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Principle of Transparency as reflected in OGP National Action Plans in Romania

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Abstract: Transparency and open government are closely linked to each other and both are essential ingredients that have the potential for transforming a society. More and more citizens are expecting accountability and openness from their governments. As they look for ways to actively participate in creating policies that improve their lives, new forms or methods of participation arise. Considering that last year Romania celebrated 10 years since its intention to take part in the international Open Government Partnership (OGP) initiative, the purpose of this paper is to reveal some of the lessons learnt from the National Action Plans adopted until now. Particular emphasis is placed on the commitments related to the principle of transparency and its significant role in fostering accountability and legitimacy in order to create more trusted institutions and provide meaningful public knowledge.

Keywords: *transparency; open government partnership; national action plans; Romania.*

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1. Introduction

In a world that is changing drastically and quickly, open government is a new paradigm built on the tenets of transparency, openness, participation, and cooperation. It was aimed to fill the void left by old models of governing. *Open Government* is a concept originating from the Anglo-Saxon administration, where it is directly related to the freedom of access by the citizen to the information held by the government as an important objective in achieving governmental transparency (Calderón & Lorenzo, 2010).

In this regard, the Organization for Economic Co-operation and Development (OECD) defined Open Government as the „transparency of government actions and public administrations, the accessibility of information and public services, and the responsiveness and responsiveness of government to new ideas, demands and needs" (OECD, n.d.). As per Wikipedia (2022), "open government" is a political philosophy that asserts that all aspects of state administration and government work should be accessible to the public for efficient oversight. In its broadest sense, it should oppose the State's justification for classifying particular information as a state secret on the basis of national security. The European Commission (COM, 2003) previously affirmed that openness, transparency, flexibility, and involvement as intrinsic values of democracy are necessary for effective governance, good policy, and good government. Geiger and von Lucke (2012) believe that open government entails the state being transparent, involved, and working with other community actors like private sector and academia.

Traditional public institutions were built to uphold principles like adherence to the law, proper social order, bureaucratic integrity, respect for the hierarchy, coexistence, and others and it is clearer and clearer that traditional scene must be changed (Laster, 2010, Meijer *et. al.*, 2012). When applying this concept to the citizen-civil servant relationship in an Open Government model, we could assert that once someone experienced the advantages of this interactive system, they would not want to go back to the cumbersome procedures of the conventional bureaucratic state apparatus (Calderón & Lorenzo, 2010) or as the sociologist and author Jose L. Brea coined the phrase "ahora todos somos Ram" which sums up exactly the shift in the cultural paradigm of contemporary society (Co-Lab de Crítica, 2021).

Open government combines succesfully authority with horizontality (Mulgan, 2014). The government leaders must effectively communicate with

all the organizations—whether they fall under their own authority or that of others—that support the governance of a nation and the demands of its citizens (Guy Peters & Pierre, 1998). In both situations, power is used to prioritize the submitted solutions effectively and with a sense of social solidarity (Roberts, 2006). Without bettering the relationship between the public employee and the local community, efficiency cannot be increased. Additionally, there cannot be a better interaction between public managers and citizens without a drastic and urgent cultural change that also enables the integration of contemporary communication tools (Wirtz & Birkmeyer, 2015). In this regard, another scholar described open government as the "practice of integrating external knowledge into the political and administrative process" (Hilgers, 2012). Certainly, the adoption of modern information and communication technology aids in this integration. According to Evans and Campos (2013) a definition of open government must also focus on the "technological context, where information technologies generate a participatory, collaborative dialogue between policymakers and citizens". However, it is of utmost importance that national authorities think of efficiency as a desired aim because of the new technologies available and embrace taking into consideration the open government values (Calderón & Lorenzo, 2010). A government's administrative and political framework must be networked, which is believed to be the most qualified type of computer interconnection. Access protocols must be designed for both the participating user and the qualified officials of all the organizations (Lindstedt & Naurin, 2010).

The achievement of bi-directional ties in the communication between public authorities and citizens, which is what seems to be at the basis of open government and is exactly where the practical applications of these theoretical concepts can produce a visible effect. In this sense, a very well-established mechanism for providing input that promotes involvement and collaboration in governmental initiatives must be at the core of any public management (McDermott, 2010). Some authors claimed only in democratic systems of government, the principles of *open government* can be applied on a clear path of transforming them into open governments (Uddin, 2021). On the contrary, Calderón & Lorenzo (2010) sustained that at least in theory there is no incompatibility between authoritarianism and transparency. Along with clearly defining its goals and performance standards, open government must also make explicit recommendations for implementation tools (Lee & Kwak, 2012). Any tools employed must take into account the open government model's primary goal, which is to put the public at the center of governmental operations. The use of forms that

optimise the processes of public administrations must be designed with a profound vocation to serve the convenience of each user-citizen. It is important to make it clear that comfort in this context does not mean separating oneself from the endeavor, but rather refers to the administration's benevolence toward its constituents (Onufreiciuc, 2020). Additionally, the tools employed must not only be useful but also simple to use. The openness paradigm is surely destined to fail if the recipients do not innately adapt to them, if they do not accept them as "extensions of their own body", as the brilliant academic star and philosopher, Marshal McLuhan quoted (Calderón & Lorenzo, 2010). The fact that a vast network already was created and there is a certainty of necessity regarding public issues, can be an important feature relevant to the reality of modern technological information systems. To accommodate the requirements of people who participate in the discussions, the Open Government presence should be developed on this type of network encouraging links corporations, trade unions, universities, civil society organizations and foundations (Fernández Salmerón & Martínez Gutiérrez, 2019). Another crucial step on the path to open government must definitely be training public workers and civil servants in the use of these linking mechanisms (Florini, 2017). It is critical to stress that only an innovative and new service culture, developed from a clear stance in favor of citizens' interests and their more cordial and comfortable connection with the state, can allow for the proper functioning of open government. Only after this space has been established, the future of public engagement can be really contested. Picturing it, we must keep in mind that each and every communication sent by citizen demands should be delivered directly from the source without any daily filtering or political interpretation. In a world of digital democracy where everyone should have a voice, concerns and proposals must be allowed. This could be an inclusive agenda that would undoubtedly put governments in a difficult position if they could not meet requests and demands, but it could also significantly benefit those who did this step well (Welch, *et. al.*, 2005).

2. Transparency as a core value of Open Government Partnership

Transparency, participation, and cooperation are the three traditional pillars of this political movement known as Open Government. As a result, transparency is a key component of open government (Erkkilä, 2012). The public sector must be open and transparent, and governments must be understandable and accountable to the citizens who are involved in their policies (Meijer, 2013). In simple terms, it could be said that transparency

implies that the information and data handled by the different administrations and public authorities should be considered as assets belonging to all citizens. The objective of any transparency initiative must be to make this data and data available to all citizens (Hood & Heald, 2006).

To state that the citizen is the target of government, its policies, and services, and that he or she must be considered central to political decisions, means that government actions such as decision-making, the organization and provision of services and the rules, laws and regulations that are issued must be carried out with the citizen in mind, giving him or her participation, voice, capacity for dialogue, censure and vote (Gordon, 2014). And this is where technology appears as necessary or as a facilitator of the interaction processes. For example, when the Democratic Party, through one of its think tanks, the Center for American Progress said that Obama's campaign was a new model of how to spread information through new media and social networking technologies such as Youtube, Facebook, Twitter and others (Swire, 2009). It also introduced imagination on how these 2.0 technologies could lead us to a new era of transparent government and citizen participation. All this leads to the fact that in certain countries legislation had been passed precisely to find out what the administration knows about people in an attempt to make the public administration totally transparent. Obviously, all this legislation had a direct impact on the transparency of an administration. There are many areas of government management, but transparency, contracting and resource management are particularly sensitive. There is nothing like a good level of transparency to avoid situations of corruption (Calderón & Lorenzo, 2010).

The whole twist to the whole open government model and transparency issue began with the Open Government Partnership campaign. Governments are generators of information and possessors or repositories of citizens' data, and as such can be entitled to all the rights that citizens have to the privacy of much of this information (Piotrowski, 2008). The capacity of the state to respond to citizens in a democratic regime reflects and ensures its democratic nature, or the degree of democratic growth attained, according to one of the Thematic Guides on Transparency published by Transparency.org (Transparency International, n.d.). It combines the concepts of accountability and responsibility and can apply to both the state as a whole and a specific institution (Worthy, 2010). Being accountable to citizens means being responsible for the function of governing and administering the state, and for its results (Piotrowski, 2010). In short, the opening of data and decision-making processes has become the main challenge to be taken into account when establishing an Open

Government strategy. Embarking on this path implies a considerable increase in the transparency of a public administration (Porumbescu, 2017).

In this context, it entered scene the Open Government Partnership (OGP) which was defined as "a multilateral initiative that aims to secure commitments from Governments to promote transparency, increase civic participation, fight corruption and harness new technologies to help Governments become more open, effective and accountable" (OGP, *About Open Government Partnership*).

OGP was officially launched on 20th of September 2011, when eight founding governments (Brazil, Indonesia, Mexico, Norway, Philippines, South Africa, United Kingdom and United States) endorsed a Declaration on Open Government called Open Government Declaration and published the first national action plans with specific reform commitments (OGP, *About Open Government Partnership*). The Partnership encouraged novel collaborations between the government and the citizens to address pressing society issues. In just two years, a further 53 nations joined the eight original members, increasing the total number of participating nations to 61. n just two years, a further 53 nations joined the eight original members, increasing the total number of participating nations to 61. In 2022, the total number of countries raised to 77 and expanded to 106 local governments which are representing more than two billion people – and thousands of civil society organizations (OGP, *Romania*).

Government reformers and leaders from the civil society joined forces as members of the Open Government Partnership to create action plans that could make governments more inclusive, responsive, and accountable (OpenGov Guide, n.d.). Action plan commitments might include new initiatives, actions to complete ongoing improvements, or an expansion of present efforts. The Independent Reporting Mechanism (IRM) of the OGP was created to keep track of all action plans to ensure that governments adhere to their commitments. The evaluations usually were used by government and civil society leaders to evaluate their performance and determine whether their initiatives had improved the lives of people (OpenGov Guide, n.d.).

It is of utmost importance to underline that OGP has the capacity to give every citizen and non-governmental organization the chance to engage in decision-making and suggest policies that should be put into effect by the government through the appropriate institutions (Evans & Campos, 2013). Additionally, the OGP is constantly encouraging civil society ideas to place people' objectives on the agenda of the government and in this way

established an adequate platform for a productive and lasting discussion so that the opinions of every member of society could be taken into consideration (Laster, 2010).

At national level, the OGP platform served as "an accessible mechanism to translate into action the principles assumed in national government programs or strategies, as well as recommendations or commitments made in international bodies or summits" (Calderón & Lorenzo, 2010).

3. The evolution of OGP in Romania in the last 10 years

On 6th of September 2021, the Government of Romania celebrated the 10th anniversary of its intention to take part in the international agreement called OGP and engaged firmly in promoting transparency, fighting corruption, and using new technologies to strengthen governance and dialogue with citizens (Romanian General Government Secretary, 2021). On this occasion, Deputy Secretary General of the Government, Istvan Zahoranszki stated that "the 10 years of the Open Government Partnership, through its unique operating model, has meant a continuous contribution to improving the way public administration and citizens work together within a well-defined framework. The Government of Romania reaffirms its commitment to continue its efforts to maintain open government by including several categories of reforms in various national strategic documents such as the National Recovery and Resilience Plan or the forthcoming National Anti-Corruption Strategy 2021-2025, actions that *complement specific commitments already undertaken in the OGP Romania National Action Plan 2020-2022"* (Romanian General Government Secretary, 2021).

More than 70 open government commitments in important areas like public participation and dialogue, transparency, justice and integrity, social services, open education, and open data are included in the five National Action Plans that Romania has so far adopted. Over 60 civil society organizations contributed to the development and implementation of these National Action Plans (NAPs), and more than 200 ideas submitted by institutions and civil society (Romanian General Government Secretary, 2021).

As it can be depicted in the below table (*Table 1*), this year, the Romanian Government has just completed its sixth national action plan, demonstrating its continued commitment to pursuing the necessary policies to become a more open, accountable, and effective government by fostering government transparency, encouraging civic engagement in public life,

utilizing new technologies in administration, and combating corruption (Romanian General Government Secretary, 2021).

Countries	**Romania**
No. of years in OGP	11 (2011-2022)
No. of National Action Plans (NAP)	**6** **National Action Plan 2012-2014** **National Action Plan 2014-2016** **National Action Plan 2016-2018** **National Action Plan 2018-2020** **National Action Plan 2020-2022** **National Action Plan 2022-2024**
No. of total commitments	77
No. of commitments related to transparency	**40**
No. of cities and governments involved in OGP Local	**2**

Source: Author's own table based on OGP public data

Among the commitments implemented by the Romanian Government, we can observe that more than half of them were related to transparency policies. All of these reforms represented the vision of the Romanian Government to modernize public services for the benefit of citizens as well as the duty taken on by the current government team to raise public trust in governmental institutions and implement policies to advance the present administrative system. This can only be supported by the government's growing interest in open government principles and the inclusion of several categories of reforms in various national strategic documents, such as the National Recovery and Resilience Plan or National Anti-Corruption Strategy 2021–2025, which took into account specific commitments already made in the Romania's NAP 2020–2022.

As a follow up of all the commitments, OGP Romania declared that the most successful commitments were the following: *Legislatie.just.ro portal* which was implemented within the NAP 2014-2016 by the Ministry of Justice. It was meant to be a governmental portal that allowed free and open access for citizens to updated and consolidated national legislation (Romania NAP 2014-2016, 2014)

Another important ongoing commitment which can be found also in the newest NAP 2022-2024 *is Open data* – as reflecting the development of the national open government data initiative (Romania NAP 2022-2024, 2014). At the moment, 2933 datasets with more than 29929 related files have been published on the national open data portal data.gov.ro, in areas such as finance, social, health, public procurement, education (Romanian Open Data Portal, n.d.)

Open Government at local level was another successful commitment implemented by the Ministry of Development, Public Works and Administration. This commitment led to 8 information workshops on local open governance for 111 municipalities and more than 200 public officials, as well as an annual competition to promote and honor top local open governance initiatives (Romanian General Government Secretary, 2021).

At the local government level, as a result of the efforts of civil society and institutions to disseminate OGP and open government principles at the local level, Romania currently has two cities that are members of the OGP Local Program, Iasi Municipality and Timisoara Municipality (Romanian General Government Secretary, 2021).

Because achieving the goals specified in the area of transparency and good governance is an ideal from which no democratic society may stray, the Government of Romania is still struggling to maintain its status of trusted partner or as the leader of OGP, Sanjay Pradhan, quoted in sending his appreciation to the Government of Romania on the occasion of Romania's 10th anniversary of its commitment to join OGP - "Romania has played a key role in establishing OGP rules and procedures as chair of the OGP Criteria and Standards Committee and has supported the engagement of other OGP members in the region and has actively participated in global OGP initiatives and events" (Romanian General Government Secretary, 2021). The renowned economist also added that Romania had achieved tremendous strides in areas like open data, public involvement, and fiscal transparency since joining the OGP in 2011.

4. Conclusions

As we have seen, in an open government the main characteristic is transparency. In order to be transparent, it is not enough to publish solely information; it must be done in a structured way that can be reused. With this objective in mind, data is shared with a standard so that anyone can generate services that offer more information that can be used both to contribute to and monitor government action.

This is the first aspect that must be incorporated into the open government scenario: the optimization of the link between government and citizens through new communication technologies implies first and foremost a cultural change. Between 2001 and 2003, when the majority of the relevant transparency laws were passed, Romania made considerable advancements in the areas of transparency, participation of the public, and accountability. But regrettably, this development is only possible with a positive-law view of institutional culture and expansion. Until now, Romanian government was more focused on ticking boxes than encouraging real change in people's attitudes, meeting expectations, and providing high-quality public services. As a result, openness had been reduced to using the most practical legal exception, public involvement had been reduced to following the letter rather than the spirit of the law, and accountability had been limited to compliance. As a result, Romanians have come to distrust their institutions, to be distrustful of policies that clearly put the demands of the people at the center of government activity, and to be skeptical of claims of improved openness.

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