is a multilateral initiative which promotes the goals of open government. National Action Plans (NAPs) are the key deliverable of OGP and set out "commitments" that a country will take to strengthen open government. NAPs are co-created between government and civil society organisations (CSOs). OGP is managed by the OGP Support Unit (a not-for-profit organisation based in the United States) with oversight from an international Steering Committee. New Zealand joined OGP in 2013 and has produced four NAPs.
3. NAP4 was developed over three years. Development started with wide public engagement, followed by commitment co-creation with a small group of CSOs. NAP4 contains eight commitments led by six agencies and was approved by the previous Government in December 2022. The process was independently assessed as meeting all OGP Minimum Requirements.
4. Over 2023, reprioritisation of resources and a lack of alignment with Government priorities resulted in delays to several NAP4 commitments. More delays are likely as agencies further reprioritise work to align with this Government's priorities.

Review of OGP to identify improvements

5. In 2023, the Public Service Commission (the Commission) undertook a review of OGP to identify areas for improvement. The review included a survey of 17 OGP member countries, discussions with officials in five comparable jurisdictions, and workshops with New Zealand CSOs and agency officials.
6. The review found New Zealand's approach to OGP aligns with other comparable jurisdictions. Many OGP members face similar challenges. These include a tension between Ministerial and CSO priorities,

lack of dedicated funding for commitments, and high-transaction costs from an inflexible rule-bound process. The review also found limited evidence that OGP is effective at achieving the goals of open government, internationally or in New Zealand.

7. CSOs in New Zealand have expressed frustration with the Government's approach to co-creation and the development of NAPs. CSOs want a greater role in decision-making, adequate resources, more ambitious commitments, increased involvement from Ministers, and for the Treaty of Waitangi to underpin NAP development.

Options for the way forward

8. The Commission assessed five options for the way forward. Four would strengthen the role of CSOs, improve ownership by senior officials and Ministers, and potentially result in more ambitious commitments. All options for remaining in OGP would require additional investment of Ministerial and agency time and some require additional funding. It remains unproven whether these options would increase the overall effectiveness of OGP. Furthermore, decisions on commitments would not be shared with CSOs as Cabinet would still make final decisions. The inherent tension between Government priorities and CSO-driven commitments would therefore remain.
9. Given these issues, and the limited evidence of OGP's effectiveness, it is difficult to argue for further investment to remain in OGP. The Government has also signalled its expectation for greater fiscal discipline and that spending on programmes must demonstrate value for money. We do not consider the current OGP model aligns with this expectation. The option to withdraw from OGP membership is therefore recommended. This would result in modest direct annual savings and free up Ministerial and agency time to focus on Government priorities.
10. Any decision to leave OGP is likely to attract domestic and international criticism from the OGP Support Unit, CSOs and media. It may be perceived as a reduced commitment to open government more generally. However, much of New Zealand's success as an open and transparent democracy, stems from initiatives that sit outside of OGP and there would continue. Further work would be needed to consider how withdrawal could be managed in a way that is mindful of New Zealand's international reputation and relationships.

Recommended Action

11. We recommend that you:
 - a) **note** the Commission has undertaken a comprehensive review of OGP, considered options for improvement, and recommend withdrawing from OGP.
 - b) **note** that cost savings proposed by this option would be included in the Commission's proposals for savings as part of the Government's fiscal sustainability programme.
 - c) **agree** to discuss with officials the options for improving OGP, including the recommended option of withdrawing from OGP membership.
Agree/disagree
 - d) **agree** that the Commission release this briefing once final decisions on OGP membership have been made.
Agree/disagree

Purpose of Report

12. This report provides advice in relation to:
- a) your role as the Minister responsible for leading New Zealand’s membership of OGP,
 - b) the emerging delivery risks to NAP4, agreed by the previous Government in December 2022, and
 - c) key challenges and options for managing OGP into the future, including the recommended option of withdrawing from membership of OGP.

Background

13. New Zealand has a strong international reputation for being an open and transparent democracy and performs well on a range of international measures. For example, New Zealand is ranked as the second least corrupt country in the 2022 Transparency International Corruption Perceptions Index¹ and was rated 99/100 in the Freedom in the World report, which assesses access to political rights and civil liberties worldwide.²
14. There are several tools and initiatives in place that support open government in New Zealand. For example, the Official Information Act 1982, proactive release practices and agency engagement with the public on policies and service delivery. Alongside these, OGP is a further tool intended to promote open government in New Zealand.
15. OGP is an international multilateral initiative of over 70 countries and 100 local jurisdictions that promotes the values of open government. OGP is managed by the OGP Support Unit, a United States based not-for-profit organisation, with oversight from an international Steering Committee of member nations and CSO representatives. The goals of OGP include:
- a) increasing access to government information,
 - b) supporting civic participation,
 - c) strengthening the integrity of government, and
 - d) using technology to promote openness and accountability.
16. OGP members are required to produce NAPs on a two or four yearly cycle. NAPs include “commitments” or actions to strengthen open government in their respective countries. OGP rules require governments to co-create commitments with the public and CSOs.³ New Zealand joined OGP in 2013 and has produced four NAPs.
17. OGP guidance encourages countries to develop a multi-stakeholder forum (MSF) to support ongoing dialogue between government and CSOs when developing and implementing NAPs. New Zealand’s MSF for NAP4 development was called the Expert Advisory Panel. It comprised six individuals with civil society experience and was tasked with advising the Public Service Commission on NAP4 development. Its term expired in mid-2023.
18. OGP rules are not legally binding, but OGP assesses members against these rules. Non-compliance can lead to members receiving a ‘contrary to process’ letter from OGP, which is relatively common. As of February 2023, 63 out of 75 OGP members had received at least one, including New Zealand. Repeated ‘contrary to process’ letters can lead to a member being placed under review. In the past two years both Australia and the United Kingdom have been placed under review by OGP. More information about OGP is included in **Appendix One**.

¹ <https://www.transparency.org/en/cpi/2022>

² <https://freedomhouse.org/countries/freedom-world/scores?sort=asc&order=Country>

³ OGP define civil society as including “community groups, non-governmental organizations, think tanks, advocacy groups, labour unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations.” <https://www.opengovpartnership.org/glossary/civil-society-and-other-stakeholders/>. In New Zealand, civil society groups involved in OGP have predominantly been NGOs and advocacy groups.

Your role in OGP

19. As Minister for the Public Service, you are responsible for leading the Government's membership of the OGP and the delivery of NAP4. This involves:
 - a) overseeing the development of the commitments co-created with civil society,
 - b) seeking Cabinet agreement for the NAP, and
 - c) working with Ministerial colleagues to ensure delivery of NAP commitments.
20. The Commission supports you in this role and works collaboratively with the MSF, civil society, and agencies. We help develop draft commitments, advise you on NAP development, manage public progress updates and maintain the OGP New Zealand website as a repository of information about New Zealand's involvement in OGP. The Commission is also one of six agencies leading commitments in NAP4.

NAP4 development

21. NAP4 was developed over three years, an extended timeframe due to COVID-19 disruptions. Ideas for NAP4 commitments were gathered at over 15 public workshops across the country and via online submissions. Between April and July 2022, officials, the MSF and a small number of CSOs worked collaboratively through a series of workshops to develop potential commitments. NAP4 was approved by the previous Government and published in December 2022.⁴

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NAP4 delivery, NAP5 development

24. Under OGP rules New Zealand will be assessed against NAP4, despite the commitments being agreed by the previous government.⁶ While it is common for countries to only deliver some commitments agreed in NAPs, or partially deliver commitments, doing so is likely to result in criticism from the OGP Support Unit and CSOs, and attract negative media publicity.
25. NAP4 includes eight commitments led by six agencies, including two led by the Commission.⁷ Several agencies have indicated commitments they are leading are unlikely to be fully achieved or will not meet agreed timeframes due to Government reprioritisation that occurred prior to the election. As agencies further reprioritise work based on this Government's priorities, NAP4 delivery may be further impacted. A full list of commitments and their status is in **Appendix Two**.
26. As well as implementing NAP4, New Zealand needs to start planning for National Action Plan 5 (NAP5). Under OGP rules NAP5 does not need to be finalised and published until December 2025. However, work needs to be initiated early in 2024 to plan public engagement and establish relevant supporting arrangements, including a new MSF.

⁴ <https://ogp.org.nz/assets/New-Zealand-Plan/Fourth-National-Action-Plan/NZs-Fourth-National-Action-Plan-2023-2024-.pdf>

⁵ For example, the Independent Reporting Mechanism, submissions on NAP4 and at public report backs on the progress of NAP4 commitments.

⁶ While changes to NAPs are possible, they must be made within 12 months of the plan's publication (i.e. by December 2023).

⁷ <https://ogp.org.nz/assets/New-Zealand-Plan/Fourth-National-Action-Plan/NZs-Fourth-National-Action-Plan-2023-2024-.pdf>

Challenges of OGP

Challenges of OGP model – internationally and for New Zealand

27. The Commission initiated a review of New Zealand’s approach to OGP to identify potential improvements ahead of NAP5 development. This involved comparing New Zealand’s approach to other member countries and consideration of programme effectiveness.
28. The review included a survey of 17 OGP member countries that compared approaches to co-creation, funding, governance arrangements and MSFs, and discussions about OGP approaches with officials in five comparable jurisdictions. Workshops were held with New Zealand CSOs and agency officials to identify challenges and opportunities. A summary of the review’s key findings is in **Appendix Three**.
29. The review found New Zealand’s approach to OGP aligns with that of comparable jurisdictions. Most challenges experienced in New Zealand are common across OGP member countries. These reflect the underlying issues associated with the OGP model, in particular:
 - a) tension created by the differing priorities of Ministers and CSOs,
 - b) a lack of dedicated resources to deliver commitments, and
 - c) the rule-bound nature of OGP processes, resulting in high transaction costs and limited flexibility (e.g. difficulties amending commitments when government priorities change).
30. CSOs are frustrated that they do not have a greater role in final decision-making and believe more weight should be given to their views. However, agencies tend to support commitments that align with Ministerial priorities and agency work programmes. This can mean proposals advanced by CSOs that do not align with Ministerial priorities struggle to get agency buy-in. Some CSOs believe they should be co-creating commitments directly with Ministers, rather than officials, and should be involved in decision-making with Ministers.
31. New Zealand’s constitutional arrangements mean Cabinet determines the final shape of any NAP and the scope of commitments. In our view, the OGP guidance creates an unrealistic expectation from CSOs that decision-making on NAPs will be fully shared. It is difficult to reconcile CSO expectations for shared decision-making powers with the Cabinet decision-making process.
32. With the current approach, agencies must implement OGP commitments from existing baselines. This further encourages the adoption of commitments that align closely with, or expand on, existing work programmes. This is less resource intensive than developing an entirely new work programme. It is also the approach taken by many other jurisdictions.
33. CSOs argue that commitments should stem directly from community voices and public input, via the co-creation process. Some CSOs see the approach of building on existing work as unambitious, leading to commitments that would largely have happened anyway. They believe commitments should be additional to existing Government work programmes.

Limited evidence of effectiveness

34. Worldwide, there is limited evidence of OGP effectiveness in achieving the goals of open government. By OGP’s own measures, around a third of all commitments in NAPs are not implemented, and of those that are, 80% do not achieve significant changes to government practices.⁸ Out of a total of 23 commitments included in New Zealand’s previous NAPs (NAPS 1-3), only one was rated by an OGP independent reviewer as having a major impact on open government. The rest were assessed as having marginal or no impact.
35. The OGP Support Unit believe this is an underestimation of the long-term results of commitments, as reviews only consider results during the NAP delivery. CSOs believe commitments would have more

⁸ OGP Vital Signs 10 years in data review - Executive Summary (p10) https://www.opengovpartnership.org/wp-content/uploads/2021/11/Vital-Signs_Executive-Summary.pdf

impact if there were stronger leadership by Ministers and officials, together with dedicated funding. However, Ministers and their officials focus efforts and resources on the Government's priorities.

36. Given this, the funding suggested by CSOs would need to be significant to offset the tension between Government priorities and separate commitments. CSOs estimate \$5-10 million would be needed to implement commitments. One agency leading a complex commitment in NAP 4 estimates it needs \$1 million additional funds for implementation. This is likely to be at the high end of what is required for a single commitment. Less complex commitments continue to be funded directly from agency baselines.
37. Overall, agencies have commented that OGP does not add great value to their work programmes, in part due to the limited resources for implementation. However, there are some benefits, such as the opportunity for cross-government collaboration. Some agencies found the stakeholder engagement processes to be useful. Others noted it could be counter-productive, for example, when agencies already have long-established stakeholder groups who are not involved in OGP.
38. A 2022 academic report found no correlation between OGP membership and reduced government corruption or improved government effectiveness.⁹ In the past year, two OGP members, Luxembourg and Mexico City, have left OGP. Both noted that, while they support the goals of OGP, membership of OGP was not the best way for them to promote open government in their jurisdictions.

Stakeholder dissatisfaction

39. As noted above, there are several aspects of New Zealand's approach to OGP that CSOs have expressed dissatisfaction with over multiple NAPs. NAP4 development was independently assessed as meeting all OGP Minimum Requirements.¹⁰ Despite this, some CSOs wrote to the (then) Minister for the Public Service expressing significant concerns about the process followed.¹¹
40. CSOs want a greater role in decision-making, increased funding, more ambitious commitments, increased involvement from Ministers and for the Treaty of Waitangi to underpin NAP development. They are critical of what they consider to be a lack of engagement and leadership by senior agency officials. CSOs are also disappointed by the turnover of agency and Commission officials working on OGP and a perceived lack of feedback on their input.
41. Some CSOs have withdrawn from future involvement with OGP. Others have signalled they may do so unless significant changes are made. This poses a risk to New Zealand's ability to meet OGP requirements for CSO participation.
42. Prior to the last election, CSO representatives polled political parties on whether they would continue to support OGP and adequately resource commitments if elected. All parties responded that they would.¹² In October 2023, Business Desk reported OGP was the type of programme officials would propose ending as a cost cutting measure, and CSOs were seeking reassurance this would not occur.¹³

⁹ Chul Hyun Park & Koomin Kim (2022) Exploring the Effects of the Adoption of the Open Government Partnership: A Cross-Country Panel Data Analysis, *Public Performance & Management Review*, 45:2, 229-253, <https://doi.org/10.1080/15309576.2022.2042703>

¹⁰ The OGP independent review of NAP4 found that New Zealand met all requirements for OGP co-creation, but there were divergent views about the extent to which the principles of co-creation were realised (see p4) <https://www.opengovpartnership.org/wp-content/uploads/2023/07/New-Zealand-Action-Plan-Review-2022-2024.pdf>

¹¹ <https://nzcccl.org.nz/wp-content/uploads/OGP-CSO-letter-to-Hipkins-and-Robertson-15-11-22.pdf>

¹² <https://www.transparency.org.nz/blog/parliamentary-parties-express-support-for-the-ogp>

¹³ <https://businessdesk.co.nz/article/policy/business-of-government-caretaker-edition-starring-winston-peters-and-more>

Options and potential way forward

43. In light of the analysis above, we have considered options that could provide a viable way forward:
- a) **Remain in OGP with an MSF to advise Commission** (closest to status quo). Reconstitute a new MSF to advise the Commission on NAP development. The Commission advises the Minister (**not recommended**),
 - b) **Remain in OGP with an MSF of CSOs and officials to advise Minister**. Seek Cabinet mandate for an MSF (advisory board) comprising equal numbers of CSO representatives and senior officials to directly advise the Minister for the Public Service on the NAP,
 - c) **Remain in OGP with an MSF of Ministers and CSOs to advise Cabinet**. Seek Cabinet mandate for an MSF (advisory board) comprising equal numbers of Ministers and CSO representatives, to advise Cabinet on NAPs. The MSF would be co-chaired by the Minister for the Public Service and a CSO representative and supported by a Commission secretariat,
 - d) **Option b or c, with additional ringfenced funding**. Secure funding for OGP plan development and commitment delivery. CSOs estimate \$5-\$10 million would be needed to adequately deliver OGP, or
 - e) **Withdraw from OGP**. Realise direct savings to the Crown and free up Ministerial and agency time and resources. The Commission would continue to hold a coordinating role for Government in advancing other open government initiatives (**Recommended option**).
44. A summary assessment of the options is set out in **Appendix 4**.
45. In the short term, it remains possible to continue with **option a** and work with Ministers and agencies to deliver as much of NAP4 as possible. However, the review made it apparent that agencies and CSOs think that continuing with the status quo option is not viable and is damaging to relationships with CSOs. In our view, the limited outcomes being achieved do not justify the ongoing investment of resources and expertise.
46. The other options for remaining in OGP (**options b, c and d**) use Cabinet mandates to establish MSFs comprising equal numbers of CSOs and Ministers or officials. This shared membership could strengthen the role of CSOs and improve the buy-in of senior officials and Ministers. However, under all options, the role of the MSF would remain advisory only. Cabinet would still make final decisions about the commitments included in the NAP. These options would require significantly more investment of Ministerial and agency time, and **option d** would require additional funding.
47. The limited evidence of OGP's effectiveness makes it difficult to support further investment, and further investment does not resolve the inherent tensions the model creates in the New Zealand context. The Government has been clear that it expects fiscal discipline, demonstrable value for money, and that future spending will be focused on frontline services tied to measurable goals. We do not believe the current OGP model aligns with these expectations.
48. Given the above considerations, the Commission recommends **option e**, withdraw from membership of OGP. Withdrawing would provide direct savings of \$200,000 (the annual membership contribution) and an approximate saving of 2 FTEs for the Commission. These savings would be included as an option within the Commission's savings proposal due to be submitted in February. While these costs are relatively modest, the overall costs are much higher but difficult to quantify. OGP involves considerable compliance costs and requires investment of Ministerial and agency time. Given limited evidence of the value delivered, it presents an opportunity cost to Government.
49. Any decision to leave OGP is likely to attract domestic and international criticism from the OGP Support Unit, CSOs and media. It may be seen as a weakening of New Zealand's commitment to open government. The process for withdrawal would need Cabinet agreement and we would need to

discuss with you whether work to deliver commitments under NAP4 should continue. Should you choose this option, further work is needed to understand the wider implications of withdrawal.

50. Much of New Zealand's success as an open and transparent democracy stems from domestic initiatives that sit outside of OGP, and this work will continue. Agency Chief Executives are still required to foster a culture of open government in their agencies. The Commission would continue to support agencies in improving their OIA practices and capability through monitoring, training and advice [BR2023-0284 refers]. New Zealand would still be subject to international scrutiny through measures such as the Transparency International Corruption Perceptions Index.
51. However, we would need to undertake further work with relevant agencies to ensure withdrawal could be managed in a way that is mindful of New Zealand's international reputation and relationships. As examples, this would include consulting with the Ministry of Foreign Affairs and Trade, and 6(a) prejudice security or defence [REDACTED]
52. While CSOs were involved in the review that was undertaken, we have not consulted them on the options or advice presented in this briefing. CSOs recently requested a copy of advice provided in the Commission's Briefing to the Incoming Minister on OGP. We anticipate that CSOs will seek an opportunity to meet with you in the new year.

Next Steps

53. We are available to discuss with you the recommended option of withdrawing, as well as the feasibility of the other options for remaining a member of OGP.

Appendix One – Background and requirements of OGP

Origins and structure of OGP

1. OGP was formally launched in 2011 by eight founding nations (Brazil, Indonesia, Mexico, Norway, Philippines, South Africa, the United Kingdom, and the United States). It now includes over seventy member countries and over one hundred regional or city governments. To join the partnership, countries must meet a set of basic eligibility criteria and endorse the Open Government Declaration.¹⁴ New Zealand has been a member of OGP since 2013 and has completed three NAPs in this time, with a fourth currently in place.
2. OGP is managed by the OGP Support Unit, a United States-based independent, not-for-profit organisation. The OGP Support Unit is primarily funded through foundation grants, bilateral aid agency grants and member country contributions.¹⁵ New Zealand's contribution is \$200,000 per year.
3. The OGP Support Unit develops and implements the rules that OGP member countries must follow. The Unit is overseen by a Steering Committee selected from member nations and civil society groups that provide the political and strategic leadership to OGP.

Requirements of OGP

4. Ongoing membership of OGP requires countries to meet a set of Minimum Participation Requirements.¹⁶ These requirements are not met if: a country fails to publish a new NAP within 12 months of the end date of the last NAP, does not meet a set of minimum participation and co-creation standards for public and CSO input into the NAP, or if the country fails to make progress on any of the commitments agreed in their NAP.
5. If a country does not meet the Minimum Participation Requirements, it is deemed to have acted “contrary to process” and will receive a letter from the OGP Support Unit advising of this. Contrary to process letters are common within OGP. As of February 2023, 63 out of 75 OGP members had received a contrary to process letter, usually for delays in delivering NAPs.
6. New Zealand has received two contrary to process letters: for extending the deadline for NAP4 development in response to a CSO request (2021) and for extending the consultation period of a self-assessment report beyond OGP's required timeframe (2016). While both were minor infractions, intended to allow for wider consultation and engagement, they were technical breaches of OGP rules.
7. If a country acts contrary to process for multiple NAP cycles, they are placed under review by OGP. This is not uncommon and in the past two years both Australia and the United Kingdom have been under review by OGP.
8. OGP appoint an independent expert to review and publicly report on NAPs once they are developed and as they are implemented. This is called the Independent Reporting Mechanism (IRM). The IRM's role is to assess and report on the process for developing the NAP (including the extent of civil society engagement), how impactful commitments are likely to be and, at the final stages, whether commitments were successfully implemented. New Zealand's current IRM is Dr Elizabeth Eppel, Senior Research Fellow at the Victoria University School of Government.

¹⁴ <https://www.opengovpartnership.org/process/joining-ogp/open-government-declaration/>

¹⁵ In OGP's 2022 budget, 40.4% was foundation grants, 28.1% was bilateral aid agency grants and 25.5% was member country contributions.

¹⁶ OGP Minimum Participation Requirements (p35) <https://www.opengovpartnership.org/wp-content/uploads/2022/03/OGP-National-Handbook-2022.pdf>

Appendix Two - Status of NAP4 commitments

Commitment	Status
Adopt a community engagement tool (lead agency: PSC). Develop a model standard on community engagement and require public service agencies to adopt the Policy Community Engagement Tool, to lift the quality of community engagement for significant initiatives.	Some delays but partial delivery remains feasible.
Research deliberative processes for community engagement (lead agency: PSC). Research and share how deliberative processes like citizen’s assemblies and juries can be adapted to work well in a New Zealand context.	On track for delivery.
Establish an inclusive, multi-channel approach to the delivery of government information and services (lead agency: Department of Internal Affairs (DIA)). Address the barriers people face when government services are delivered only online with limited non-digital alternatives. <i>This commitment is strongly supported by the Citizens’ Advice Bureau, who have expressed disappointment it is delayed.</i>	At risk of non-delivery due to resourcing constraints and re-prioritisation.
Design and implement a National Counter Fraud and Corruption Strategy (lead agency: Serious Fraud Office). Implement a national counter fraud and corruption strategy that unites and coordinates government agencies’ work.	Some delays but partial delivery remains feasible.
Increase transparency of beneficial ownership of companies and limited partnerships (lead agency: Ministry of Business, Innovation and Employment (MBIE)). Increase the transparency of beneficial ownership of New Zealand companies and limited partnerships by introducing legislation to make beneficial owners’ identifying information available on a public register.	At risk of non-delivery due to delays introducing relevant legislation.
Improve government procurement transparency (lead agency: MBIE). Enable better information sharing with the marketplace and improve competition through changes to the Government Electronic Tender Service (GETS) by developing a digital platform to capture procurement information in alignment with the Open Contracting Data Standard.	On track for delivery.
Strengthen scrutiny of Official Information Act 1982 (OIA) exemption clauses in legislation (lead agency: Ministry of Justice). Strengthen guidance and procedures agencies must follow when introducing legislation that includes an OIA exemption clause.	Some delays but partial delivery remains feasible.
Improve transparency and accountability of algorithm use across government (lead agency: Statistics New Zealand). Strengthen the transparency and accountability of algorithm use across government by providing improved supports to implement the Algorithm Charter for Aotearoa New Zealand.	On track for delivery.

NAP4 can be read in full here <https://ogp.org.nz/assets/New-Zealand-Plan/Fourth-National-Action-Plan/NZs-Fourth-National-Action-Plan-2023-2024-.pdf>

Appendix Three – Summary of review

METHODOLOGY



KEY FINDINGS

New Zealand’s OGP approach – and challenges – are broadly the same as other jurisdictions

- Our MSF has a similar structure, size, meeting frequency and functions/mandate when compared with many other OGP members, *but* many of those had roughly equal government and non-government membership (NZ’s sole government member is the Public Service Commissioner (or delegate) who also Chairs the MSF).
- New Zealand is the only country surveyed to pay MSF members for their time.
- Other OGP members also find it challenging to balance OGP aspirations for co-creation with their constitutional settings.

Agencies think OGP process adds low value and is poorly aligned to agency priorities and cycles

- Think that most OGP commitments would happen anyway, but on different timelines.
- Collaboration and improved coordination of wider open government work were benefits.
- The public playback reporting mechanism is valuable but takes extra resource.
- Senior leader awareness of OGP is low; OGP commitments compete for attention.
- OGP process cycles do not align well to New Zealand policy, budgeting or electoral cycles.
- Resourcing (FTE, \$) is stretched; most agencies fund commitments from a stretched baseline.

Civil society organisations remain committed to the principles of OGP but are increasingly frustrated by the process

- Raised concerns that non-government members of MSF are appointed by government, not CSOs themselves.
- Would like more direct Ministerial leadership and involvement in negotiating commitments.
- Think the Treaty of Waitangi should be a fundamental element of NAP development.
- Want a dedicated budget for developing and implementing NAPs.
- See a lack of desire from officials to adopt new actions, think they ‘fit’ OGP into existing work.

External assessments of OGP have not proved its effectiveness

- An academic review found no correlation between OGP membership and reduced government corruption or improved effectiveness.
- IRM reports worldwide suggest that few commitments are considered transformative when drafted or have a significant impact on open government when delivered.
- It is common for OGP members to not fully implement their commitments.
- Most members have – at some point – received a ‘contrary to process’ letter from OGP (signalling a breach of rules), with no further consequences.

Appendix Four – Comparison of options for the future of OGP in New Zealand

Key ↑ Increased → No change ↓ Decreased	Decision-making model Red outline indicates final authority	Alignment to Government priorities	Likelihood of addressing CSO requests/expectations Options not tested with CSOs	Effectiveness / return on investment (ROI) in fostering open government
<p>a) Remain in OGP with an MSF to advise Commission (closest to status quo)</p> <p>Reconstitute a new MSF to advise the Commission on NAP development. The Commission advises the Minister.</p>		<p>Moderate</p> <ul style="list-style-type: none"> → Ability to direct OGP work toward government priorities → Achieve fiscal savings (Budget \$200K plus FTE across agencies) → Ministerial time commitment 	<p>Low</p> <ul style="list-style-type: none"> → Co-creation/more weight to CSO views → Ministerial leadership/involvement → Ambitious commitments → Funding for commitments 	<p>Low</p> <ul style="list-style-type: none"> → Transparency → Accountability → Participation <p>OGP model effectiveness unproven. With no additional funding, improvements will be incremental and contingent upon nature and status of OGP priorities, including relative to other Government priorities.</p>
<p>b) Remain in OGP with an MSF of CSOs and officials to advise Minister</p> <p>Seek Cabinet mandate for an MSF (advisory board) comprising equal numbers of CSO representatives and senior officials to directly advise the Minister for the Public Service on the NAP.</p>		<p>Moderate</p> <ul style="list-style-type: none"> → Ability to direct OGP work toward government priorities → Achieve fiscal savings (Budget \$200K plus FTE across agencies) → Ministerial time commitment 	<p>Moderate</p> <ul style="list-style-type: none"> ↑ Co-creation/more weight to CSO views ↑ Ministerial leadership/involvement → Ambitious commitments → Funding for commitments 	<p>Low</p> <ul style="list-style-type: none"> → Transparency → Accountability → Participation <p>See comment in Option (a). Option may strengthen CSO views of participation <i>within</i> OGP.</p>
<p>c) Remain in OGP with an MSF of Ministers and CSOs to advise Cabinet</p> <p>Seek Cabinet mandate for an MSF (advisory board) comprising equal numbers of Ministers and CSO representatives, to advise Cabinet on NAPs. The MSF would be co-chaired by the Minister for the Public Service and a CSO representative and supported by a Commission secretariat.</p>		<p>Moderate</p> <ul style="list-style-type: none"> ↑ Ability to direct OGP work toward government priorities → Achieve fiscal savings (Budget \$200K plus FTE across agencies) ↑↑↑ Ministerial time commitment 	<p>High</p> <ul style="list-style-type: none"> ↑↑↑ Co-creation/more weight to CSO views ↑ Ministerial leadership/involvement ↑ Ambitious commitments → Funding for commitments 	<p>Low</p> <ul style="list-style-type: none"> → Transparency ↑ Accountability → Participation <p>See comment in Option (a). Option may strengthen CSO views of transparency, accountability and participation <i>within</i> OGP.</p>
<p>d) Option b or c, with additional ringfenced funding</p> <p>Secure funding for OGP plan development and commitment delivery. CSOs estimate \$5 to \$10 million would be needed to adequately deliver OGP.</p>	<p>See options (b) and (c) above</p>	<p>Low</p> <ul style="list-style-type: none"> → Ability to direct OGP work toward government priorities ↓↓↓ Achieve fiscal savings (Budget \$5-10M for NAP implementation) → or ↑↑↑ Ministerial time commitment (depending on option) 	<p>High</p> <ul style="list-style-type: none"> ↑ or ↑↑ Co-creation/more weight to CSO views (depending on option) ↑ Ministerial leadership/involvement ↑ Ambitious commitments ↑↑↑ Funding for commitments 	<p>Moderate</p> <ul style="list-style-type: none"> ↑ Transparency ↑ Accountability ↑ Participation <p>ROI contingent on commitments & funding model. See comment in Option (a). Option may strengthen CSO views of transparency, accountability, and participation <i>within</i> OGP.</p>
<p>e) Withdraw from OGP</p> <p>Realise direct savings to the Crown and free up Ministerial and agency time and resources.</p> <p>The Commission would continue to hold a coordinating role for Government in advancing other open government initiatives.</p>		<p>High</p> <ul style="list-style-type: none"> N/A Ability to direct OGP work toward government priorities ↑ Achieve fiscal savings (Save \$200K / redeploy FTE) → Ministerial time commitment 	<p>Moderate</p> <ul style="list-style-type: none"> → Co-creation/more weight to CSO views ↑ Ministerial leadership/involvement → Ambitious commitments ↓ Funding for commitments <p>More flexibility in <i>how</i> CSO needs are met.</p>	<p>Moderate</p> <ul style="list-style-type: none"> ↑ Transparency ↑ Accountability ↑ Participation <p>Removes administrative burden of OGP in fostering open government. Benefits contingent upon improvements to engagement and devolution of services.</p>

RECOMMENDED